CURRICULUM VITAE OF JASON R. BRISTOL



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PROFILE

Jason R. Bristol litigates complex federal cases across the United States, including class and collective actions representing workers and consumers. Jason also represents individuals from the shop floor to the C-suite in matters ranging from discrimination based upon age, gender, race, national origin, sexual orientation, and pay inequality to executive separations. In addition to litigation, he routinely serves as a mediator in complex wage and hour disputes.

BAR ADMISSIONS

State of Ohio, 2000

United States Supreme Court, 2004

United States Court of Appeals for the Second Circuit, 2013

United States Court of Appeals for the Sixth Circuit, 2003

United States District Court for the Northern District of Ohio, 2001

United States District Court for the Southern District of Ohio, 2002

United States District Court for the Northern District of Illinois, 2011

United States District Court for the Eastern District of Michigan, 2017

LEGAL EXPERIENCE

Cohen Rosenthal & Kramer, LLP, Cleveland, Ohio

Partner, September 2004 to Present

Representing employees nationwide in class and collective actions alleging violations of the federal Fair Labor Standards Act as well as state statutory provisions relating to the payment of wages. Litigating individual cases involving illegal discrimination based upon age, gender, race, national origin, sexual orientation, and pay inequity, as well as other complex civil cases involving employee benefits, consumer rights, and civil rights. Serving as a mediator in complex wage and hour disputes.

Representative Cases:

- Vasquez et al. v. The Scott's Company, LLC et al., Case No. 17-cv-60344 (S.D. FL Oct. 15, 2020) (Co-Lead Class Counsel) A preliminarily approved \$3,084,999 class and collective action settlement for law care technicians who allege illegal use of the Fluctuating Workweek method of computing overtime compensation.
- Crosby et al. v. Stingray Pressure Pumping, LLC, Case No. 2:17-cv-00080 (S.D. Ohio September 28, 2018) (Lead Counsel) A \$300,000 settlement for six allegedly misclassified Field Engineers working in the hydraulic fracturing industry.
- In re RS Legacy Corporation, et al., Case No. 1:15-10197 (Bankr. D. Del. August 29, 2016) (Lead Class Counsel) Obtained final approval of \$41,000,000 class action settlement resulting in allowed general unsecured claim for 7,500 store managers who alleged illegal use of the Fluctuating Workweek method of computing overtime compensation.
- Brodzenski v. StoneMor Partners, L.P., et al., Case No. 1:14-cv-02517 (N.D. Ohio August 26, 2015) (Lead Counsel) \$2,328,000 settlement of fully-certified nationwide FLSA collective action for 595 family counselors who alleged that they were forced to work off-the-clock and report fewer hours than they worked, resulting in significant unpaid overtime.
- Roe v. Intellicorp Records, Inc., Case No. 1:12-cv-02288 (N.D. Ohio June 5, 2014) (Class Counsel) \$18,600,000 settlement under the Fair Credit Reporting Act vindicating the rights of consumers who were alleged to have been the victims of erroneous criminal background reports (one of the largest FCRA settlements in U.S. history).
- Michael Sisson et al. v. RadioShack Corporation, No. 14-3186, (6th Cir.); Jamie Wills, et al. v. RadioShack Corporation, No. 13-4661 (2nd Cir.) (Lead Counsel) Argued the merits of a putative nationwide class and collective action on behalf of store managers involving issue of first impression regarding RadioShack's alleged illegal use of the Fluctuating Workweek method of computing overtime.

