



# Timm Schowalter, CIPP/US

SHAREHOLDER IN ST. LOUIS, MO

## The GO TO Labor, Employment, and Cybersecurity/Privacy Attorney Representing Businesses in Missouri & Illinois

As an active member of our Labor and Employment Team, Timm brings over 20 years of litigation experience in representing employers and insurers throughout the United States in all facets of labor and employment matters. Timm provides an aggressive yet cost-effective defense for companies of all sizes in single action and class action employment litigation matters, including:

- Employment discrimination and retaliation claims arising under Missouri and Illinois Human Rights Acts
- Title VII of the Civil Rights Act
- Americans with Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Fair Labor Standards Act (FLSA)
- False Claims Act (FCA)
- Family and Medical Leave Act (FMLA)
- National Labor Relations Act (NLRA)
- Multiemployer Pension Plan Amendments Act ("MPPAA")
- Occupational Safety and Health Act (OSHA)

Timm also leads our Cybersecurity and Privacy Risk Management Team. Timm has earned the esteemed designation of Certified Information Privacy Professional/United States (CIPP/US) from the International Association of Privacy Professionals (IAPP), a global organization dedicated to advancing the privacy and data protection industry. In his role, Timm coordinates and directs the establishment of cybersecurity multidisciplinary services by assisting clients in numerous industries in developing comprehensive strategies to address:

- Protection of trade secrets, intellectual property and proprietary information
- Information management and data privacy/security
- Data breach risks and multidisciplinary responses to data breaches
- Avoiding potential privacy claims and liabilities
- Compliance with all relevant state, federal and international privacy laws

Timm represents individuals and organizations in complex litigation involving:

- Misappropriation of trade secrets
- Non-disclosure and non-compete agreements
- Computer tampering

314.425.4910 DIRECT

314.231.3332 MAIN

314.609-7552 MOBILE

[tschowalter@sandbergphoenix.com](mailto:tschowalter@sandbergphoenix.com)

[linkedin.com/in/timmschowalter](https://www.linkedin.com/in/timmschowalter)

### SERVICES

Labor & Employment Counseling

Labor & Employment Litigation

Non-Compete & Trade Secret Litigation

Cybersecurity and Privacy Risk Management

Class Action Litigation

Arbitration & Mediation

Business Strategies & Advice

Shareholder Litigation

### INDUSTRIES

Entrepreneurs, Closely Held & Family Owned Business

Health Care

Construction

Wholesale & Retail Services

Manufacturing & Distribution

Tobacco & Nicotine Alternatives

Government & Education

- Copyright and trademark infringement
- Civil claims and government enforcement actions under specific privacy laws, such as GDPR (EU), FCRA, GLBA, FIRREA, Dodd-Frank, FACTA, HIPAA/HITECH, GINA, FERPA, CAN-SPAM and VPPA, and state data breach notification and disposal laws

Timm's primary goal for clients is litigation avoidance and to that end he works closely with clients in developing and implementing cost-effective employment, labor, and information management/privacy programs to ensure compliance with international, federal, and state employment and privacy laws. In doing so, Timm handles clients' day-to-day legal needs including:

- Drafting employment contracts
- Executive compensation agreements
- Severance agreements
- Confidentiality and trade secret agreements
- Non-competition and non-solicitation agreements
- Information management and data privacy/security programs
- Privacy policies and notices
- Third-party/vendor cybersecurity agreements
- GDPR contractual clauses, binding corporate rules, and codes of conduct
- Privacy and data breach notices
- Personnel policies
- Employee handbooks
- Comprehensive in-house training and compliance programs

Timm also represents employers with their labor/union matters, including designing and implementing effective union avoidance and organizing campaigns, negotiating collective bargaining agreements, strike preparation assistance and defeating secondary boycotts. He also has a broad range of experience in proceedings before the National Labor Relations Board, union arbitrations, obtaining state and federal court injunctions, and defending ERISA multi-employer pension claims and audits.

