

Debra A. Mastrian

Indianapolis, IN

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PARTNER

Overview

Debbie grew up watching her father practice law and saw how he helped people resolve their problems. He inspired her to become a lawyer and he still inspires her today more than 25 years into her own career.

Debbie advises and defends clients in various industries, including financial institutions, health care and general corporate. With a particular focus on employment litigation and counseling, Debbie represents management in a variety of matters, including defending clients in administrative proceedings and against discrimination, wage and hour violations and retaliation claims. She has obtained numerous favorable summary judgment rulings in such cases. She also prosecutes and defends claims involving non-compete and non-solicitation agreements, misappropriation of trade secrets, and other forms of unfair competition. She defends collective and class actions, including FLSA collective actions. She also has versatility in a wide range of other commercial litigation matters, including shareholder, contract and other business disputes, antitrust issues, financial institution liability, fiduciary liability, and securities fraud.

Debbie also assists employers with compliance and employment issues under federal, state and local law, including Title VII, ADA, ADEA, FLSA, FMLA, and WARN. She counsels and assists employers in investigations stemming from employee misconduct and employee complaints under federal and state statutes. She regularly reviews, revises and drafts employee handbooks, employment policies and procedures, employment agreements, severance and retention agreements, non-compete and non-solicitation agreements and other employment related documents.

Debbie has handled numerous appeals before state and federal courts. She is the author of a number of published appellate opinions and has presented oral argument to the Seventh Circuit Court of Appeals. Debbie has jury and bench trial experience. Recognizing that trials involve risk and expense, clients sometimes prefer a form of alternative dispute resolution and, she often represents clients in mediation and arbitration. She also represents employers in

SERVICES

Appellate
Banking & Finance
Business Litigation
Class Action
Employment Advice & Counsel
Employment Litigation
Equal Pay Compliance
Health Care
Labor, Employment, Benefits & Immigration
Mandatory Training
Unfair Competition Counseling & Litigation
Vaccine Mandates in the Workplace
Wage & Hour
Workplace Investigations

EDUCATION

Valparaiso University School of Law, J.D., 1994, *summa cum laude*
Franklin College, B.A., 1991, *summa cum laude*

proceedings before the Equal Employment Opportunity Commission, the U.S. Department of Labor, U.S. Department of Housing and Urban Development, and the Indiana Civil Rights Commission, among other agencies.

Experience

Represented a Closely-Held Business and Majority Shareholders in Lawsuits by Minority Shareholders
January 1, 2022

Successfully Resolved FLSA Collective Actions and Putative Rule 23 Class actions Alleging Violations of Federal Overtime Law

Successfully Defended a Financial Institution Against an Unfair Labor Practice Charge

Served as Appellate Counsel for a Financial Institution

Obtained Summary Judgment for a Financial Institution Age Discrimination and Retaliation Claims

Obtained Dismissal of a Putative Class Action Brought Against an Indiana Financial Institution Challenging its Assessment of Bank Fees

Obtained Preliminary and Permanent Injunction for a Financial Institution in Enforcement of Covenant Not to Compete

Obtained Dismissal of a federal Agency Action Against a Client Operating Group Homes

Successfully Represented a Large Financial Institution in Bankruptcy Court

Successfully Represented a Natural Gas Pipeline Company in Contentious Trial and Appeal

Successfully Represented a Medical Practice in an Appeal

Successfully Represented a Bank Against a Charge that the Bank had Discriminated Against Borrowers

Obtained Summary Judgment for an Investment Company Client in an Enforcement Action

Served as Co-Counsel for a Life Insurance Company Against a Lawsuit Brought by a Beneficiary

Represented a Data Corporation in a Lawsuit Against a Distributor

Membership & Involvement

- Member: Hancock County Bar Association; Indiana State Bar Association; Indianapolis Bar Association; Indianapolis Law Club; Society for Human

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ADMISSIONS

Indiana

U.S. Court of Appeals,
Seventh Circuit

U.S. District Court, Northern
and Southern Districts of
Indiana

Resource Management

Honors

- Martindale-Hubbell AV® Preeminent™ rated
- Selected to *The Best Lawyers in America*® in Commercial Litigation: 2024
- Selected to *The Best Lawyers in America*® in Litigation - Labor and Employment: 2024
- Selected to the Indiana Super Lawyers "Rising Star" list: 2009

Firm News

92 Amundsen Davis Attorneys Recognized by Best Lawyers® in 2024 in America
Firm News, August 17, 2023

8 Attorneys Join Our Indianapolis Office
Firm News, September 2016

Amundsen Davis Recognized by Indiana Bankers Association as Diamond Associate Member
Firm News, May 10, 2016

Alerts

Employers' Rights Under the Computer Fraud and Abuse Act (CFAA) Narrowed after Supreme Court Decision in *Van Buren*