- Jewell v. Aaron's, Inc., Case No. 1:12-cv-563 (N.D. Ga.) (Lead Counsel)
 \$1,300,000 settlement of a conditionally certified nationwide collective action for employees who alleged they were not paid for work performed during automatically deducted meal periods.
- **Baldwin v. Forever 21, Inc.**, Case No. 53-160-71-13 (American Arbitration Association) (Lead Counsel) \$496,500 settlement of a conditionally certified nationwide collective action for retail employees who alleged they were not paid for work performed during unpaid meal periods.
- Steele v. SWS, LLC, Case No. 3:11-cv-60 (E.D. Tennessee) (Lead Counsel) A conditionally certified collective action for cable installers who alleged they were misclassified as independent contractors and illegally denied overtime compensation.
- Jackson v. Maui Sands Resort, No. 1:08-CV-2972 (N.D. Ohio Sept. 10, 2010) (Lead Counsel) Secured a \$550,000 judgment against individual corporate officer and affiliated corporations under joint employer doctrine for class of hotel employees who alleged they were not paid wages for their last weeks of employment or for on-duty meal periods in violation of the FLSA.
- *Murphy v. 1-800-Flowers*, Case No. 1:10-cv-2285 (N.D. Ohio) (Lead Counsel) A conditionally certified collective action for employees who alleged they were misclassified as exempt from the FLSA's overtime requirement and denied overtime compensation.
- Dillworth v. Case Farms Processing, Case No. 5:10-cv-1694 (N.D. Ohio) (Lead Counsel) A conditionally certified multi-state collective action for meat processing workers who alleged they were not paid for time spent donning and doffing uniforms and protective gear.
- McNelley v. Aldi, Inc., Case No. 1:09-cv-1868 (N.D. Ohio Nov. 17, 2009) (Lead Counsel) Obtained conditional certification in nationwide FLSA collective action on behalf of store managers who alleged they were misclassified as exempt from the FLSA's overtime compensation provision.
- Warren v. Race, Case No. 1:09-CV-2670 (N.D. Ohio Sept. 3, 2010); Laskoski et al. v. Inkstop, Inc., Case No. 1:09-cv-2285 (N.D. Ohio) (Lead Counsel) \$660,000 settlement of nationwide FLSA collective action against corporate officers and directors on behalf of employees who were left unpaid when their employer went out of business.

- Jackson v. Papa John's USA, Inc., 2009 WL 385580 (N.D. Ohio Feb. 13, 2009) (Lead Counsel) Obtained conditional certification in a nationwide FLSA collective action on behalf of store managers who alleged that they were misclassified as exempt from the FLSA's overtime requirement.
- Fincham v. Nestle Prepared Foods Company, Case No. 1:08-cv-0073 (N.D. Ohio) (Lead Counsel) Conditionally certified collective action for employees who alleged they were not paid for time spent changing into and out of uniforms and protective gear.
- Berger v. Cleveland Clinic Foundation, 2007 WL 2902907 (N.D. Ohio Sept. 29, 2007) (Lead Counsel) Certified class and collective action for a class of Respiratory Therapists who alleged that they were not provided bona fide meal periods in violation of the FLSA and Ohio Minimum Fair Wage Standards Act.
- Williams v. Le Chaperon Rouge, 2007 WL 2344738 (N.D. Ohio Aug. 14, 2007) (Lead Counsel) Conditionally certified class of day-care employees who alleged that they were not paid for all hours worked and were not provided bona fide meal periods in violation of the FLSA and Ohio Minimum Fair Wage Standards Act.

Gary, Naegele & Theado, LLC, Lorain, Ohio Associate Attorney, December 2000 to September 2004

Practiced in the areas of plaintiff's complex civil litigation, environmental litigation, ERISA litigation, class actions, and civil rights. Litigated in state and federal courts throughout Ohio and the United States.

Representative Cases:

- West v. AK Steel Corp., 318 F. Supp. 2d 579 (S.D. Ohio 2004), affirmed, 484 F.3d 395 (6th Cir. 2007), cert. denied, 129 S. Ct. 895 (2009) Partial summary judgment for the plaintiffs in a certified ERISA class action for a class of retirees whose lump sum pension distributions were allegedly illegally calculated, resulting in \$46,000,000 class judgment for the retirees.
- *Insalaco v. Ben Venue Laboratories*, Case No. 450549, Cuyahoga County, Ohio Court of Common Pleas (2005) Class action settlement involving class of mid-to-upper-level managers who alleged breach of an employee incentive plan.

- Lowe v. Sun Refining & Marketing Co., Case No. 88-0630, Lucas County, Ohio Court of Common Pleas (2002) Class action settlement on behalf of thousands of Fremont, Ohio, residents affected by a toluene pipeline rupture.
- White v. Aztec Catalyst Co., Case No. 93-111025, Lorain County, Ohio Court of Common Pleas (2000) Class action settlement on behalf of thousands of Lorain, Ohio, residents affected by a chemical plant explosion.

