

Susan E. Ellingstad



Employment Law
Business Litigation
ERISA Practice and Procedure
Health Care Law

Partner

Suite 2200
100 Washington Avenue South
Minneapolis, MN 55401-2159

seellingstad@locklaw.com

612-339-6900

Susan E. Ellingstad heads the firm's employment law department and represents large and small governmental and business clients in federal, state and administrative employment actions in Minnesota and throughout the country. Ms. Ellingstad specializes in litigation involving employment discrimination, harassment, wage and hour violations, noncompete agreements and ERISA practice and procedure. She also practices in the areas of class action and commercial litigation. In addition to litigation, Ms. Ellingstad frequently writes and lectures on the Fair Labor Standards Act and other employment law issues, conducts training seminars for businesses, and counsels employers in the areas of FLSA compliance, performance management and disability accommodation issues. She also mediates employment law cases.

Ms. Ellingstad is a 1993 cum laude graduate of the University of Minnesota Law School, where she was an editor of the Minnesota Law Review. She was Law Clerk to the Honorable Robert G. Renner, U.S. District Court for the District of Minnesota, and has been an adjunct professor for the University of Minnesota Law School legal writing program.

**LOCKRIDGE
GRINDAL
NAUEN**
P.L.L.P.

Attorneys at Law

From the Courtroom to the Capitol®

Susan E. Ellingstad

Representative Cases

- *Peters v. Paparella Ear, Head and Neck Institute, P.A.* (Minn. 2014)
- *UrbanWorks Architecture, LLC v. AHMC Asset Management, LLC*, No. 27-CV-12-21061 (Minn. 2012)
- *Beck and Francis v. Integra Telecom Holdings, Inc.*, No. 12-CV-1759 (D. Colo. 2012)
- *Rossmann v. Thomson Reuters, Inc., et al*, No. 12-CV-1356 DWF/JSM (D. Minn. 2012)
- *Austin, et al. v. Metropolitan Council*, No. 11-CV-3621 DWF/SER (D. Minn. 2011)
- *Genesis Corporation d/b/a/ Genesis 10 v. Value Wise Corporation*, No. 62-CV-11-5378 (Minn. 2011)
- *Three Rivers Park District and Law Enforcement Labor Services Inc., St. Paul, MN*, BMS#11-PA-0536 (2011)
- *Jordan To v. U.S. Bancorp* 651 F.3d 888 (8th Cir. 2011) — summary judgment affirmed by the Eighth Circuit Court of Appeals on plaintiff's claims under the Family and Medical Leave Act, 29 U.S.C. §§ 2601 *et seq.*, and the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), 38 U.S.C. §§ 4301 *et seq.*
- *Paul v. Metropolitan Council*, No. 10-CV-4759 JRT/FLN (D. Minn. 2010)
- *Aaron L. Sampson v. Integra Telecom Holding, Inc., et al.*, Case No. 2:09-cv-120 (D. Utah 2009-10) — summary judgment affirmed by the Tenth Circuit Court of Appeals on plaintiff's claims of racial harassment and retaliation in violation of Title VII of the Civil Rights Act of 1964.
- *Julie Delgado-O'Neil v. City of Minneapolis*, No. 08-4924 (MJD/JJK) — summary judgment affirmed by the Eighth Circuit Court of Appeals on plaintiff's claims of racial bias and discrimination.
- *Phillips v. Wells Fargo Bank* (D. Minn. 2009) — summary judgment obtained on plaintiff's claims of retaliation in violation of § 1981 and the Minnesota Human Rights Act, assault and battery.
- *Tenth Floor L.L.C. v. Alberto Marian; NetGain Interactive, L.L.C.*, No. 06-CV-687 (D. Minn. 2006)
- *Kashimawo-Spikes v. U.S. Bancorp* (8th Cir. 2006) — summary judgment affirmed on plaintiff's Title VII claims.
- *McCabe v. City of Minneapolis* (D. Minn. 2005) — summary judgment granted on plaintiff's Title VII claims.
- *Abdel v. U.S. Bank* (8th Cir. 2006) — summary judgment affirmed on plaintiff's ERISA claims.
- *West Publishing Corp. v. Stanley* (D. Minn. 2004) — injunction granted to West Publishing in non-compete case.
- *Mercure v. West Pub. Corp.* (Minn. App. 2003) — summary judgment affirmed on plaintiff's Title VII claims.
- *Michurski v. City of Minneapolis* (Minn. App. 2002) — summary judgment affirmed on plaintiff's Minnesota Human Rights Act claims.
- *Williams v. Thomson Corp.* (8th Cir. 2004) — affirmed summary judgment on numerous claims.
- *Goins v. West Group* (Minn. 2001) — prevailed at Minnesota Supreme Court on sexual orientation claim under Minnesota Human Rights Act.
- *Carter v. West Pub. Co.* (11th Cir. 2000) — reversed grant of class certification and dismissed Title VII claim.
- *NAACP v. Metropolitan Council*, 144 F.3d 1168 (8th Cir. 1998), cert. denied, 119 S.Ct. 73 (1998)
- *Ben Oehrleins & Sons & Daughter v. Hennepin County*, 115 F.3d 1372 (8th Cir. 1997), cert. denied, 118 S.Ct. 629 (1997)
- *Robinson Rubber Products Co., Inc. v. Hennepin County*, No. 4-95-220 (D. Minn.)
- *United States v. Oak Grove Sanitary Landfill Site Trust*, No. 4-92-985 (D. Minn.)

