

Partner

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### Practice Areas

Health Care

Labor & Employment

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### Bar Admissions

Louisiana, 1989

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### Education

Paul M. Hebert Law Center,  
Louisiana State University,

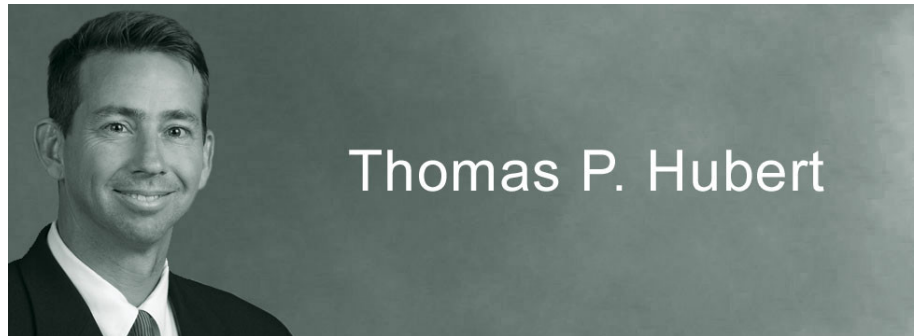
J.D., 1989; Moot Court

Board, Robert Lee Tullis

Moot Court Competition

Trinity University, B.S., 1986

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Since 1989, Thomas Hubert has practiced primarily in the area of labor and employment law, as well as in areas that fall under more traditional commercial claims. Specifically, Mr. Hubert has focused on the defense of employment discrimination and other employment law claims (including Unfair Trade Practices Act, Trade Secret Act, covenant not to compete agreements, defamation, and intentional infliction of emotional distress claims) in jury and judge trials throughout the Southeast, as well as in proceedings before administrative agencies. Among the cases he has handled are multiple class action employment litigation, including race, sex, and Fair Labor Standards Act claims; numerous sexual harassment claims; intentional infliction of emotional distress claims; worker's compensation claims; wage and hour individual and collective action claims; various contract/damage claims; and personal injury disputes.

In addition to litigation, Mr. Hubert regularly assists management concerning union organizing drives, representation elections, unfair labor practice charges, arbitrations, collective bargaining negotiations, and EEOC charges, as well as training and counseling managers in employment relations and human resource administration, compliance with various labor and employment laws, and the avoidance of claims in general.

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### Noteworthy

- Listed in the 2007 edition of *Louisiana Super Lawyers* in the area of Employment & Labor

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### Representative Matters

- *B&G Crane Service, L.L.C. v. Shannon Duvic, Bryan Vige, and Turner Bros. Crane & Rigging, Inc.*, 2005 1798 (La. App. 1 Cir. 5/5/06), 935 So. 2d 164; 2006 La. App. (NO. 2005 CA 1798). Plaintiff filed suit seeking

monetary damages, a temporary restraining order, a preliminary and permanent injunction and declaratory relief but was later denied Motion for a Preliminary Injunction. After review, plaintiff was entitled to a preliminary injunction pursuant to Louisiana's Unfair Trade Practices and Consumer Protection Law.