Speaking Engagements

Navigating the Bermuda Triangle: FMLA, ADA, Workers Compensation
Speaking Engagement, Northwest Indiana SHRM; Webcast, March 20, 2024

How to be the Employer Everyone Wants to Work for in 2022: Recruitment, Retention and More
Event, Amundsen Davis's Complimentary Indiana Labor & Employment Conference; Indianapolis, IN, March 3, 2022

Published Works

Religious Discrimination in the Workplace
Publication, *Hoosier Banker Magazine*, March/April 2024

Human Resources: ADA May Necessitate Work Commute Accommodations
Publication, *Hoosier Banker Magazine*, January/February 2024

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Employee Harassment by Customers
Publication, *Hoosier Banker Magazine*, November/December 2023

Important FMLA Guidance
Publication, *Hoosier Banker Magazine*, September/October 2023

Getting on Board with Pay Transparency
Publication, *Hoosier Banker Magazine*, July/August 2023

Time To Update Severance Agreements
Publication, *Hoosier Banker Magazine*, May/June 2023

Hiring Remote Employees in Other States
Publication, *Hoosier Banker Magazine*, July/August 2022

FMLA Fraud and Abuse 'Tis the Season
Hoosier Banker Magazine, November/ December 2021

Mandatory Vaccines and Vaccine Incentives – Guidance Issued by the EEOC
Hoosier Banker Magazine, July/ August 2021

Illinois Employment Forms-Online Version
Publication, *Illinois Chamber of Commerce*, March 2021

FMLA Interference: When Does an Employer Cross the Line?
Hoosier Banker Magazine, March/April 2020

Mandatory Employment: Arbitration Agreements
Hoosier Banker Magazine, January/February 2020

Common FLSA Violations: Mistakes Can Be Costly
Hoosier Banker Magazine, September/October 2019

Pay Equity: Reporting Obligations and More
Hoosier Banker Magazine, July/August 2019

Working Off the Clock: Are After-Hours Emails/Texts/Calls Compensable?
Hoosier Banker Magazine, May/June 2019

Flu Season: Common Questions from Employers
Hoosier Banker Magazine, March/April 2019

Employee Background Checks: Fair Credit Reporting Act Requirements
Hoosier Banker Magazine, January/February 2019

Volunteerism: Practical and Legal Considerations
Hoosier Banker Magazine, November/December 2018

Compensation Reminders For Mortgage Loan Officers
Hoosier Banker Magazine, September/October 2018

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Class-Action Waivers: Enforceable for Employment-Related Claims
Hoosier Banker Magazine, July/August 2018

Sexual Harassment: Importance of Training and Effective Workplace Investigations
Hoosier Banker Magazine, May/June 2018

Spoilation Issues: The Importance of Preserving Records
Hoosier Banker Magazine, March/April 2018

Restrictive Covenants In Indiana
Hoosier Banker Magazine, January/February 2018

ADA Not a Medical Leave Entitlement Statute According to Seventh Circuit
Hoosier Banker Magazine, November/December 2017

'Ban the Box' Ordinances Are Now Banned
Hoosier Banker Magazine, September/October 2017

Severance Agreements: Avoiding Scrutiny from Regulators
Hoosier Banker Magazine, July/August 2017

Retail Banks Being Targeted by Labor Organizations
Hoosier Banker Magazine, May/June 2017

Beware of Antitrust Risks In the Workplace
Hoosier Banker Magazine, March/April 2017

Suspicious Timing of Terminations Supports Retaliation Claim
Hoosier Banker Magazine, January/February 2017

Beware of Antitrust Risks in Hiring and Compensation Decisions
Article, *Amundsen Davis*, December 16, 2016

Blog Posts

EEOC Issues New Guidance on COVID-19 Testing
Labor & Employment Law Update, July 28, 2022

Hiring Remote Employees in Other States? Make Sure Your Business is Compliant
Labor & Employment Law Update, June 14, 2022

Common FLSA Violations: Mistakes can be Costly
Labor & Employment Law Update, August 20, 2019

Flu Season: Common Questions From Employers
Labor & Employment Law Update, February 13, 2019

Website Accessibility
Labor & Employment Law Update, February 21, 2017

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Suspicious Timing of Termination Supports Retaliation Claim
Labor & Employment Law Update, December 12, 2016

HR Director May Be Individually Liable Under FMLA
Labor & Employment Law Update, March 23, 2016

Employers May Soon Be Required To Report Pay Information in Their
EEO-1 Reports
Labor & Employment Law Update, February 9, 2016

City Not Liable for Overtime with Respect to Police Officers' Off-Duty Use of
Work-Issued BlackBerrys
Labor & Employment Law Update, December 17, 2015

Employer Not Liable under the ADA for Failure to Accommodate
Employee's Disability
Labor & Employment Law Update, November 9, 2015

Tips For Drafting Severance Agreements To Avoid Scrutiny From The EEOC
and NLRB
Labor & Employment Law Update, October 7, 2015

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