UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Application for Mediators

Please complete the entire application, using additional paper if necessary. You may also attach a resume.

Name: L. Michelle Gessner

Firm or Office Name: The Law Offices of Michelle Gessner, PLLC

Office Address: 409 East Boulevard, Charlotte, North Carolina 28203

Office Phone: 704-234-7442 Office Fax: none

E-mail Address: michelle@mgessnerlaw.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: n/a I.D. No.: _____

Date admitted to the South Carolina Bar: n/a Bar No.: _____

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.):
North Carolina State Bar - August 1999 - Bar # 26590; All North Carolina Federal Courts - 1999; United States Court of Appeals for Fourth Circuit - October 2000; United States Supreme Court - February 2009; Florida Inhouse Bar - October 2011

Membership and positions held in bar, ADR and professional associations:
Chief Litigation Counsel Association - Member

Are you a member in good standing in each jurisdiction where admitted to practice law? ✔ yes _____ no

Have you, within the last five years, been publicly reprimanded or publicly disciplined for professional conduct?
_____ yes ✔ no

Have you, within the last five years, been denied admission to a bar for character or ethical reasons, or been disbarred/suspended from the practice of law? _____ yes ✔ no

EDUCATION

Year law degree received 1999 Law School West Virginia University

Other professional degrees received (including year and school):
Masters of Science in Industrial Labor Relations - WVU 1996; Bachelor of Science in Busines Administration with concentration in Employment Law - WVU 1994

LEGAL EXPERIENCE (A minimum of five years of law practice required)

Summarize legal experience (including teaching) since admission to the bar, particularly in the past five years:
Please see attached resume.

Percentage of practice in last 5 years representing plaintiff 25 % or defense 75 %

Percentage of Federal or State court practice in last 5 years: Federal 99 % State 1 %

Number of years engaged in active litigation: 17

SUBSTANTIVE EXPERIENCE

Indicate all substantive areas in which you have experience. Place a "1" by your strongest area(s) and a "2" by all other areas in which you have experience. (Do not rank beyond "1" and "2.") After any category you have marked, please identify any sub-areas of experience you have (e.g. "medical malpractice" after Personal Injury).

_____ Admiralty	__x__ Security or Shareholders suits
_____ Antitrust	__x__ Labor
_____ Contracts	_____ ERISA
_____ Environment	__x__ Wrongful Termination
_____ Fraud or Civil RICO	__x__ Civil Rights in Employment
_____ Insurance	__x__ Other Civil Rights
_____ Miller Act	_____ Copyrights
_____ Personal Injury	_____ Patent
__x__ Product Liability	__x__ Trademark
_____ Other (specify)_____	

Publications: _____

The system would not allow me to put 1s or 2s only Xs. My strongest is labor and employment and next would be product liability, trademark and shareholder suits.

MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): _____

I have significant experience mediation labor and employment matters - particularly wage and hour matters. Likewise, I have handled and mediation substantial product liability and commercial litigation matters as well as shareholder and trademark/intellectual property litigation.

Other courts or organizations for whom you serve as a mediator (please note any certifications):

Certified by the North Carolina Dispute Resolution Center in August 2015

Number of mediations conducted: ~~0~~ 24 Number of other ADR sessions conducted: _____

MEDIATION AND OTHER ADR TRAINING

Course Provider	Course Content	Date	Place	No. of Hours
Andy Little - Mediation Inc.	40 MSC Training Program - Required	August 2015	Charlotte, NC	40.00

OTHER INFORMATION

Are you familiar with the statutes, rules and practice governing alternative dispute resolution in the District of South Carolina? ✔ yes _____ no

Other relevant experience or skills or other information you would like considered in connection with this application: As you will see by my resume I have significant inhouse legal experience which helps me to assist the decision makers on how best to analyze cases. Likewise, my blue collar WV roots help me to relate to plaintiffs and demonstrate that I have walked in their shoes. I have been working full time since I was 15 years old - thus relatability to all walks of life have served me well in my career particularly in mediations.

Cities in which you are available to conduct mediation:

[x] Columbia [x] Charleston [x] Greenville [x] Florence

Other Charlotte; Rock Hill

Fees charged:

Hourly Rate: $ 275 Minimum charge each mediation: $ 4 hour min plus $100 administrative fee per party

How do you bill for travel? (explain): I bill my regular hourly rate and actual costs for any incidentals

I agree to: (1) Be subject to the Rules of Professional Conduct, Rule 407, South Carolina Appellate Court Rules; the Rules for Lawyer Disciplinary Enforcement, Rule 413, South Carolina Appellate Court Rules; and the Local Rules of the District Court; (2) Provide mediation to indigents without pay if ordered by the Court; (3) Notify the Alternative Dispute Resolution Program Director of any change in the above facts or otherwise in my ability to perform duties as a mediator; (4) Disclosure of information contained in this application to litigants and other members of the public.

I certify that the foregoing is true and correct.

Signature: L. Michelle Gessner Date: 08-25-2014
Applicant

Return completed application to:
Danny H. Mullis, Director
Alternative Dispute Resolution Program
United States District Court
Post Office Box 835
Charleston, SC 29402-0835

Reviewed: Danny H. Mullis Date: 8/29/16
ADR Program

Approved: _____ Date: 9/6/16
U.S. District Judge

2/2016

L. MICHELLE GESSNER

5531 Providence Country Club Drive, Charlotte, NC 28277 704.905.5082 michelle@mgessnerlaw.com

RELEVANT EXPERIENCE

The Law Offices of Michelle Gessner, PLLC – Charlotte, NC **06/15 - Present**

Providing "outside" general counsel services including litigation management advice and counsel, while practicing as a labor and employment litigator. Serving as a NC certified mediator in a variety of litigation and pre-litigation disputes primarily in Federal Court matters. http://mgessnerlaw.com

Big Lots, Inc. (BIG) – Columbus, OH **12/14 – 06/15**

Vice President, Litigation and Compliance

Served as Big Lots' Chief Litigation Counsel and Compliance Officer.