ACADEMIC EXPERIENCE AND FELLOWSHIPS

Cleveland-Marshall College of Law, Cleveland, Ohio

Adjunct Professor of Law, 2001 to Present

Teaching an administrative law course on the Fair Labor Standards Act and Ohio Minimum Fair Wage Standards Act.

Taught Advanced Brief Writing/Appellate Advocacy from 2001 through 2007.

Served as an Adjunct Faculty Advisor to the Moot Court Board of Governors from 2001 through 2007 and traveled with students to various moot court competitions around the country.

Served as the Coach for a team of students competing in the Sixty-Third Annual National Moot Court Competition in 2012.

German Marshall Fund of the United States, Washington, D.C.

Marshall Memorial Fellow, 2016 to 2017

One of thirty-two Americans competitively selected to participate in the German Marshall Fund's flagship leadership development program, meeting with one hundred and fifty leaders throughout the European Union. Areas of academic focus included transatlantic trade and investment agreements, and human rights.

AMMF Selection Committee, 2018 to 2020

Served on national reading committee and local interview committee to select future American Marshall Memorial Fellows.

RECENT PUBLICATIONS

Intended and Unintended Consequences: The 2006 Fair Minimum Wage Amendment of the Ohio Constitution, 58 CLEV. St. L. Rev. 367 (2010) (co-author)

Part II: Quality of Life, CROOKED RIVER GAMING: WEAVING THE NEW CASINO INTO CLEVELAND'S EXISTING URBAN FABRIC, Cleveland Coalition (2011) (co-author)

Litigation Tactics in Complex Wage and Hour Cases: A Perspective from the Defendant's and Plaintiff's Bar, Best of Labor and Employment Law, Ohio State Bar Association, Volume 15-300 (2015) (co-author)

Jason R. Bristol, *The Impact of Power Vacuums on Transatlantic Priorities*, GERMAN MARSHALL FUND BLOG (January 14, 2017), bit.ly/2jsmzPM

BUSINESS EXPERIENCE

41° North Coastal Kayak Adventures, Ltd., Cleveland, Ohio Founder/Co-Owner, January 2002 to January 2014

Responsible for all aspects of the operation of regional sea kayaking and adventure tour business. American Canoe Association (ACA) certified Sea Kayaking Instructor. Recognized as "Best of Cleveland" in the October 2006 issue of *Cleveland Magazine*.

PROFESSIONAL HONORS

"Super Lawyer," Ohio Super Lawyers (recognized for Plaintiff Employment Litigation as one of top five percent of Ohio attorneys based on independent selection and review process) (2015 to 2021)

Fellow, The College of Labor and Employment Lawyers (2020)

Inductee, Cleveland-Marshall College of Law Hall of Fame (2019)

Graduate, Leadership Cleveland (2019)

Honoree (for Outstanding Leadership), Near West Theatre Annual Benefit (2018)

Special Recognition, Ohio House of Representatives, 132 General Assembly, for extraordinary leadership as Near West Theatre Board Chair and successful completion of capital campaign and construction of 7.3 million fully accessible Theatre facility (2018)

Marshall Memorial Fellow, German Marshall Fund of the United States, (2016 to 2017)

Serjeant, Court of Nisi Prius (2016) (first openly gay member in the organization's history)

"Rising Star," Ohio Super Lawyers (recognized for Plaintiff Employment Litigation) (2010 to 2014)

"The 2013 Community Spirit Award," Detroit Shoreway Community Development Organization, for pro bono legal work related to nuisance abatement necessitated by the subprime mortgage foreclosure crisis (2014)

Special Recognition, Ohio Senate, 130th General Assembly, for pro bono legal work related to nuisance abatement in the Detroit-Shoreway neighborhood and necessitated by subprime mortgage foreclosure crisis (2014)

Special Recognition, Ohio House of Representatives, 130th General Assembly, for probono legal work related to nuisance abatement in the Detroit-Shoreway neighborhood and necessitated by subprime mortgage foreclosure crisis (2014)

Special Recognition, The Council of the City of Cleveland, for pro bono legal work related to nuisance abatement in the Detroit-Shoreway neighborhood and necessitated by subprime mortgage foreclosure crisis (2014)

Master of the Bench, American Inn of Court, Cleveland Employment Chapter (2010)

Life Member, Judicial Conference of the Eighth Judicial District (2006)

Inductee, Crain's Cleveland Business, "40 under 40" (2004) (Age 29)

Moot Court Alumni of the Year, Cleveland-Marshall College of Law, (2003 to 2004).

