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Michelle is a member of the Professional Liability Department. She focuses her practice on employment law and represents employers in the defense of matters involving allegations of discrimination based upon age, gender, race, and disability, as well as “whistle blowing” claims. Michelle also handles matters involving civil rights and discrimination claims in both federal and state courts.

In 2013, Michelle graduated *summa cum laude* from Rider University, earning her Bachelor of Arts Degree in Sociology, with minors in Legal Studies and Political Communications. In May 2017, she earned her *juris doctor* degree from Rutgers Law School.

During law school, Michelle served as the Lead Research & Writing/Communications Editor of the Rutgers Journal of Law and Religion. Michelle was also semi-finalist in the Rutgers Law School Hunter Moot Court Appellate Advocacy Competition and served as a board member of the program during her final year of law school. Additionally, Michelle competed in the Jeffrey G. Miller National Environmental Law Moot Court Competition, serving as captain of her team. Michelle also participated in the Rutgers Law School Civil Practice Clinic.

Prior to joining Marshall Dennehey, Michelle clerked for the Honorable Richard J. Geiger of the Superior Court of New Jersey, Appellate Division. Michelle also served as an intern to the Honorable Peter G. Sheridan, United States District Court Judge for the District of New Jersey, during law school.

Education

- Rutgers Law School (J.D., 2017)
- Rider University (B.A., *summa cum laude*, 2013)

Practices

- Employment Law
- Public Entity & Civil Rights Litigation
- Veterinary Liability

Admissions

- New Jersey, 2018
- U.S. District Court District of New Jersey, 2018

Published Works

- "[Can a Documented COVID-19 Infection Lead to a Disability Claim Under the NJLAD?](#)", *New Jersey Law Journal*, Co-Author, March 9, 2022
 - "[NJ Supreme Court Confirms Scope and Application of the Pregnant Workers Fairness Act.](#)" *New Jersey Law Journal*, April 14, 2021
 - "[Can Employers Require Employees to Get a Vaccine, Once Approved?](#)", *The Legal Intelligencer*, Employment Law Supplement, October 27, 2020
 - "A Case Law Update on the Status of Obesity as a Disability Under the NJLAD -- *Dickson v. Community Bus Lines, Inc.*", *New Jersey Labor & Employment Law*, a publication of the New Jersey State Bar Association, December 2019
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Results

Obtained a "No Cause" Verdict in an Employment Case in New Jersey

We recently obtained a "no cause" verdict in an employment case in the Superior Court of New Jersey. The plaintiff, an employee of a New Jersey State entity, asserted violations of the Contentious Employee Protection Act (CEPA). According to the plaintiff, after reporting purported deficiencies with an environmental permit, he was subject to a retaliatory and hostile work environment. We successfully argued that the plaintiff did not articulate a violation of law or public policy, nor did he prove that the various employment actions he received created a hostile work environment or were even caused by the alleged whistleblowing.

New Jersey State University Successfully Defended in an Employment Discrimination Case

We obtained a "no cause" verdict in an employment discrimination case for a New Jersey state university. The plaintiff, seeking back pay, front pay, emotional distress, attorney fees, punitive damages and costs, alleged she was terminated from her position as director of the university's performing arts center due to her age, gender and/or in retaliation for reporting internal complaints of age/gender discrimination. We successfully argued that the plaintiff was not terminated for discriminatory/retaliatory reasons but, instead, was terminated as a result of mandatory COVID-19 closures necessitated by Executive Orders.

Summary Judgment Secured in a Racial and Sex-Based Discrimination Employment Case

We obtained summary judgment in an employment litigation case involving claims of racial and sex-based discrimination. The plaintiff alleged that she experienced a hostile work environment based solely on her race. We were able to prove that there was no

evidence to substantiate these claims.

Defense Obtains a Published New Jersey Appellate Division Decision Affirming that Perception of Having COVID-19 Does Not Constitute Perceived Disability Under NJLAD

The New Jersey Appellate Division affirmed the dismissal our defense team obtained in a New Jersey Law Against Discrimination (NJLAD) perceived disability claim, alleging COVID-19 to be a disability under this statute. This employment discrimination claim involved a matter of first impression in New Jersey and established that COVID-19 infection, without more, does not constitute a disability under the NJLAD.

A former employee filed suit, asserting perceived disability discrimination under the NJLAD. The plaintiff alleged he was wrongfully terminated based upon his employer's perception that he had COVID-19. We filed a motion to dismiss in lieu of an answer, asserting the complaint did not set forth a cause of action as COVID-19 is not a recognized disability under the NJLAD. The court granted our motion and agreed that COVID-19 is not a disability under the NJLAD and, therefore, could not be the predicate for a perceived discrimination case. The Appellate Division affirmed this decision, finding the plaintiff's COVID-19-perceived disability claim failed to plead a viable cause of action under the NJLAD.

Whistleblower claim against State Police dismissed.

Claims were brought against the state police organization and eight individual defendants (current and retired members of the state police). The plaintiff, a female State Trooper, alleged she was retaliated against for raising complaints about how male members of the State Police were treating other female employees and that her supervisors failed to take appropriate actions once her initial complaints were raised. She alleged she was denied promotion and transferred against her wishes in retaliation for making these complaints. The ruling was especially satisfying as the court had ruled on a prior summary judgment motion that a fact issue existed, and we had to convince the new motion judge not to follow the "Law of the Case" Doctrine and to decide the case based on the record presented in this motion.

