

# Brian A. Kreucher

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**“I help employers minimize the legal risks involved in employment decisions, while maintaining their business goals.”**

Brian Kreucher is an accomplished labor and employment attorney with over 30 years of experience. He provides strategic advice and defends companies of all sizes. In an area seemingly flooded with practitioners, Brian has distinguished himself as a quick study, who identifies the "real" issues (legal and practical), understands operational objectives, and develops a cost-effective game plan to reduce the risks involved in employment decisions.

Brian uniquely navigates the "alphabet soup" of employment laws which include the ADA, ADAAA, ADEA, COBRA, EEOC, ERISA, FLSA, FMLA, GINA, NLRA, OSHA, TITLE VII, USERRA, WARN, ELCRA, and PWDORA. Brian's breadth of experience gives him the ability to anticipate the uncertainties inherent in employment matters due to human dynamics. Clients appreciate his perspective and ability to crystallize the real issues and provide practical solutions.

<b>Business Litigation</b>	<ul style="list-style-type: none"><li>• Labor, Employment, &amp; Immigration</li><li>• Automotive</li><li>• Healthcare</li></ul>
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Brian regularly represents and counsels employers in a broad range of employment and labor law matters, including employment discrimination, retaliation, and harassment cases; wage and hour matters; reductions in force; union avoidance; union grievance arbitration; unfair competition involving misappropriation of trade secrets; enforcement and defense of restrictive covenants; and personnel policies for multistate implementation.

As an extension of his client's human resources and in-house legal teams, Brian takes a practical approach to every matter, always mindful of business needs, budgetary pressures, and the precedent the

course of action may set.

When litigation arises, Brian aggressively defends employers across the country in federal and state courts, arbitrations, and administrative proceedings, including the EEOC and NLRB.

Brian also has extensive experience providing legal advice and guidance during internal investigations. He frequently provides training on internal investigation protocols and procedures and HR law compliance.

## **Representative Matters**

- Lead national labor arbitration counsel for Fortune 500 commercial fleet management, dedicated transportation, and supply chain solutions company; handling labor arbitrations throughout the country.
- Successfully represented large and small businesses, manufacturers, suppliers, and restaurants in obtaining hundreds of dismissals and closures of EEOC investigations.
- Assisted clients with dozens of OSHA investigations, including four recent fatality investigations.
- Lead nationwide employment counsel for national manufacturing company with facilities and employees in 15 states.
- Lead national employment counsel for Tier I automotive supplier, handling all labor & employment matters.
- Lead trial counsel for national financial services firm in ADA lawsuit alleging failure to accommodate and disability discrimination. Multiple deposition admissions eviscerated plaintiff's claims and drove a cost effective nuisance value settlement, avoiding protracted litigation and attorney fees.
- Successfully represented a national employer in an arbitration involving a labor union that claimed our client's annual liability was near \$8MM. The union alleged the company violated the parties' labor agreement by not increasing all of its wage scales in amounts equivalent to the legally mandated minimum wage increases. The case was complicated by bargaining history, distant and unavailable witnesses, and ambiguous contract language. The arbitrator ruled in favor of our client and denied the class action grievance.
- Successfully represented a Tier I automotive supplier in a complicated contract interpretation arbitration. The issue litigated went to the heart of our client's ability to manage its business under the union labor agreement. The union argued the company must first obtain the union's agreement before changing work schedules. Without the flexibility to adjust schedules, our client risked either shutting down the customer's assembly line or incurring millions in overtime costs to meet customer production demands. The arbitrator found in favor of our client, affirming management's right to unilaterally change the work schedule for the purpose of efficiently operating its production schedule.
- Obtained a jury trial victory for a Tier I automotive supplier that was sued by a vendor hired to design, integrate, and launch a robotic welding line. We counter-sued on behalf of our client. After a five-week jury trial, our client avoided a \$15MM damage claim and was awarded a net jury verdict of \$2MM.
- Lead trial counsel and obtained a "no cause" jury trial verdict in a highly publicized and politicized reverse race discrimination and harassment case.
- Lead trial counsel for a national grocery chain and obtained a directed verdict in a federal ADEA discrimination jury trial.

## Education

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- Wayne State University Law School, 1990
  - J.D.
- University of Michigan, 1987
  - B.B.A., with distinction
- Albion College, 1983-1985
  - Professional Management Program

## Memberships

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- American Bar Association
  - Litigation and Labor and Employment Law Sections
- State Bar of Michigan
  - Labor Relations Law, Business Law, and Negligence Sections
- Detroit Society for Human Resources Management
- Michigan Defense Trial Counsel
  - Employment Law Section, former Board Member and Chair

## Admissions

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- Michigan, 1990
- U.S. Court of Appeals, Fifth Circuit, 2020
- U.S. District Court, Southern District of Indiana, 2013
- Supreme Court of the United States, 2004
- U.S. District Court, Western District of Michigan, 1994
- U.S. Court of Appeals, Sixth Circuit, 1993
- U.S. District Court, Eastern District of Michigan, 1990
- Pro Hac Vice admissions: U.S. District Court for the District of Columbia, Ohio, Indiana, Tennessee, Kentucky, Mississippi, Missouri, Wisconsin, New York, and Illinois

## Professional Achievements

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- *The Best Lawyers in America*®, 2024.
- *Michigan Lawyers Weekly*, "Michigan's Go To Employment Law Lawyers," 2021
- *Michigan Leading Lawyers*, 2020-2021
- *dbusiness*, "Top Lawyers," 2017; 2019-2020
- Michigan Institution of Continuing Legal Education's Annual Labor & Employment Law Institute, Faculty Member
- "Whistleblowers and Retaliation Claims." *Employment Litigation in Michigan*, Co-author, Ch. 4, 3rd Ed., 2017.