

LEMLE & KELLEHER, L.L.P.



Eve Masinter

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COMPREHENSIVE



Eve B. Masinter is a partner in the Firm's Labor and Employment Section. She is a trial lawyer concentrating in employment and healthcare litigation in both state and federal courts, including class action defense. She has handled administrative matters with Medicare and OSHA. She also

handles insurance coverage issues.

Ms. Masinter has presented speeches in the areas of EEO laws, anti-discrimination, harassment and retaliation, the ADA, discipline and termination of employees, record keeping, medical records and health care liability issues. She often conducts employee and supervisor training on issue such as avoiding harassment and retaliation in the work place.

She is a member of the International Association of Defense Counsel and serves as the Chair of the Planning Committee for the 2011 Mid-Year Meeting, Vice-Chair of Programming for the Employment Committee and Vice-Chair of Programming for the Diversity Committee. She is a member of the CLE Board.

She served as the Chair of the Labor and Employment Law Section of the Louisiana State Bar Association in 2006-2007 and as Vice-Chair, Secretary/Treasurer and as a council member of that Section for several years.

Ms. Masinter presently serves on the founding board for NOLA City Bark, the Dog Park for City Park. She served previously on the Board of Odyssey House, a non-profit residential treatment facility, since 1990, including a period during which she was President and then Chairman. She was selected by New Orleans CityBusiness as a Woman of the Year in 2003 and 2009. She was recognized by Chambers USA: America's Leading Lawyers for Business for Louisiana for her work in labor and employment in 2008, 2009 and 2010. She was selected by New Orleans CityBusiness to be in the Leadership in Law Class of 2008.

PRACTICE

Casualty Litigation
Health Care Liability Law
Insurance Coverage Issues
Labor & Employment Law

BAR

Louisiana, 1982

U.S. District Court, Eastern, Middle and Western
Districts of Louisiana
U.S. Court of Appeals, Fifth and Eighth Circuits
U.S. Supreme Court

EDUCATION

Louisiana State University, B.A., 1979
Paul M. Hebert Law Center at Louisiana State
University, J.D., 1982

PUBLICATIONS

- E. Masinter, "Alito Speaks for the Court: Timeliness Under Title VII," *Louisiana Bar Journal*, Volume 55, Number 2, pp.130-132 – 9/2007
- E. Masinter and T. Watson, "Verbal Abuse: Supreme Court Slaps Down Discriminatory Standard", *IADC Employment Law Newsletter*, No. 1 - 8/2006
- E. Masinter, M. Gougisha and T. Watson, "United States Supreme Court Updates", *IADC Employment Law Newsletter*, No. 10 – 6/2005
- E. Masinter and M. Mulkey, "What's Age Got to Do With It?" Recent Developments in Employment Law in the United States Supreme Court, *IADC Defense Counsel Journal*, Volume 72, Number 2, pp.141-157 – 4/2005
- E. Masinter, B. Murray and C. White, "What the Supremes Recently Heard and Recorded", *IADC Employment Law Newsletter* No. 6 – 1/2005
- E. Masinter and S. John, "Supreme Court Update: Drugs, Sex and Money", *IADC Employment Law Newsletter* No. 3 – 12/2003
- E. Masinter and M. Mulkey, "Position Statements to the EEOC: A Trap for The Unwary", *IADC Employment Law Newsletter* No. 2 – 11/2003
- E. Masinter and M. Mulkey, "Employment Cases on the Supreme Court Docket for the 2003-2004 Term", *IADC Employment Law Newsletter* No. 1 – 10/2003
- E. Masinter and S. John, "Recent Developments: Labor and Employment Law," "Supreme Court Limits Permissible Scope of Non-Compete Agreements", *Louisiana Bar Journal*, Volume 49, Number 4, pp. 330-331 – 1/2002