DIVERSITY, EQUITY, AND INCLUSION

Participant, *Intrinsic Inclusion, 30-Day Partner Challenge,* V. Randolph Brown Consulting, LLC and BRBS World, LLC (2020 to 2021)

Participant, Project Implicit, Implicit Association Test (Race, Gender, Disability), Harvard University (2019)

Participant, Poverty Simulation, Missouri Community Action Model, Greater Cleveland Food Bank (2019)

Participant and Moderator, Inaugural Inclusive Leadership Summit, German Marshall Fund of the United States, Paris, France (September 27 to 28, 2018)

Graduate, LeadDIVERSITY, The Diversity Center of Northeast Ohio (2010 to 2011)

BOARD AND COMMUNITY INVOLVEMENT

Board Involvement

The MetroHealth Foundation, Inc.

Director, 2019 to Present Member, Executive Committee, April 2020 to Present Member, Strategic Planning Task Force, October 2020 to Present

The Institute for Classical Architecture & Art (Ohio and Lake Erie Chapter)

Director, 2017 to Present Co-Chair, Development Committee, 2017 to Present

Near West Theatre, Inc.

Director, 2010 to Present President, Board of Directors, 2012 to 2018 Chair, Development Committee, 2012 to 2018 Chair, Governance Committee, 2012 to 2018 Co-Chair, Succession Committee, 2017 to 2018 Co-Chair, 2017 Annual Benefit

Cleveland-Marshall College of Law Board of Visitors

Board Member, 2012 to Present Member, Executive Committee, 2017 to Present Co-Chair, Advancement Work Group, 2017 to Present Co-Chair, Career Strategy & Employment Workgroup, 2017 to Present

Cleveland-Marshall Law Alumni Association

Trustee, 2015 to Present

Life Member

Ohio Workplace Fairness (a.k.a. Josh Morrow Workplace Fairness Fund)

Director, 2010 to Present

Co-Chair, 2010 Gala (Honoring the Honorable Ann Aldrich, United States District Court for the Northern District of Ohio)

Gordon Square Arts District, Inc.

Director, 2014 to September 2019

Member, Development Committee, 2015 to September 2019

The City Club of Cleveland

New Leaders Chair, Board of Directors, 2011 to 2013

Member, Strategic Planning Committee, 2011 to 2013

Member, Centennial Committee, 2011 to 2012

Member, Development Committee, 2006 to 2008

Cabinet Member, New Leaders, 2005 to 2008

The Cleveland Coalition (inactive)

Co-Founder and Board Member, 2010 to 2013

Bridge Square Townhouses Homeowners' Association Inc.

President, Board of Directors, 2005 to 2014

Community Involvement

VoterDrive

Co-founder and Volunteer, 2020

The Music Settlement

Capital Campaign Committee, 2018 to present

Cleveland Public Theatre

Co-Chair, Pandemonium 2017

University Hospitals and Teen Cancer America

"A Rockin Summer Soiree," Host Committee, 2017

LGBT Center of Greater Cleveland

Development Advisory Committee, 2017 to present

The Cleveland Playhouse

Benefit Committee, 2014 to 2016 Centennial Committee, 2016

The Cleveland Employment Lawyers Association

Vice-President/Treasurer, 2011 to 2014

Friends of St. John's

Chair, History Committee, 2013 to present AIDS Taskforce of Greater Cleveland Event Host, 2011

Cleveland Ward 15 Democratic Club

Executive Committee, 2010 to 2014

Cuyahoga County Democratic Party Central Committee

Member, 2010 to 2014

2008 Democratic National Convention

Delegate for Senator Barack Obama, elected January 3, 2008

Citizens Industrial Air Pollution Advisory Counsel

Member, 2008 to Present

Cuyahoga County Court of Common Pleas Civil Justice Improvement Committee

2007 to Present

Robert Triozzi for Cuyahoga County Prosecutor

Senior Campaign Advisor, 2012

Human Rights Campaign

Federal Club, 2005 to Present Co-chair, Gala Silent Auction, 2006 to 2008

C. Ellen Connally for Chief Justice of the Ohio Supreme Court

Campaign Manager, 2004

SELECTED MEDIA

Jason R. Bristol, The Sound of Ideas, WCPN 90.3, Supreme Court & Workers Rights; Mental Illness Comedy & Start Up Kid (May 23, 2018)

