



Michelle D. Wyrick

Partner

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Location

400 West Market Street
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Honors



Recognized by *Woodward/White's The Best Lawyers in America®* in Litigation - ERISA Law, 2015-2020 and Employment Law - Management, 2016-2020

Recognized by *Best Lawyers®* as Louisville Litigation - ERISA "Lawyer of the Year," 2017

Recognized by her peers in *Kentucky Super Lawyers®* 2015-2018

Recognized as one of the "Top Lawyers" in the area of Class Action Law by *Louisville Magazine*, March 2014

Education

1992 - J.D., Harvard Law School; Editor of the Harvard Law Review

1989 - B.A., with high distinction and with honors, University of Kentucky

Admissions

United States District Court, Eastern and Western Districts of Kentucky

United States Court of Appeals, Sixth, Seventh and Eighth Circuits

United States Supreme Court

Michelle Wyrick is a member of the Firm's Litigation & Dispute Resolution Service Team. She concentrates her practice in the areas of commercial litigation, labor and employment law, and litigation under the Employee Retirement Income Security Act ("ERISA").

Representative Matters

Ms. Wyrick has experience defending class actions, shareholder derivative actions, ERISA litigation, consumer protection act claims, and other complex litigation. She also represents employers in litigation and arbitration and in matters before federal and state agencies, and she defends claims covered by Employment Practices Liability Insurance for insureds. In addition, she counsels employers on compliance with federal and state employment laws, including wage and hour issues, employment discrimination statutes, the Family and Medical Leave Act, affirmative action requirements for government contractors, contract issues and employment-related torts. She also helps clients draft, comply with, and enforce non-competition and non-solicitation agreements. Some of her representative matters include:

- *Jones v. The Sullivan Univ. Sys., Inc.* (W.D. Ky. 2018). The trial court granted the employer's motion to dismiss Plaintiff's claims under Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Kentucky Civil Rights Act, the Fair Labor Standards Act, the Equal Pay Act and the Fair Credit Reporting Act.
- *Middleton et al. v. Sampey et al.* (Ky. Ct. App. 2017). The Kentucky Court of Appeals affirmed the trial court's decision dismissing breach of fiduciary duty and breach of trust claims against a former trustee and corporate directors and officers.
- *NuAge Beauty, LLC v. Four Seasons Sales & Serv., Inc.* (Minn. Dist. Ct. 2017). The trial court denied Plaintiff's motion for a temporary restraining order where Plaintiff argued that Defendant had engaged in deceptive trade practices, consumer fraud and unfair competition under state law and the Lanham Act. Subsequently, Plaintiff voluntarily dismissed the lawsuit.
- *Bruner v. The Sullivan Univ. Sys., Inc.* (Ky. Ct. App. 2018). The Kentucky Court of Appeals affirmed the dismissal of a reverse sex discrimination claim under the Kentucky Civil Rights Act.
- *Nash v. McHugh* (M.D. Tenn. 2016). The trial court granted the employer's motion to dismiss Plaintiff's sexual harassment claims under the Kentucky Civil Rights Act.
- *Kotwal v. Tran et al.* (W.D. Ky. 2013). The trial court dismissed Plaintiff's discrimination claims under Title VII of the Civil Rights Act and the Age Discrimination in Employment Act. Plaintiff alleged that he was discriminated against based on his religion, his national origin, his gender, and his age.
- *Middleton et al. v. Lampton et al.* (Jefferson Cir. Ct. 2013). The trial court dismissed the Plaintiff shareholders' derivative action in which they alleged that the corporation's directors and officers breached their fiduciary duties. The trial court ruled that the shareholders failed to make demand upon the corporation before filing suit.
- *In re Almost Family, Inc. Shareholder Derivative Litig.* (Jefferson Cir. Ct. 2012). The trial court dismissed the Plaintiff shareholders' derivative action in which they alleged that the corporation's directors breached their fiduciary duties. The trial court ruled that the shareholders failed to make demand upon the corporation before filing suit.
- *Fort Knox Nat'l Co. v. Fugitte* (Hardin Cir. Ct. 2012). In this shareholder appraisal action, the trial court granted summary judgment in favor of the corporation and its directors and officers on the shareholder's counterclaims. The trial court dismissed the shareholder's breach of fiduciary duty, tortious interference, and unjust enrichment counterclaims. The appraisal issue was subsequently

resolved.