Responsibilities/Accomplishments:

- Successfully restructured the litigation eleven member team to better align capabilities and maximize legal spend resulting in pushing litigation management to a non-lawyer litigation manager.
- Established a metrics driven score card for all litigation team members and outside counsel
- Implemented an early case assessment/budgeting program for all outside counsel to reduce overall case count and spend resulting in no increase in insurance premiums despite efforts to do so
- Successfully breaking up legacy class action litigation to the benefit of Big Lots resulting in a reversal of a 2011 accrual of $975k
- Successfully conducted a compliance audit highlighting the critical areas of need for developing compliance program from scratch and begin to implement

Buffets, Inc. d/b/a Ovation Brands – Greer, SC **10/13 – 07/14**

Senior Vice President of Administration, General Counsel and Corporate Secretary

Reported to the CEO/CFO, providing overall management responsibility and accountability for all Legal, Human Resources and Administrative functions. Served as Corporate Secretary to the Board of Directors.

Responsibilities/Accomplishments:

- Successfully restructured and managed the company's internal legal, human resources and administrative functions/teams through challenging economic conditions, including two reductions in force at both restaurant support centers.
- Drafted and implemented the company's first equity plan post bankruptcy.
- Developed and chartered the company's first charitable foundation - Ovation Brands Family Foundation.
- Conducted the company's first post bankruptcy shareholder meeting under its new by-laws.
- Served as the key lawyer and advisor on all major business transactions including scoping of potential buyers and alternatives to a sell of the company, prepared executive compensation agreements, made significant modifications to the company's credit agreements which required Board and majority shareholder approval.
- Assisted the CIO in the scoping and implementation of a new POS and IT system chain wide while engaging in significant cost reduction strategies.
- Effectively contributed as a member of the senior management team accountable for the definition and development of all corporate policies, procedures, and programs.

Darden Restaurants, Inc. (DRI) – Orlando, FL **08/11 – 06/13**

Vice President – Division General Counsel

One of five (5) direct reports to the SVP - General Counsel, served as Darden's Chief Litigation Counsel with overall management responsibility and accountability for all Litigation and Labor and Employment Law matters including Compensation and Benefits.

Responsibilities/Accomplishments:

- Led, managed and developed a diverse high performing team of seventeen team members including Senior Directors, Directors, Managers, Paralegals and Legal Assistants.
- Managed a large inventory national litigation docket of varied litigation comprised primarily of complex class/collective action litigation and brand/reputational risk individual matters.

- Worked closely with the CFO by monitoring and forecasting anticipated litigation costs as well as related budgeting, accrual, and disclosure policies and practices.
- Interacted with Darden's Board of Directors providing and presenting quarterly litigation reports to the Audit Committee, assisting HR with reporting to the Compensation Committee and presentation of workforce vulnerability risks assessment annually.
- Served as the key litigation counsel on two major acquisitions including all litigation related due diligence, executive compensation/non-compete agreements and integration.
- Assisted with two annual shareholder meetings with one involving disruptive activists related to employment law wage/hour issues. Minimized risk/exposure to the CEO and Board of Directors.
- Developed and implemented best practices and proactive strategies to identify recurring issues, root causes of litigation/losses and cost effective ways of minimizing risk.

  **Successfully reduced public liability spend by over $2m in FY 13 compared to FY12*

Family Dollar Stores, Inc. (FDO) – Charlotte, NC **06/01 – 08/11**
Assistant General Counsel
Progressive leadership positions reporting directly to four (4) different General Counsels. Ultimately serving as Family Dollar's Chief Litigation Counsel with overall management responsibility and accountability for all of Family Dollar's Litigation and Labor and Employment Law matters.

Responsibilities/Accomplishments:

- Led, managed and developed an eight member team including Senior Directors, Directors, Paralegals and Legal Assistants.
- Managed complex class action shareholder litigation resulting from stock option backdating allegations and a threatened hostile takeover. Worked closely with the company's Board of Directors as each were named individually in the referenced litigation.
- Managed multimillion dollar wage/hour and employment litigation matters including MDL litigation resulting in significant wins for Family Dollar. Managed legal budget exceeding $10m.
- Monitored and forecasted anticipated litigation costs as well as managed litigation related administrative, budgeting, accrual, and disclosure policies and practices.
- Partnered closely with Family Dollar's senior leaders by providing advice and counsel on complex issues and proactively minimizing risk in all areas critical to the business.

McGuireWoods LLP – Charlotte, NC **09/99 – 06/01**
Associate – Labor & Employment Group

MEMBERSHIP

Chief Litigation Counsel Association (www.clcagroup.com) **2009-2015**

ADMITTED

All North Carolina Courts	**August 1999**
United States Court of Appeals for the Fourth Circuit	**October 2000**
United States Supreme Court	**February 2009**
Florida In-house Bar	**October 2011**

EDUCATION

Doctorate of Jurisprudence **May 1999**
West Virginia University - Morgantown, WV
Master of Science Degree in Industrial Labor Relations **May 1996**
West Virginia University - Morgantown, WV
Bachelor of Science Degree in Business Administration/Business Law **May 1994**
West Virginia University - Beckley, WV