Jason R. Bristol, The Sound of Ideas, WCPN 90.3, Equal Pay for Equal Work, and Education of Migrant Children (August 29, 2016)

Jason R. Bristol, The Sound of Ideas, WCPN 90.3, *Holiday Shopping Season: Black Friday Sales on Thursday Afternoon* (November 21, 2013)

Cleveland vs. Wall Street (2010), http://www.imdb.com/title/tt1646963

Documentary film featured at the 2010 Cannes International Film Festival. The film focused on Cohen Rosenthal & Kramer's representation of the City of Cleveland in a lawsuit against the world's twenty-one largest investment banks alleging that the firms created a foreseeable public nuisance when they sold subprime mortgages in the City of Cleveland. Winner of the Luzern, Bundesamt für Kultur, Swiss Film Award, Best Documentary Film 2011.

"Encouraged by a new generation of believers in Cleveland" *Cleveland Plain Dealer* (June 6, 2010)

SPEAKING ENGAGEMENTS

FLSA Collective Actions: Certification and Ins and Outs of Notice, Co-presented with Tonya B. Braun, Jones Day, Annual Midwest Labor and Employment Law Seminar, Ohio State Bar Association (Oct. 15, 2020)

Physician Contracts and Negotiations, Co-Presented with Jim Rosenthal, Cohen Rosenthal & Kramer LLP, MetroHealth Hospital, MetroHealth Family Medicine Program (May 26, 2020)

Developments and Strategy in Wage and Hour Collective and Class Actions, Copresented with Fred G. Pressley, Jr., Porter Wright Morris & Arthur, Advanced Employment Law Seminar, Ohio State Bar Association (May 15, 2020)

Employment Status in the Gig Economy: Challenges of the Independent Contractor Model, Labor and Employment Relations Association 71st Annual Meeting (June 16, 2019)

Eugene Debs Centennial 2018: Free Speech & Right to Dissent Seminar, Co-presented with Labor Education & Arts Project Inc., Cleveland-Marshall College of Law (Oct. 5, 2018)

American Constitution Society: Supreme Court Term Preview, Co-presented with Professors Stephen R. Lazarus and Doron M. Kalir, Cleveland Marshall College of Law (Sept. 27, 2017)

Basics of Wage and Hour Law, Ohio State Bar Association New Lawyer Training (May 11, 2017)

Forced Arbitration and Class Action Waivers, Cleveland Employment Inn of Court (Apr. 20, 2017)

The Impact of State of Nevada, et al. v. United States Department of Labor, et al., No. 4:16-CV-00731 (E.D. Tex. Nov. 22, 2016) on the Final Overtime Rule, Cleveland Employment Lawyers Association (Dec. 9, 2016)

Wage and Hour Law: Overtime, Minimum Wage, and How State Laws Differ, Copresented with David Blanchard, Blanchard & Walker, PLLC Committee on Regional Training Employment Law Training (Aug. 10, 2016)

New 2016 White Collar Overtime Regulations: An Overview, Cleveland Employment Lawyers Association (Dec. 11, 2015)

State of the Profession Panel Discussion, Co-presented with J. Phillip Calabrese, Porter Wright Morris & Arthur LLP, Federal Bar Association, Northern District of Ohio Chapter, Annual State of the Court Seminar (Sept. 16, 2015)

Risk Versus Reward: The New Pros and Cons of Arbitration Agreements and Class Action Waivers, Co-presented with John Gerak, Esq., Ogletree, Deakins, Nash, Smoak & Stewart, Federal Bar Association, Northern District of Ohio Chapter, Annual State of the Court Seminar (Sept. 8, 2014)

Arbitration Agreements: Best Practices, Cleveland Employment Lawyers Association (May 2, 2014)

FLSA Collective and Class Action Waivers and Mandatory Arbitration, Cleveland Employment Lawyers Association, Annual Seminar (Dec. 6, 2013)