- *Loria v. Children's Hospital*, 31 Employee Benefits Cases 2171–2181 (USDC, E.D. La. Aug. 27, 2003). Plaintiff's claims of intentional infliction of emotional distress and intentional interference with the receipt of benefits under an employer-sponsored long term disability insurance policy were dismissed on summary judgment.
- *Labbe v. Chemical Waste Management*, 786 So.2d 868 (La. App. 3d Cir. May 2, 2001) *writ den'd* (La. Sept. 14, 2001). Plaintiff's claim of intentional infliction of emotional distress and disability discrimination were dismissed on Chemical Waste Management's Motion for Reconsideration of a summary judgment filed prior to a procedural change in the law. Success for the company was made possible after uncovering evidence justifying the recusal of the district court judge originally assigned to the case.
- *Labbe v. Chemical Waste Management*, 756 So.2d 613 (La. Ct. App. 3d Cir. 2000) *writ den'd* (La. 2000). Plaintiff's claim of intentional exposure to hazardous chemicals was dismissed due to a lack of supporting evidence that the company harmed or intended to harm Mr. Labbe by exposing him to a dangerous environment.
- *Tumbs v. Wemco, Inc.*, 97-2437 (La. App. 4 Cir. 4/22/98), 714 So.2d 761 (La. App. 4<sup>th</sup> Cir., Apr. 22, 1998) (NO. 97-CA-2437). Plaintiff claimed disability discrimination, intentional and negligent infliction of emotional distress. After a jury verdict in favor of Wemco, Plaintiff's appeal was unsuccessful.
- *Bell v. St. Francis Medical Center*, 29,757 (La. App. 2 Cir. 8/20/97), 698 So.2d 749 (La. App. 2<sup>nd</sup> Cir., Aug. 20, 1997) (NO. 29,757-CA). Plaintiff unsuccessfully claimed defamation relating to a suspension she received after accepting paychecks that amounted to thousands of dollars more than she was entitled to.
- *Osborne v. Ladner, and Allied Bruce Terminix Companies, Inc.*, 96 0863 (La. App. 1st Cir. 2/14/97), 691 So.2d 1245 (La. App. 1st Cir., Feb. 14, 1997) (NO. 96-CA-0863). Plaintiff claimed significant damages due to termite infestation and sued Allied Bruce Terminix Companies for negligently issuing a wood destroying insect report. A nuisance value

settlement was reached for Terminix prior to trial. The court ultimately found the Ladners responsible, as well as Terminix for the amount of the alleged termite related damages but due to an indemnification and hold harmless agreement the company was protected.

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### **Presentations**

- "Effective Workplace Supervision"  
W-H Energy/Dyna Drill, November 2004
- Certificate in HR Management  
Council on Education in Management, August 2004
- "Employee Privacy Rights: Balancing Your Employees' Rights with Business Necessity"  
C.E.M. Human Resource Management Seminar, August 2004
- "The Impact of Federal Labor Laws on Management Practices in Both Union & Non-Union Settings"  
C.E.M. Human Resource Management Seminar, August 2004
- "Negotiating a Collective Bargaining Agreement with the Union"  
Electrical Contractor Seminar, May 2004
- "Writing the Employee Handbook in Louisiana"  
Lorman Education Services, New Orleans, Louisiana, May 2004
- Certificate in HR Management  
Council on Education in Management, January 2004
- "The Impact of Federal Labor Laws on Management Practices in Both Union & Non-Union Settings"  
C.E.M. Human Resource Management Seminar, New Orleans, Louisiana, January 2004
- "The Impact of Federal Labor Laws on Management Practices in Both Union & Non-Union Settings"  
C.E.M. Human Resource Management Seminar, New Orleans, Louisiana, November 2003
- "A Practical Guide to Grievance Arbitration/NLRB Deferral to Arbitration"  
American Bar Association: NLRA Basic Law and Procedure Conference, New Orleans, Louisiana, May 2003
- "Writing the Employer/Employee Handbook"  
Lorman Educational Seminar, New Orleans, Louisiana, May 2003

- "Certificate for HR Professionals"  
Council on Education in Management, April 2003
- "Hot Human Resource Issues and Cool Responses to Union Activity"  
Jones Walker Labor Conference, March 2003

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### **Publications**

- *How to Take a Case Before the NLRB*  
American Bar Association Section on Labor & Employment Law, 2007
- *How to Take A Case Before the NLRB*  
American Bar Association Section on Labor & Employment Law, 7th ed., 2005
- "Union News Alert: Supervisory Status Under The National Labor Relations Act"  
*The OMSA Newsletter*, Vol. 29, No. 3, 2001
- "The Union Campaign"  
*Jones Walker: New Union Threat – Are You Prepared?*, October 2000
- "Investigating Complaints of Harassment"  
*Louisiana Society of Radiological Technologists: Current Developments in the Industry*, August 2000

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### **Memberships**

- American Bar Association (Member, Committee on Practice & Procedure under the National Labor Relations Act; Management Chair, Committee on Practice and Procedure Before the NLRB)
- Louisiana State Bar Association
- New Orleans Bar Association (Member, Board of Directors of Young Lawyer Section, 1997–1999)

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### **Court Admissions**

5th Cir., 1992  
6th Cir., 2003  
11th Cir., 1991  
D.C. Cir., 1995  
E.D. La., 1989  
M.D. La., 1989

W.D. La., 1989

