

Wesley E. Stockard

Shareholder
Co-Chair, ERISA and Benefit Plan Litigation
Practice Group

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Focus Areas

ERISA and Benefit Plan Litigation
Wage and Hour
Discrimination and Harassment
Class Action
Healthcare
Home Health and Home Care

Overview

Wesley Stockard advises, represents and trains management clients on a variety of labor and employment matters, with an emphasis on litigation and counseling in the areas of public and private employer benefit plan litigation and design, including claims under the Employee Retirement Income Security Act (ERISA); wage and hour compliance and litigation, including claims under the Fair Labor Standards Act (FLSA); employment discrimination and harassment matters; Family and Medical Leave Act (FMLA) compliance; non-compete and non-solicitation covenants; and unfair labor practice charges.

Wesley litigates in federal and state courts throughout the country, and defends employers under investigation by the Department of Labor (including the Employee Benefits Security Administration), Equal Employment Opportunity Commission and state civil rights agencies. Wesley has particular experience with class action and complex litigation matters, including litigation of class and collective ERISA and FLSA claims. His successes in class action litigation include several denials of motions for class certification and conditional class certification, as well as dismissals at the motion to dismiss, judgment on the pleadings and summary judgment stages.

Additionally, Wesley trains supervisors and human resources personnel on preventive practices to avoid litigation, including proper strategies for identifying litigation risks and documenting workplace issues. He also has presented training programs on topics such as proper management and processing of employee benefit claims; employee benefit plan fiduciary complaint and best practices; remedial steps to take to avoid off-the-clock and misclassification of FLSA and state law wage and hour claims; and avoiding litigation stemming from employee benefit plan administration, discipline and termination decisions. Wesley's advice and counseling work also includes drafting, designing, operating and regulatory compliance for employer benefit plans, as well as developing employer policies and handbooks.

In law school, Wesley was Managing Articles Editor for the *Michigan Journal of Law Reform*.

Professional and Community Affiliations

- Member, American Bar Association
- Member, Labor and Employment Law Section, State Bar of Georgia
- Member, Atlanta Bar Association

Education

J.D., University of Michigan Law School, 2005

A.B., Princeton University, 2002, *cum laude*

Bar Admissions

Georgia

Courts

U.S. Court of Appeals, 11th Circuit

U.S. Court of Appeals, 3rd Circuit

U.S. Court of Appeals, 8th Circuit

Georgia Court of Appeals

Georgia Supreme Court

Georgia Superior Courts

Georgia Magistrate Courts

U.S. Supreme Court

U.S. District Court, Northern District of Georgia

U.S. District Court, Northern District of Florida

U.S. District Court, Central District of Illinois

U.S. District Court, Western District of Tennessee

Publications & Press

Federal Court Dismisses Case Alleging Breach of ERISA Fiduciary Duties in 401(k) Class Action

Littler ASAP

May 2, 2023

Supreme Court Sends Case Involving ERISA Breach of Fiduciary Duty Pleading Standard Back to Seventh Circuit for Revised Analysis

Littler ASAP

January 26, 2022

Natural Disasters Damage Retirement Accounts, Too

PLANSPONSOR

September 27, 2019

Supreme Court Holds Federal Law Preempts State Law Allowing Litigation Over Proceeds of Federal Life Insurance Policy

Littler Insight

June 20, 2013

Littler Elevates 13 Associates To Shareholder Status

Littler Press Release

January 9, 2013

Absent Facts Showing Knowledge of Alleged Misrepresentations, Court Dismisses ERISA Stock Drop Lawsuit

Littler ASAP

September 13, 2011

Speaking Engagements

Don't Be The 401(k) Fiduciary with a Multi-Million Dollar Settlement - Learning from Recent ERISA Class Actions

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

ERISA Breach of Fiduciary Duty Claims Challenging Retirement Plan Investments and Fees

March 3, 2022

Top 10 Ways to Defuse Tax and Benefits Litigation Threats in Employment, Welfare and Retirement-Oriented Documents

January 10, 2019

Retirement Plans Under Attack

December 7, 2017

The Top 10 Employee Benefits and Executive Compensation Issues in 2017

May 11, 2017

Dealing with Plans Under Attack

NJCPA Conference

May 24, 2016

2015 Southeast Employer Conference

Atlanta, GA

August 20, 2015

The Affordable Care Act: Critical Areas Where Employers Are Unprepared and Could Better Strategically Plan for Compliance

Littler Mendelson, Atlanta, GA

October 9, 2014

The 2014 Atlanta Employer Conference

Atlanta, GA

October 9, 2014

The 2014 Houston Employer Conference

Houston, TX

August 14, 2014

2014 Employee Benefits Summit

Atlanta, GA

June 19, 2014

ADA Accommodations

Atlanta, GA

June 13, 2013

2011 Employment Law Conference

Atlanta, GA

September 23, 2011