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Morgan Keegan Hit With OT, Retaliation Suit

By **Dan Rivoli**

Law360, New York (August 17, 2011) -- A former Morgan Keegan & Co. Inc. administrative assistant on Monday filed a putative class action against the investment management company alleging it didn't pay her for overtime work and fired her in retaliation for demanding full compensation.

After she was fired from Morgan Keegan in April, Mildred Anne Dudley filed the suit in Georgia federal court alleging that she had been fired as punishment for getting a time sheet system implemented in her Atlanta office. Dudley had also been told to record only working 40 hours a week, but continued tallying all hours she worked, according to the suit.

Though her termination notice said that she was fired for missing work, talking on her cellphone and leaving her desk without notice, Dudley claims that she was never written up or disciplined for these reasons.

"[Dudley] was actually terminated for reporting that she was not being paid overtime for all hours worked in excess of 40 per workweek," according to the suit, which also names Morgan Keegan parent Regions Financial Corp. as a defendant.

Since the start of her employment at Morgan Keegan in 2007, there was no system in place to record the amount of time she worked, which routinely surpassed 40 hours a week, the complaint alleges. Dudley says she took her work home, worked through lunch, and handled tasks on the weekends and before the start of her shift.

Last fall, Dudley contacted Morgan Keegan's human resources director to discuss overtime pay, the suit claims. The human resources director, Jane Pienaar, gave the plaintiff time sheets to record her work, it says. Further, Pienaar later told executives at the Atlanta office that starting in January, all nonexempt employees would be required to fill out time sheets, according to the complaint.

Dudley claims that the Atlanta office's Executive Managing Director Robert J. Glenn blamed her for the new time sheet requirement and that he had warned her "not to go to Memphis, [Tenn.,]" where Morgan Keegan's headquarters are located.

Another executive at the Atlanta office, Heidi Hutchinson, told Dudley to record 40 hours a week, regardless of how many overtime hours she built up, the suit alleges.

"As punishment and retribution for engaging in statutorily protected conduct, [Dudley] suffered repeated adverse employment actions culminating in the termination of [her] employment," the complaint said.

Dudley is seeking to represent Morgan Keegan administrative assistants who have worked

at the company since 2008 and not been paid overtime.

A representative for Morgan Keegan declined to comment on the suit Wednesday.

Dudley is represented by G. Blake Andrews of Blake Andrews Law Firm LLC and S. Renee Huskey of Ichter Thomas LLC.

Counsel information for the defendants was not immediately available.

The case is Mildred Anne Dudley v. Regions Financial Corp. et al., case number 1:11-cv-02700, in U.S. District Court for the Northern District of Georgia.

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