## SUCSESSES

*Gierer v. Rehab Medical, Inc.*, 2017 WL 976931, (U. S. E. D. Mo. 2017) - summary judgment granted in False Claim Act Retaliation claim

*SSM Health v. David Peter, M.D.*, (Mo. St. Charles County, 2016) – successful prosecution of breach of contract/noncompetition and tortious interference claims by entry of TRO and Consent Judgment

*Megl v. SHC Services* (U. S. E. D. Mo. 2016) – successful defense of wrongful discharge claim

*Shamrock Promotions v. Kurtz*, (Mo. St. Charles County, 2016) – successful prosecution of breach of promotion agreement and entry of TRO to terminate MMA fight

*Gonzales v. Home Nursery Inc.*, (U. S. S. D. Ill 2016) – successful defense of class action FLSA

claim

*F&B Financial v. Wilson*, (St. Louis County, 2014) – successful prosecution of breach of contract/noncompetition and tortious interference claims by entry of TRO

*Numotion v. Kruse*, (U. S. Dist. Oregon, 2014) – successful prosecution of breach of contract/noncompetition and tortious interference claims by entry of Consent Injunction

*Timmerman Group v. Fall* (Mo. St. Louis County, 2014) – successful prosecution of breach of contract/noncompetition and tortious interference claims by entry of Consent Injunction

*Johnson v. Moran Foods d/b/a Save-A-Lot* (Mo. St. Louis County, 2014) – successful defense of race discrimination claim

*Custom Hardware Engineering & Consulting, Inc. v. Dowell*, 919 F. Supp. 2d 1018 (U. S. E. D. Mo. 2013) – summary judgment granted in wrongful discharge claim

*Battery Handling Systems v. Hensel* (U. S. E. D. Mo. 2011) – successful defense of breach of contract/noncompetition and tortious interference claims by denial of TRO

*D. C., Inc., d/b/a Dirt Cheap Cigarettes and Beer v. DRP, Inc.*, (U. S. E. D. Mo. 2010) – successful prosecution of copyright infringement claim by entry of Consent Judgment

*D. C., Inc., d/b/a Dirt Cheap Cigarettes and Beer, v. SUJVL, Inc.*, (U. S. E. D. Mo. 2010) – successful prosecution of copyright infringement claim by entry of Consent Judgment

*EBI Holdings, Inc. v. Butler*, (U. S. C. D. Il. 2009) – successful defense of tortious interference claims

*Wilson Mfg. v. Fusco*, 258 S. W. 3d 841, (Mo. App. 2008) – successful appeal in non-competite litigation matter by entry of Permeant Injunction

*Duke Mfg. Co. v. Erber*, (E. D. Mo. 2008) – successful defense of breach of contract/noncompetition and tortious interference claims

*Allshouse v. JBL LTD d/b/a Hit-N-Run Food Stores*, (S. D. Il. 2006) – successful defense of same sex harassment and religious discrimination claims

*Munns v. Moran Foods d/b/a Save-A-Lot*, (E. D. Mo. 2006) – successful defense of Title VII race discrimination claim

*Davis v. St. Louis Public Schools*, U.S. Supreme Court, Case No. 04-743 (2004) – successful opposition to grant of certiorari

*Horton v. American Railcar Industries, Inc.*, 214 F. Supp. 2d 921 (E. D. Ark. 2002) -summary judgment in Pregnancy Discrimination Act claim

*Sacharnoski v. Capital Consolidated Inc.*, 187 F. Supp. 2d 843 (W. D. Ky. 2002) -dismissal granted in intentional infliction of emotional distress claim)

*Lovan v. American Rail Car Industries, Inc.*, 2001 WL 1873148 (E. D. Ark. 2001) – successful defense of FMLA claim

*Blandin v. Marriott International, Inc.*, 1997 WL 581562 (E. D. Mo. 1997) – summary judgment granted in ADA claim

## PROFESSIONAL AFFILIATIONS

Bar Association of Metropolitan St. Louis  
Defense Research Institute Cybersecurity and Data Privacy Group  
Defense Research Institute Labor and Employment Practice Group  
Illinois Bar Association  
International Association of Privacy Professionals  
Mackrell International  
Missouri Bar Association  
Missouri Organization of Defense Lawyers

#### EDUCATION

J.D., University of Missouri - Columbia School of Law  
B.A. in Philosophy, Southeast State University  
Certified Information Privacy Professional/United States (CIPP/US)

