

## S. Wesley Butler

### Partner

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### Services

Pro Bono  
Class Action Defense  
Complex Commercial Litigation  
Catastrophic Injury  
Litigation  
Wage & Hour  
Employment Counseling  
Employment Litigation & Class  
Actions  
ERISA Litigation

### Industries

Technology  
Health & Life Sciences  
Energy  
Retail & Consumer Goods  
Financial Services

Wes Butler focuses his practice on complex commercial litigation, transportation litigation, employment litigation and counseling and ERISA and bad faith litigation. His commercial litigation practice includes business and partnership disputes, trade secret and restrictive covenant litigation and contractual disputes. In addition, Mr. Butler has an active general litigation docket, including a wide variety of tort claims. He represents parties in state and federal court litigation and arbitrations, and has represented creditors in the Northern and Eastern District of Texas Bankruptcy courts. He represents parties in administrative proceedings before the Equal Employment Opportunity Commission, the Texas Workforce Commission and other state and federal agencies. He has handled cases in the state and federal courts of Alabama, Arizona, Arkansas, Florida, Georgia, Kansas, Louisiana, Oklahoma, Massachusetts, Mississippi, Nebraska, New Mexico, New York, North Carolina, South Carolina and Texas.

In addition to his litigation practice, Mr. Butler provides counseling and litigation avoidance on all areas of employment law including issues concerning claims under Title VII of the Civil Rights Act of 1964, the Fair Credit Reporting Act, the WARN Act, ERISA, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, discrimination and sexual harassment, defamation in the workplace, negligent hiring, supervision and retention, covenants not-to-compete, employment contracts, and compensation under the Fair Labor Standards Act. He also has experience drafting and implementing arbitration policies and



nonsubscriber ERISA plans for employers.

Prior to joining the firm, Mr. Butler was a partner at a litigation law firm based in Dallas, Texas, where his practice included commercial, transportation, employment, tort, and ERISA/employee benefits litigation.

While attending law school, Mr. Butler was a member and articles editor of the SMU Law Review Association. He also served as a judicial intern in the 14th Judicial District Court, Dallas County, Texas.

Mr. Butler was recognized as a Texas "Rising Star" in 2019 and the nine years immediately preceding and one of the "Up-and-Coming 100" in 2018 and 2019 by *Super Lawyers* magazine.

### **Experience**

Represented *Fortune* 200 company in breach of contract and fraud lawsuit in federal court in Massachusetts involving a dispute with a group purchasing organization. Obtained favorable resolution of the dispute for the client, including cancellation of the contract.

Represented large privately-owned company in FLSA class-action lawsuit in federal court in Texas. Obtained stipulation of dismissal with prejudice without paying any damages to Plaintiffs.

Represented transportation company in wrongful death lawsuit in Texas state court where Plaintiff was seeking millions of dollars and secured favorable settlement for client after successfully implementing aggressive litigation strategy.

Represented large distributor in complex breach of contract lawsuit in federal court in Florida relating to commission payments allegedly owed to vendor involved in procuring government contract.

Lead counsel for nationwide health care provider in complex payment dispute under contract with large hospital system. The hospital system filed suit for breach of contract and fraud and we asserted counter-claims on behalf of our client. Obtained settlement that included dismissal of the Hospital's claims and a significant payment to our client.

Obtained voluntary dismissal of employment discrimination lawsuit after vigorous cross-examination of Plaintiff during deposition revealed prior perjured testimony from Plaintiff.

Obtained summary judgment in a sexual harassment and discrimination case in Northern District of Texas where the plaintiff was seeking \$1,000,000 in damages.

Lead counsel for nationwide health care provider in commercial litigation case filed in Cook County, Illinois to recover over \$1,300,000 in unpaid invoices. Obtained favorable settlement for the client.



Lead counsel for large telecommunications company in a complex bad faith case in federal court in Mississippi.

Lead counsel in lawsuit filed in Dallas County against a former employee of the client who took confidential information and began soliciting clients on behalf of a competitor. Obtained a permanent injunction and final judgment against the former employee.

Lead counsel in ERISA lawsuit in the Eastern District of Texas in which client was sued by large health care provider seeking to recover excessive fees for medical services provided to former employee. Obtained favorable resolution for the client that resulted in a significant discount off the claimed invoices.

### **Education**

Southern Methodist University School of Law J.D. (2004) *cum laude*

University of Virginia B.A. (2001) Foreign Affairs

### **Admissions**

Arizona (2013)

Mississippi (2012)

Oklahoma (2013)

Texas (2004)

### **Court Admissions**

U.S. Court of Appeals for the Fifth Circuit (2011)

U.S. District Court for the Eastern District of Texas (2006)

U.S. District Court for the Northern District of Mississippi (2017)

U.S. District Court for the Northern District of Texas (2004)

U.S. District Court for the Southern District of Mississippi (2017)

U.S. District Court for the Southern District of Texas (2006)

U.S. District Court for the Western District of Oklahoma (2017)

U.S. District Court for the Western District of Texas (2006)

### **Professional & Community Activities**

American Bar Association, Member

State Bar of Texas, Member

Dallas Bar Association, Member



Arizona Bar Association, Member

Mississippi Bar Association, Member

Oklahoma Bar Association, Member

Dallas Regional Chamber, Member

Transportation Lawyers Association

Business Council for the Arts - Leadership Arts Institute 2017-2018 Class

KidLinks - Board Member

Greenland Hills Neighborhood Association - Board Member, Treasurer

## Insights

### Alerts

DOL Publishes New Rule on Overtime Eligibility

September 25, 2019

### News Releases

Kilpatrick Townsend Attorneys Named 2019 "Rising Stars" by Texas Super Lawyers

April 30, 2019

### Alerts

DOL Proposes Increase to Threshold for the "White Collar" Overtime Exemption

March 11, 2019

### News Releases

Kilpatrick Townsend Attorneys Named 2018 "Rising Stars" by Texas Super Lawyers

March 19, 2018

### Alerts

Judge Issues Order Invalidating DOL Exempt-Employee Salary Rule

September 1, 2017

### Alerts

New Georgia Law Allows Employees to Use Sick Leave for Care of Family Members

May 11, 2017



### [News Releases](#)

Six Kilpatrick Townsend Attorneys Named 2017 “Rising Stars” by Texas Super Lawyers  
March 22, 2017

### [Alerts](#)

Federal Court Halts Implementation of the New White-Collar Exemption Regulations  
November 23, 2016

### [Alerts](#)

Department of Labor Publishes a Final Rule Establishing Paid Sick Leave Requirements for Federal Contractors  
October 4, 2016

### [Alerts](#)

EEOC Issues Updated Guidance on Workplace Retaliation  
September 2, 2016

### [Alerts](#)

OFCCP Updates Sex Discrimination Guidelines for Federal Contractors and Subcontractors  
June 15, 2016

### [News Releases](#)

Four Kilpatrick Townsend Attorneys Named 2016 “Rising Stars” by Texas Super Lawyers  
April 12, 2016