PROFESSIONAL & CIVIC ASSOCIATIONS

- Federal Bar Association
- International Association of Defense Counsel, Chair of the Planning Committee for the Mid-Year Meeting, Vice-Chair of Programming for the Employment Committee, Vice-Chair of Programming for the Diversity Committee, CLE Board
- Employment Law Committee, Chair

- Louisiana Hospital Association
- Louisiana State Bar Association, Labor and Employment Law Section, Chair (2006-2007), Vice-Chair (2005-2006), Secretary/Treasurer (2004-2005), Council Member (2001-2004)
- ABA Committee for Liaison with the EEOC, OFCCP & DOJ
New Orleans Bar Association

HONORS

- Omicron Delta Kappa
- Phi Kappa Phi
- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana - Labor and Employment, 2008, 2009 and 2010*
- *New Orleans CityBusiness*- Leadership in Law Class of 2008
- *New Orleans CityBusiness*-Woman of the Year in 2003 and 2009
- **AV® Peer Review Rating in Martindale-Hubbell.** *CV, BV, and AV are registered certification marks of Reed Elsevier Properties, Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies. Martindale-Hubbell is the facilitator of a peer review rating process. Ratings reflect the confidential opinions of members of the Bar and the Judiciary. Martindale-Hubbell Ratings fall into two categories—legal ability and general ethical standards.*

PRESENTATIONS

“Strengthening Your EEO Program Against Workplace Discrimination”

Modern Management Briefing, March 4, 2010

“The ADA Amendments Act of 2008”

Human Resource Management Association Panel Discussion, January 10, 2010

“Achieving Cost Containment in Your Employee Relations Program: How to Lower Monetary Exposure to Wrongful Discharge Claims”

Louisiana Chemical Association, October 27, 2009

“Whistle-Blower, Retaliation Claims & Rights of Returning Veterans”

Current Developments in Labor & Employment Law CLE, 3/14/2008

Paul M. Hebert LSU Law Center and LSBA Labor & Employment Law Section

“Preparing Your Company for Tomorrow’s Employment Disaster”

18th Annual Health Law Symposium, 11/2007

Louisiana Hospital Association and The Louisiana Society of Hospital Attorneys

“Recent Developments in Employment Law”

2007 Annual International Association of Defense Counsel Annual Meeting

"Employment Issues Post Katrina"
17th Annual Health Law Symposium, 11/2006
Louisiana Hospital Association and The Louisiana Society of Hospital Attorneys

"Reducing Liability Risks for Failing to Effectively Train Managers and Supervisors on Workplace Policies and Procedures and Minimizing Your Exposure to Liability for Unlawful Workplace Harassments"
Council on Education in Management, 8/2006

"The Maze of Employment Issues Arising From Disasters: Guidance & Experience from Hurricane Katrina"
LSBA Employment Law, 8/2006

"What's Age Got to Do With It?"
IADC Recent Developments in Employment Law, Annual Meeting, Hot Springs, VA, 7/2004

"Ethical Issues in Employment Litigation"
ABA EEO Basics Seminar, Panel Discussion, Panelist, New Orleans, LA., 5/2003

"Employment Termination: Issues of The Day"
LSBA Summer School for Lawyers, Destin, FL, 7/2002

"The Fifth Circuit Road Map for Sexual Harassment: Where Do We Go From Here?"
LSU Paul M. Hebert Law Center, Baton Rouge, LA, 3/2001

CASES

Barber v. Marine Drilling Mgmt.
C.A. No. 01-1986 Section "T" (4), United States District Court for the Eastern District of Louisiana, 2002 U.S. Dist. LEXIS 2821, February 14, 2002. Motion to Dismiss granted in sexual harassment and state law whistle-blower case. Allegations did not appropriately satisfy that the conduct at issue was "because of sex" or that the conduct was so severe and pervasive as to constitute hostile environment discrimination. – 2/2002

