

John M. Kreutzer

Shareholder
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John Kreutzer's practice focuses on employment litigation, advice, and counseling. His litigation experience includes representing employers in the defense of claims for discrimination and harassment in the workplace, protected leave and disability claims, wage and hour claims, actions based on breach of contract including non-competition agreement defense and enforcement, and trade secret violation claims. John is experienced in the defense of both class and representative actions.

Before returning to Bullivant, John worked at a large law firm in Portland, Oregon where he represented employers in complex employment and business litigation. John has also served as a Special Assistant Attorney General defending claims on behalf of the State of Oregon.

John's representative matters have included:

Disability Discrimination and Wrongful Death

- Defense of a national real estate investment and management company and its management employee against claims of disability discrimination and wrongful death. Plaintiffs claimed that defendants' alleged failure to reasonably accommodate the decedent's disability caused his death. Summary judgment was obtained in favor of the defendants, defeating all claims against them.

Wrongful Discharge

- Defense of a national trucking company against a claim of wrongful discharge. Plaintiff's sole claim was dismissed with prejudice after successfully prevailing on a motion for summary judgment based upon the defense argument that plaintiff's claim was barred because he had an adequate remedy under the Surface Transportation Assistance Act, which he failed to timely pursue.
- Defense of a national inventory service provider against claims of constructive wrongful discharge brought by three former managers. All claims were dismissed with prejudice after successfully prevailing on a motion for summary judgment.

Fair Labor Standards Act Representative Action

- Defense of a national timber products inspection provider against a national Fair Labor Standards Act representative action. All claims were dismissed with prejudice after successfully prevailing on a motion for summary judgment.

Wage Discrimination

- Obtained summary judgment in favor of hospital against wage discrimination claims, successfully arguing that claims were

time-barred and not saved by the Lilly Ledbetter Fair Pay Act amendments to Title VII.

Sexual Harassment and FMLA

- Successfully defended a nationwide security provider against claims of sexual harassment and Family Medical Leave Act violations. All claims were successfully settled after receiving a court ruling following a motion for sanctions that the jury would be instructed that Plaintiff committed perjury during her deposition testimony and that defense counsel could inquire fully at trial about the conduct that was the subject of the perjury.

Violation of Non-Competition Agreement and Trade Secret Misappropriation

- Represented a national corporation and obtained a preliminary injunction enjoining a former salesperson employee from competing against it in violation of his noncompetition agreement.
- Successfully represented a prominent Portland radiologist against threatened enforcement of a non-competition agreement. The representation resulted in an apology and written admission by the former employer that no non-competition agreement exists.
- Successfully represented a small off-road vehicle specialty business against non-competition agreement enforcement claims threatened by a large, regional tire business.

FACTA Violation Claim

- In the U.S. District Court for the Western District of Washington, successfully prevailed on a motion for judgment on the pleadings against a putative class action for alleged violations of the Fair and Accurate Credit Transactions Act. The court agreed that the plaintiff lacked standing because he suffered no injury.

Whistleblower and Workers' Compensation Retaliation, and Disability Discrimination

- Obtained summary judgment in favor of crane company client against claims of alleged whistleblower and workers' compensation retaliation and disability discrimination. The court agreed that Plaintiff's evidence in opposition to the summary judgment motion should be stricken, thus leaving no undisputed evidence and ruling in defendant's favor.

Public Accommodation Claims

- Obtained summary judgment in favor of a regional repertory theatre against claims for alleged ADA public accommodation violations. Prevailed again at the Ninth Circuit Court of Appeals, which affirmed.
- Successfully represented a local business mall to avoid ADA public accommodation litigation.

Practice Areas

Business & Corporate Law
Employment Counseling & Litigation

09.23.19 - Happy Hour on the Lawn

Education

Willamette University, College of Law - J.D., 1997
Oregon State University - B.S., 1989

Bar Admissions

- Oregon, 1997
- Washington, 2000

Court Admissions

- U.S. Court of Appeals, Ninth Circuit, 1999
- U.S. District Court, District of Oregon, 1998
- U.S. District Court, Eastern District of Washington, 2013
- U.S. District Court, Western District of Washington, 2002

Professional and Civic Involvement

- DRI (Member; Member, Employment Law Steering Committee, 2008-2009)
- Oregon Association of Defense Counsel (Member, Employment Law Section)
- Oregon State Bar (Member; Member, Executive Committee, Civil Rights Section, 2005-2007)
- United States District Court of Oregon Historical Society (Member, Executive Committee, 2005-2006)
- Society for Human Resource Management (Member)
- Portland HR Management Association (Member)

Awards and Honors

- Selected for inclusion in *Oregon Super Lawyers* (2019, 2018, 2017, 2016, 2015, 2014, 2013 — Employment Litigation: Defense)
- Selected for inclusion in *The Best Lawyers in America*® (2020, 2019, 2018, 2017, 2016 — Employment Law)

Publications and Presentations

John has authored several articles on employment litigation and he regularly presents to employers and trade organizations. Some of his most recent articles and presentations include:

- Speaker, "H.R. Essentials: Recruit, Retain & Remove," Portland Business Journal BizGrowth Expo

- Author, "Noncompetition Agreements in Oregon, The Basics Every Employer Must Know," Oregon Dental Association Membership Matters (December 2009)
- Speaker, Southwest Washington Human Resources Management Association (SW HRMA) Human Resources Certification Exam Study Group (2009)

Outside Interests

Outside of the office, John enjoys spending time with his family and cheering his children's swimming successes.