Susan E. Ellingstad

Presentations

Speaker, Upper Midwest Employment Law Institute (2000 - present):

- *Sexual Harassment Claims, Investigations and Litigation*
- *Discovery 101: The Strategy and Practice of Information Gathering In the Employment Lawsuit*
- *Managing Intermittent Leave Requests under the ADA and FMLA*
- *The Tougher Requests for Accommodation*
- *Transgender Issues in the Workplace*
- *Off-Duty Activities: Is An Employee's Barstool Banter the Boss's Business?*
- *Consensual Sex in the Workplace*
- *Wage and Hour Basics — Getting It Right*

Webcast, Minnesota CLE (2009) — *Collective Action Certification Issues: Is stage one certification getting harder in Minnesota?*

Speaker, Minnesota Medical Group Management Association (2008):

- *Shall We Dance? Negotiating the Employment Agreement from Both Perspectives*
- *God Forbid. Tips for Managing Your Own Termination*

Speaker, Minnesota Institute of Legal Education (1997 - 2004):

- *Elimination and Bias*
- *The Pound of Cure: Managing Computer "Evidence"*

Speaker, Council on Education and Management (1997 - 1999):

- *Beyond Performance Evaluations: Litigation Prevention Strategy*
- *Hiring Without Lawsuits*
- *Understanding the Fundamentals of Personnel Law*
- *Walking the Workplace Privacy Tightrope: Seizing Your Rights as an Employer — Without Violating Those of Your Employees*

Judge, various oral argument and moot court competitions at the University of Minnesota Law School and William Mitchell College of Law (1993 - present).

Speaker, Minnesota CLE (1997):

- *Hot Topics in Sexual Harassment - Jury Verdicts*
- *How to Conduct Purposeful and Strategic Depositions*

Speaker, Minnesota State Bar Association (1997):

- *Depositions from Hell*
- *The Ultimate Trial Notebook: Jury Selection and Voir Dire*

Speaker, Minnesota Department of Human Rights, Human Rights Day Seminar — *Preventing Your Workplace From Becoming an Electronically-Enhanced Hostile Environment* (1996).

Speaker, Minnesota State Bar Association Labor and Employment Law Institute — *Cutting Edge ADA Issues* (1996).

From the Courtroom to the Capitol®

Susan E. Ellingstad

Publications

- *Internet Privacy: Does The Use of "Cookies" Give Rise To A Private Cause Of Action For Invasion Of Privacy In Minnesota?* Wm. Mitchell L. Rev. Volume 27, Number 3 (2001)
- Employment Law Updates (2000- present)
- *Final overtime regulations. Are you in Compliance?'*, Employee Benefits Planner, Third Quarter 2004.
- *Minnesota's New Conceal and Carry Act: What Every medical Facility Needs to Know*, Metro Doctors, July/August 2003.
- *Stock Options*, Employee Benefits Planner, Second Quarter 2000, Volume Seven, Number Three.
- *Noncompetes — Restrictive employment agreements*, Minnesota Physician, March 2000, Volume XIII, Number 12.
- *Practice Tips: The New Affirmative Defenses in Sexual Harassment Cases*, Federal Civil Litigator, February 1999.
- *Electronic Evidence: E-mail and Employment Litigation*, Employee Benefits Planner, First Quarter 1999, Volume Six, Number One.
- *The Sentencing Guidelines: Downward Departures Based on a Defendant's Extraordinary Family Ties and Responsibilities*, Minnesota Law Review, 1992.

Professional Associations

- Hennepin County Bar Association
- Minnesota Women Lawyers
- Minnesota State Bar Association
- Federal Bar Association, Board of Directors
- SuperLawyer by *Minnesota Law & Politics*
- *Minnesota Law & Politics* Top 40 Employment Law Attorneys
- Fund for the Legal Aid Society, Board of Directors, Executive Committee
- American Bar Association, Labor and Employment and Litigation Sections, Fair Labor Standards Act Subcommittee

Education

- University of Minnesota Law School, 1993, *cum laude*
- St. Olaf College, B.A. 1989, *magna cum laude*

Bar Admissions

- 1994, Minnesota

Court Admissions

- Minnesota
- U.S. District Court, District of Minnesota
- U.S. District Court, District of Colorado
- U.S. District Court, Western District of Wisconsin
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Supreme Court

From the Courtroom to the Capitol®