#### LICENSURE(S)

Illinois  
Missouri  
United States Supreme Court  
United States Court of Appeals for the Eighth Circuit  
United States District Court for the Eastern District of Missouri  
United States District Court for the Western District of Missouri  
United States District Court for the Northern District of Illinois  
United States District Court for the Central District of Illinois  
United States District Court for the Southern District of Illinois  
United States District Court for Kansas  
United States District Court for the Eastern District of Arkansas  
United States District Court for the Western District of Arkansas

#### PRESENTATIONS

“Cybersecurity in Construction Industry,” SITE Annual Conference, Cabo San Lucas, Mexico  
“Employee Privacy and Monitoring,” SITE Annual Conference, Cabo San Lucas, Mexico  
“In the Weeds Details Employers Need to Know About Medical Marijuana,” SITE Annual Conference, Cabo San Lucas, Mexico  
“Cyberscurity & Ethics in Legal Profession,” Kansas City Metropolitan Bar Association, Kansas City, MO

“Emerging Employment Issues,” Ambulatory Surgery Center Association, New Orleans, LA

“Cybersecurity & HIPPA in the Long Term Care Industry,” Sandberg Phoenix Long Term Care Symposium, St. Louis, MO

“A Labor and Employment Primer and Update” Medical Group Management Association, Lake of the Ozarks, MO

“Preventing Collective Action & Class Action Wage and Hour Claims,” The Knowledge Group, Nationwide Webinar

“Long Term Care Supercourse: Emerging Employment Issues,” Sandberg Phoenix Long Term Care Symposium, St. Louis, MO

“FMLA, ADA, Military and Other Leave Issues,” Illinois Chamber of Commerce, Bellville, IL

“Federal & State Crackdown: Worker Misclassification,” USLAW Employment & Labor Law Conference, New York, NY

“Staying Union Free: A Perspective of the State of the Unions and Their Calculated Resurgence in America,” USLAW Employment & Labor Law Conference, Austin, TX

“The Troops Are Returning: Obligations Under Federal Military Leave Act,” USLAW Employment & Labor Law Conference, San Diego, CA

Retaliation Claims Under Federal and State Law, The Missouri Bar Labor and Employment Law Symposium, Jefferson City, MO

FMLA Update, Council on Education in Management

“Tag You Are It,” a presentation regarding effective techniques for investigating and documenting employee complaints, Human Resource Management Association of St. Louis

“Labor Law Regulatory and Legislative Update,” Missouri Bar Assoc., Jefferson City, MO

Recent Developments Under the FMLA, Human Resource Management Association of St. Louis

The Bermuda Triangle – The Interplay Between the FMLA, ADA and Workers Compensation, SHERM (Northern Arkansas Chapter) Summer Conference

“Workplace Privacy Issues: Avoiding Liability,” a comprehensive survey course regarding privacy in the workplace, ADP Seminar Series, Kansas City, Missouri

## PUBLICATIONS

Quoted in “Violence Response Plans Help Protect Health-Care Workers,” *Bloomberg Law: BNA’s Health Care Daily Report* (May 1, 2018)

Quoted in “Healthcare Employers Lack Clarity on Joint Employee Issues,” *Bloomberg Law: BNA’s Health Care Daily Report* (January 23, 2018)

Quoted in “What To Do When You Suspect A Worker May Be Mentally Ill,” *Law360* (July 17, 2017)

Quoted in “4 Things Employers Should Know About ‘Comp Time’ Bill,” *Law360* (May 3, 2017)

Quoted in “Supreme Court Oks Narrow Review of EEOC Subpoena Rulings,” *Westlaw Journal* (April 11, 2017)

“Non-Compete Agreements – Are They Enforceable in This Job Market?” *St. Louis Business Journal* (February 2011)

The Fair Labor Standards Act, contributing author, *BNA Books*, 2005-06 supplement

“Supporting Our Troops: Complying with the Uniformed Service Reemployment Rights Act,” *Journal of the Missouri Bar* (May 2005)

“Support For our Troops Requires Reemployment Rights,” *St. Louis Business Journal* (May 6, 2005)