



## David M. Rudolph

David Rudolph has over twenty-seven years of experience representing clients in litigation matters. Mr. Rudolph concentrates his practice in the areas of employment law and commercial litigation. He has represented individual clients and companies in arbitration, mediation, civil trials, and appeals involving job termination, discrimination, sexual harassment, and employment matters. Mr. Rudolph has tried numerous jury trials, including claims of age discrimination,

fraud, race discrimination, tortious interference with contract, gender discrimination, sexual harassment, retaliation, disability discrimination, and breach of contract. He was lead counsel for an employee in a "failure to hire" age discrimination lawsuit and obtained a jury verdict and subsequent judgment ranking as one of the largest age discrimination judgments ever obtained in the United States District Court, Western District of Tennessee.

### Bar Admissions

Tennessee Bar  
Arkansas Bar  
United States Supreme Court  
United States Court of Appeals Sixth Circuit  
United States Court of Appeals Eighth Circuit  
United States District Court Western District of Tennessee  
United States District Court Middle District of Tennessee  
United States District Court Eastern District of Arkansas  
United States District Court Western District of Arkansas

### Selected Presentations/Seminars Taught

"United States District Court, Western District of Tennessee: A Review of Significant Labor and Employment Law Decisions and Jury Verdicts," Memphis Bar Association Labor & Employment Law Section, 2010-2015

"Employment Law in the Technology Age: E-Discovery and Pre-Trial Issues and Discussion of Proposed Rule Changes," Memphis Bar Association Labor & Employment Law Section, 2006

"The Electronic Courtroom: A Demonstration of Age Discrimination Jury Trial Techniques," Federal Bar Association, 2005

"Emerging Trends and New Developments in State and Federal Employment Law," Council on Education in Management, 2003

"Basic Equal Employment Opportunity Law and Procedures: Ethical Issues in Employment Cases," American Bar Association, 2001

*Continued on next page...*

### Bourland Heflin Alvarez Minor & Matthews PLC

5400 Poplar Avenue, Suite 100

Memphis, Tennessee 38119

(901) 683-3526

(901) 763-1037 Fax

drudolph@bhammlaw.com

### Education

- Vanderbilt University  
Nashville, Tennessee  
B.A., 1985  
Honors: Summa Cum Laude  
Honors: Phi Beta Kappa, Harold Stirling  
Vanderbilt Scholar
- Vanderbilt University School of Law  
Nashville, Tennessee  
Juris Doctor, 1988  
Honors: Moot Court Board  
Law Journal: Vanderbilt Journal of  
Transnational Law, Editor-in-Chief, 1987-1988

### Judicial Clerkship

- Hon. Bailey Brown, United States Sixth Circuit  
Court of Appeals, 1988-89

### Practice Areas

- Civil and Commercial Litigation
- Employment Law
- Employment Discrimination
- Sexual Harassment
- Wrongful Termination
- Business Torts
- Covenants Not to Compete

### Professional Honors and Awards

- Top Rating of "AV" by Martindale-Hubbell

### Professional Associations and Memberships

- Memphis Bar Association, 1997-1999  
Chair, Labor and Employment Law Section
- Memphis Bar Association, 1997-1999  
Member, Board of Directors
- Memphis Bar Association, 1994-1995  
President, Young Lawyers Division



“Avoiding the Emergence of Common Exempt/Non-Exempt Classification Mistakes under the Fair Labor Standards Act,” Tennessee Personnel Law Update Conference, Council on Education in Management, 1999

“Return-to-Work -- Clearing the Liability and Productivity Hurdles that Trip Up Even the Most Savvy Employers,” Tennessee Workers’ Compensation Update, Council on Education in Management, 1998

“Implementing Pre and Post-Hire Employment Testing Practices that Get the Right Personnel in the Right Positions – Legally,” Tennessee Personnel Law Update, Council on Education in Management, 1998

### Representative Reported Cases

*William-Sonoma Direct, Inc. v. Arhaus, LLC*, 304 F.R.D. 520 (W.D. Tenn. 2015) (Trade Secrets Litigation)

*Arvest Bank v. Byrd*, 814 F. Supp. 2d 775 (W.D. Tenn 2011) (Commercial Litigation)

*Midgett v. Aetna Life Ins. Co.*, 2008 WL 2669264 (E.D. Ark. 2008), aff’d, 561 F.3d 887 (8th Cir. 2009)(ERISA)

*Vaughan v. Memphis Health Center, Inc.*, 2006 WL 2038577 (W.D. Tenn. 2006)(age discrimination)

*Johnson v. The Songwriter Collective, LLC*, 2006 WL 2524094 (M.D. Tenn. 2006) (commercial litigation)

*Hudson v. M.S. Carriers, Inc.*, 335 F. Supp. 2d 853 (W.D. Tenn. 2003), aff’d, 2005 WL 894569 (6th Cir. 2005)(sexual harassment)

*Quality First Staffing Services, Inc. v. Federal Express Corp.*, 2003 WL 22598329 (6th Cir. 2003)(commercial litigation)

*Schnider v. Carlisle Corp.*, 65 S.W.2d 619 (Tenn. Ct. App. 2001)(employment contract)

*Disney v. Sheraton Tunica Corp.*, 2000 U.S. Dist. LEXIS 10808 (N.D. Miss. 2000)(sexual harassment)

*Dillon v. M.S. Carriers, Inc.*, 2000 U.S. Dist. LEXIS 11778 (N.D. Ill. 2000)(gender discrimination)

*Oliver v. Sheraton Tunica Corp.*, 2000 U.S. Dist. LEXIS 3147 (N.D. Miss. 2000)(retaliation)

*Bay Area Factors v. Calvert*, 105 F.3d 315 (6th Cir. 1997)(bankruptcy)

*Williams v. Great Dane Trailer Tennessee, Inc.*, 1995 WL 447268 (W.D. Tenn. 1995)(ERISA)

- National Employment Lawyers Association Member
- Tennessee Employment Lawyers Association Member
- Tennessee Bar Association Member
- Tennessee Bar Association, 1995-96 Treasurer, Young Lawyers Division
- American Bar Association Member
- Leadership Memphis Member, Class of 1997