- *McClellan et al. v. Service Corp. Int'l* (Ky. Ct. App. 2010). In this action involving discrimination and retaliation claims under the Kentucky Civil Rights Act, the Kentucky Court of Appeals affirmed the trial court's order confirming an arbitrator's entry of summary judgment in the employer's favor.
- *Perkins v. Prudential Ins. Co.* (E.D. Ky. 2010). The Court affirmed the claims administrator's denial of short-term disability benefits and entered judgment in Prudential's favor.
- *Grubbs v. Sullivan Univ. Sys., Inc.* (Jefferson Cir. Ct. 2009). The Court granted Defendant's cross-motion for summary judgment and dismissed Plaintiffs' breach of contract and due process claims as well as Plaintiffs' tortious interference and intentional/negligent infliction of emotional distress claims.
- *Snyder v. Sullivan Univ. Sys., Inc.* (W.D. Ky. 2007). The Court granted Defendant's motion for summary judgment in this action involving Americans with Disabilities Act and Kentucky Civil Rights Act claims.
- *Bagicalupo v. Kohlhepp et al.* (Ky. Ct. App. 2007). In a case of first impression, the Kentucky Court of Appeals dismissed the appeal in a shareholder double derivative action on the ground that a shareholder must maintain continuous shareholder status throughout the litigation to have standing to prosecute a derivative action.
- *Schneider v. Sullivan Univ. et al.* (8th Cir. 2006). The United States Court of Appeals for the Eighth Circuit affirmed the trial court's entry of summary judgment in favor of Defendants on Plaintiffs' sexual harassment claims, §1981 claims and tort claims.
- *Haehl et al. v. Washington Mut. Bank, F.A. et al.* (S.D. Ind. 2003). The Court granted Defendants' motion to dismiss this putative class action involving claims under the Real Estate Settlement Practices Act and various state laws.
- *Wright v. SCI Kentucky Funeral Servs., Inc.* (2002). After a two-day arbitration in which Ms. Wyrick served as lead counsel, the arbitrator ruled in favor of the employer on Plaintiff's age discrimination claim.
- *Donald v. Metropolitan Life Ins. Co.* (W.D. Ky. 2002). The District Court dismissed Plaintiff's claim for long-term disability benefits with prejudice for failure to exhaust administrative remedies.
- *Hite v. Metropolitan Life Ins. Co. et al.* (W.D. Ky. 2002). The Court entered judgment in favor of Defendant on Plaintiff's claim for short-term disability benefits.
- *Wigger v. Metropolitan Life Ins. Co.* (E.D. Ky. 2002). The Court affirmed the claims administrator's decision denying Plaintiff's claim for long-term disability benefits.
- *Anderson v. Inland Paperboard & Packaging, Inc.* (6th Cir. 2001). The Court affirmed the trial court's entry of summary judgment in favor of the employer on Plaintiff's disability discrimination claim.
- *Rogalinski v. Hyde et al.* (Jefferson Cir. Ct., Ky. 1997). After trial, the jury reached a verdict in favor of Defendants on Plaintiff's sexual harassment claim.
- *Robbins v. Allstate Ins. Co.* (6th Cir. 1997). The United States Court of Appeals for the Sixth Circuit affirmed the trial court's entry of summary judgment in favor of Defendant on Plaintiff's federal and state race discrimination claims.
- *Fuller v. Retirement Plan for Salaried Employees of Brown & Williamson Tobacco Corp. & Certain Affiliates et al.* (6th Cir. 1997). The United States Court of Appeals for the Sixth Circuit affirmed the District Court's judgment in favor of the disability retirement plan.

Professional Experience

- Law Clerk for the Civil Rights Division of the U.S. Department of Labor in Washington, D.C., 1991
- Law Clerk for the Civil Division of the Office of the Attorney General in Frankfort, Kentucky, 1990

Presentations

Ms. Wyrick has conducted seminars and trainings on employment laws, employee handbooks and personnel policies, hiring practices, sexual harassment, the Family and Medical Leave Act, wage and hour laws, record retention, retaliation and constructive discharge claims, and other employment-related topics.

Professional Activities and Memberships

- Louisville and Kentucky Bar Associations
- Defense Research Institute

Civic Involvement

- President, Board of Directors of Keystone Learning Academy, formerly known as California Area Family Development Center