Chauvin v. Sisters of Mercy Health System, St. Louis, Inc.
2001-CA-1834 (La. App. 4 Cir. 5/8/02), 818 So.2d 833 (La. App. 4 Cir., May 08, 2002) (2002 La. App. LEXIS 1748); (NO. 2001-CA-1834). Summary judgment dismissing 1963 blood transfusion recipient's strict liability and negligence claims against hospital for Hepatitis C was upheld. The Court held that, in 1963, virus' presence in blood was "unavoidably unsafe" under the restatement of the Law of Torts 2d, precluding liability. – 5/2002

Taylor v. Books A Million, Inc.
2002 WL 137876, 2002 U.S. App. LEXIS 14165,

(5th Cir. (La.), Jul 15, 2002) (NO. 01-31134). In a race discrimination and retaliation case against Books-A-Million, Inc., the U.S. Fifth Circuit affirmed the district court's dismissal of plaintiff's claims under Fed. R. Civ. P. 12(b)(6). The case presented an issue of first impression for the Fifth Circuit regarding the timeliness of the filing of a lawsuit under Title VII after the presumed receipt of a notice of right to sue from the Equal Employment Opportunity Commission. The Fifth Circuit, looking to the United States Supreme Court and other circuits, adopted a seven-day presumption of receipt, where the date of receipt of the EEOC's notice of right to sue was unknown. Under this presumption, the plaintiff's case against Books-A-Million was filed one day too late. – 7/2002

Arnolie v. Orleans Parish School Board, et al
USDC/EDLA No. 01-CV-2984, affirmed, U.S. 5th Cir. No. 02-300415, Decision dated 9/17/02. The Fifth Circuit determined that Arnolie's race discrimination claim was not brought timely, two unfavorable evaluations did not amount to adverse employment actions and school Principals were not "employers" as defined by Title VII. – 9/2002

Santee v. Windsor Court Hotel Ltd., Pshp.
Civil Action No. 99-3891 Section "T" (5), United States District Court for the Eastern District of Louisiana, 2000 U.S. Dist. LEXIS 15960, October 26, 2000. Refusal to hire because of plaintiff's hair color dismissed on summary judgment, as plaintiff did not comply with employer's grooming standards. The court found no basis for constitutional or Title VII race discrimination claims, as no state action was involved and hair color was not a protected class. – 10/2000

Cabrol v. Town of Youngsville
106 F.3d 101, 12 IER Cases 950 (BNA) (5th Cir. (La), Feb 24, 1997) (NO. 96-30219). The Fifth Circuit held that summary judgment was properly granted in favor of employer where terminated employee alleged constitutional violations but lacked a sufficient property interest as an at-will employee and could have been terminated at any time. – 2/1997

NEWS

- [Lemle & Kelleher, L.L.P. Receives Top Honors from 2010 Chambers USA: America's Leading Lawyers for Business](#)
- [Masinter Named One Of Fifty 2009 Women Of The Year](#)
- [Lemle & Kelleher, L.L.P. Receives Top Honors From 2009 Chambers USA: America's Leading Lawyers For Business](#)
- [Lemle & Kelleher, L.L.P. Receives Top Honors From 2008 Chambers USA: America's Leading Lawyers for Business](#)
- [Masinter to Speak at Labor & Employment CLE](#)

- [Masinter, Preis, and Waguespack Named to 2008 Leadership in Law Class](#)
- [Masinter and Murray to Present at NOCC Personnel Workshop](#)
- [Lemle & Kelleher Labor & Employment Law Attorneys Present Lagniappe on Labor Law](#)
- [Goodman, Masinter, Preis and Waguespack Named in Chambers USA: America's Leading Business Lawyer](#)
- [Daniels and Masinter to Present at IADC Annual Meeting](#)
- [Masinter Appointed Chair of IADC's Employment Law Committee](#)
- [E.Fredrick Preis, Jr. and Eve B. Masinter Join Lemle & Kelleher](#)