Dismissal of Perceived Disability Claim Alleging COVID-19 is a Disability Under the NJLAD Statute

Our defense team successfully obtained dismissal of a New Jersey Law Against Discrimination (NJLAD) perceived disability claim, alleging COVID-19 to be a disability under this statute. This employment discrimination claim involved a matter of first impression in New Jersey. A former employee filed suit asserting perceived disability discrimination under the NJLAD. The plaintiff alleged he was wrongfully terminated based upon his employer's perception that he had COVID-19. We filed a motion to dismiss in lieu of an answer, asserting the complaint did not set forth a cause of action as COVID-19 is not a recognized disability under the NJLAD. The court granted our motion and agreed that COVID-19 is not a disability under the NJLAD and, therefore, could not

be the predicate for a perceived discrimination case.

New Jersey Appellate Division affirms dismissal of plaintiff's gender discrimination and workers' comp retaliation claims.

Our defense team was successful before the New Jersey Appellate Division. The plaintiff is a former employee of a non-profit agency that provides services to disabled individuals. She filed suit against her former employer and its manager, alleging gender discrimination and retaliation for filing a workers' compensation claim. As discovery progressed, thousands of pages of discovery were exchanged, which demonstrated that legitimate, long-standing performance deficiencies were the actual basis for her termination. The defendants filed for summary judgment prior to the end of the discovery period, and the Law Division granted the motion, finding no reason not to grant the immediate dismissal, especially as the plaintiff failed to even respond to the statement of material facts. On appeal to the Appellate Division, the court affirmed the dismissal, rejecting the plaintiff's arguments that the motion judge engaged in a subjective analysis of the facts and thereby made factual findings on disputed issues, and that the motion judge erred by granting the motion before discovery was complete. The court found that the plaintiff failed to demonstrate, with any degree of particularity, that further discovery would supply the missing elements to her cause of action. The court further found that the plaintiff failed to demonstrate a prima facie case of gender discrimination or workers' compensation retaliation given the un rebutted facts provided by the defendants.

Successful defense of discrimination case before the New Jersey Appellate Division.

The plaintiff filed suit against her employer, a governmental agency, alleging she was subject to discrimination under the New Jersey Law Against Discrimination (NJLAD) based upon her disability and that she was subject to retaliation for filing a previous discrimination suit. She further asserted aiding-and-abetting claims against fellow employees. The case was dismissed via summary judgment, and the plaintiff appealed. The Appellate Division accepted our argument that the failure to move the plaintiff to a position she desired did not constitute an adverse employment action or failure to accommodate as she suffered no adverse effect on her salary or benefits, and did not materially alter her working conditions. Further, the court addressed concerns the plaintiff's physician had expressed when she sought the accommodation, even though she was not transferred to a position in which she preferred to work, and agreed the claims were properly rejected by the trial Judge.

Successful Defense of New Jersey Law Against Discrimination Claims

In this employment law lawsuit, the plaintiff was a former employee who filed suit against our non-profit agency client, asserting claims of gender discrimination in violation of the New Jersey Law Against Discrimination and retaliation in violation of the New Jersey Workers' Compensation Act. This matter involved a long and contested period of discovery, including extensive discovery demands, complex e-discovery and extensive motion practice. During the course of discovery, we were successful in obtaining a motion for reconsideration concerning the production of e-discovery data and other documentation lacking in relevance and proportionality to the matter. We thereafter filed

a motion for summary judgment as to both counts in the plaintiff's complaint, arguing that the plaintiff failed to establish a *prima facie* claim of discrimination on the basis of gender, as the plaintiff failed to present any evidence demonstrating discrimination or mistreatment on the basis of gender. We further argued that the plaintiff failed to establish a claim of retaliation under the New Jersey Workers' Compensation Act because the plaintiff failed to establish any nexus between the termination and the filing of a workers' compensation claim. Our motion for summary judgment was granted in its entirety, with the court finding that the plaintiff was terminated for legitimate, nondiscriminatory reasons.

Summary Judgment in School Bullying Case

The plaintiff was a high school junior who alleged he was physically abused by a special education teacher. He sued the teacher, the school district and several administrators, alleging violation of the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the New Jersey Civil Rights Act and the New Jersey Anti-Bullying Statute. After a long period of discovery and many depositions, the court granted our summary judgment motion.

Thought Leadership

April 1, 2026

Appellate Division Rejects Plaintiff's Belatedly-Added Theory of Disability Discrimination and Finds a One-Time Allergic Reaction to Prescription Medication Does Not Constitute a Disability Under the LAD

April 1, 2024

New Jersey Appellate Division Addresses the Statute of Limitations Accrual Date in a Constructive Discharge Claim Brought Under the NJLAD and CEPA

June 1, 2023

Third Circuit Finds Paid Time Is Not Part of an Employees' Salary Under the Fair Labor Standards Act

April 1, 2022

NJ Appellate Division clarifies applicability of CARES Act in context of unemployment benefits deemed erroneously awarded.

March 9, 2022

Can a Documented COVID-19 Infection Lead to a Disability Claim Under the NJLAD?

January 3, 2022

NJ Appellate Division remands for a "more robust application" of Ullmann test in

light of discovery demands seeking the production of business entity tax returns.

April 14, 2021

NJ Supreme Court Confirms Scope and Application of Pregnant Workers Fairness Act

April 1, 2021

District Court recognizes reporting of employer's alleged illegal actions to co-worker are insufficient to establish the third element of a CEPA claim.

April 1, 2021

District Court dismisses claim for insurance benefits against employer, finding it was the plan administrator, not the employer, who made the benefits determination.

April 1, 2021

Standing found where a shareholder alleged an individual injury separate and apart from the corporate entity.

March 16, 2021

New Jersey Supreme Court Establishes Specifics for Employers When It Comes to Protections for Pregnant Employees