Litigation Tactics in Complex Wage and Hour Cases: A Perspective from the Defendants and Plaintiffs Bar, Co-presented with Richard A. Millisor, Esq., Fisher & Phillips, LLP, 50th Annual Labor and Employment Law Seminar, Ohio State Bar Association (Oct. 4, 2013)

Wage and Hour Justice: Issues Facing Working People in an Increasingly Parttime Contingent Economy, Panel Discussion, Mideast Regional Conference of the National Lawyers Guild, Case Western Reserve University (Mar. 23, 2013)

The Fair Labor Standards Act At 75: Why Congress' Stated Policy of Eliminating Substandard Labor Conditions Remains As Necessary Today As It Was In 1938, Cleveland-Marshall College of Law, Annual Employment and Labor Law Lecture (Oct. 25, 2012)

Litigation Tactics in Wage and Hour Collective and Class Actions: A Perspective from Both Sides of the Bar, Co-presented with Richard A. Millisor, Esq., Fisher & Phillips, LLP, 49th Annual Labor and Employment Law Seminar, Ohio State Bar Association (Oct. 11, 2012)

Arbitration and Other Key Developments in Wage and Hour Litigation, Co-presented with Stephen S. Zashin, Esq., Zashin & Rich, Columbus Bar Association, Masters Series (Sept. 18, 2012)

Litigation Tactics in Complex Wage and Hour Cases, Co-presented with Richard A. Millisor, Esq., Fisher & Phillips, LLP, Cleveland Employment Inn of Court (Jan. 12, 2012)

Ohio Employer Conference: FLSA Panel Discussion, Littler Mendelson, P.C., Annual Seminar (Oct. 27, 2011)

Burgeoning FLSA Claims and Collective Actions: Navigating the Waters of Increased Scrutiny, Regulations and Litigation, Hot Issues in Employment Law, Ohio State Bar Association (Apr. 22, 2011)

Advanced FLSA – The Fluctuating Workweek, Employment, Labor & The Workday Grind, Cleveland Employment Lawyers Association (Nov. 12, 2010)

Collective Actions under the FLSA, 47th Annual Labor and Employment Law Seminar, Ohio State Bar Association (Oct. 14, 2010)

Workplace Issues Our Grandparents Never Envisioned, Ogletree, Deakins, Nash, Smoak & Stewart PC Annual Seminar (Aug. 12, 2010)

Intended and Unintended Consequences: The 2006 Fair Minimum Wage Amendment of the Ohio Constitution, Annual Seminar, Cleveland Employment Lawyers Association (Dec. 4, 2009)

Identifying, Prosecuting and Defending §216(b) FLSA Collective Actions, Federal Employment Litigation Seminar, Federal Bar Association, Northern District of Ohio Chapter (Dec. 1, 2009)

Engulfed: The Rising Tide of Economic Disparity, City Club of Cleveland, Chair (Sept. to Nov. 2007)

Complex Civil Litigation and Class Actions, New Lawyer Training, Ohio Supreme Court/Cleveland Bar Association (Feb. 2006)

For Better or for Worse? A Debate on the Issue of Same-Sex Marriage in Ohio, City Club of Cleveland, Chair (June 2004)

Writing for the Trial Court, Civil Practice Seminar, Lorain County Bar Association, (2001)

EDUCATION

Cleveland-Marshall College of Law, Cleveland State University

Cleveland, Ohio *Juris Doctorate*, May 2000

Selected National Member of the Order of Barristers Member, Moot Court Board of Governors, 1999 to 2000 Member, National Moot Court Team, 1999 2nd Place Brief Award, Spring Intramural Competition, 1999

Bowling Green State University

Bowling Green, Ohio Bachelor of Arts, May 1997

> Selected National Member of the Order of Omega B.G.S.U. Board of Trustees, Student Member, 1995 to 1997 "B.G.S.U. Greek Man of the Year" 1997 Beta Theta Pi International Fraternity, President, 1996, Vice-President, 1995

PROFESSIONAL ASSOCIATIONS

National LGBT Bar Association
National Employment Lawyers Association
Ohio Employment Lawyers Association
Cleveland Employment Lawyers Association
American Constitution Society for Law and Policy
Federal Bar Association, Northern District of Ohio Chapter
Ohio State Bar Association
Cleveland Metropolitan Bar Association