



## Windy Cockrell Bitzer

Member

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## Biographical Information

Windy Cockrell Bitzer is a member of the Firm's Litigation Section and has substantial pre-trial, trial, and appellate experience in courts throughout the State of Alabama, the Eleventh Circuit, and the United States Supreme Court. Windy regularly represents and counsels businesses and educational institutions in commercial disputes and employment matters. She is experienced in matters ranging from fraud, False Claims Act, breach of contract, tortious interference, non-compete agreements, and other business torts to Title VII, Title IX, FMLA, FLSA, ADA, ADEA, and other employment-related issues. Windy also conducts internal investigations and provides training on EEO best practices.

Windy has a particular interest in appellate work and serves as leader of the Firm's Appellate Litigation Team. She often counsels and assists other attorneys with ensuring issues are properly preserved for appellate review and assists throughout the appellate process, including preparation of appellate briefs and for oral argument.

Windy has been recognized by Best Lawyers in employment litigation and appellate practice and by Alabama Super Lawyers in business litigation and employment law. She is a graduate of the IADC Trial Academy. Windy is a member and former subcommittee chair of the ABA Section of Litigation Corporate Counsel and Woman Advocate Committees and is a Fellow of the American Bar Foundation.

Windy received her J.D. from the University of Alabama School of Law where she was a member

of the Managing Board of the Alabama Law Review, the John A. Campbell Moot Court Board, and the Bench & Bar Legal Honor Society.

Windy has volunteered as a "Big Sister" in the Big Brothers/Big Sisters program and is a sustaining member of the Junior League of Mobile. She is an active member of the Mobile Bar Association, having chaired the Federal Civil Practice, Bench & Bar, and Law Day Committees. Windy serves on the Board of Directors of the Mobile Bar Foundation, is a Leadership Mobile graduate, and served on the planning committee for the 2016 Eleventh Circuit Judicial Conference.

## Admissions

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- Alabama State Bar, 1998
- United States Supreme Court
- Eleventh U.S. Circuit Court of Appeals
- Alabama Federal District Courts

## Education

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- J.D., University of Alabama School of Law, *cum laude*, 1998
- Southern College, *magna cum laude*, 1995

## Additional Information

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### Civic and Professional Affiliations

- Alabama State Bar
- Mobile Bar Association (Woman Lawyers Section/Bench & Bar Committee/Law Day Committee)
- Mobile Bar Foundation (Board of Directors)
- American Bar Association (Litigation Section/Corporate Counsel Committee/Woman Advocate Committee)
- Junior League of Mobile

### Publications and Presentations

- "#Me Too: One Year Later and Its Impact in the Workplace," Propeller Club of the United States, Mobile Port (October 2018)
- "Employment Law: Social Media and Workplace Harassment," Alabama Primary Health Care Association Annual Meeting (October 2018)
- "ADA and FMLA Legal Update," Alabama Council of Community Mental Health Boards – HR Council Annual Conference (June 10, 2015)
- "Wage and Hour and Americans with Disabilities Act Issues," Mobile Chapter of the Alabama Restaurant and Hospitality Alliance (March 24, 2015)

- "Preservation of Errors for Appeal," Baldwin County Bar Association (October 2014)
- "ADA and FMLA Updates and Interplay," Sterling Education Services, Mobile, Alabama (March 2013)
- "Update on PPACA: What's Happening Now," Sterling Education Services, Mobile, Alabama (March 2013)
- "Employment Best Practices: Tips on Avoiding Legal Claims But What to Expect if You Get One," Client Seminar (January 2013)
- "Waiver and Preservation of Errors for Appeal," Mobile Bar Association (November 2011)
- "Preparing Your Corporate Witness for Deposition," Henry T. Morrisette and Windy C. Bitzer, ABA IN-HOUSE LITIGATOR (Summer 2010)
- "HIPAA Implications of Social Networking," Alabama Primary Health Care Association Annual Meeting (Fall 2009)

#### Representative Cases

- *Doe v. University of South Alabama, et al.*, 2021 WL 1792524 (S.D. Ala. May 4, 2021) (granting summary judgment for defendants on remaining due process claim following dismissal of gender discrimination, other due process, and state law claims in connection with Title IX proceedings).
- *Sadeghian v. University of South Alabama, et al.*, 2020 WL 869217 (S.D. Ala. Feb. 21, 2020) (granting summary judgment for defendants on claims of sex discrimination and harassment)
- *El-Saba v. University of South Alabama*, 738 Fed. Appx. 640 (11th Cir. 2018) (affirming summary judgment for employer on national origin discrimination and retaliation claims), cert. denied, 2019 WL 271973 (Jan. 22, 2019).
- *Ex parte Talbott*, 215 So. 3d 541 (Ala. 2015) (granting petition for writ of mandamus directing trial court to dismiss defendants on statute of limitations and immunity grounds).
- *Ex parte University of South Alabama*, 183 So. 3d 915 (Ala. 2015) (granting petition for writ of mandamus directing trial court to dismiss university on sovereign immunity grounds and to quash subpoena for individual defendant's privileged mental health records).
- *Ex parte Moulton*, 116 So. 3d 1119 (Ala. 2013) (granting petition for writ of mandamus directing trial court to enter summary judgment for all defendants on due process and fraud claims and clarifying prior precedent and enunciating restated State immunity exception in actions against State officials).
- *Hossain v. Steadman, et al.*, 855 F.Supp. 2d 1307 (S.D. Ala. 2012) (granting summary judgment for state university dean and trustees on claims of race, ancestry, ethnicity, and national origin discrimination and equal protection violation).

- *Alkhatib v. Steadman, et al.*, 2011 WL 5553775 (S.D. Ala. Nov. 15, 2011) (granting summary judgment for state university trustees and individual defendant on claims of race, ancestry, and ethnicity discrimination and equal protection violation)
- *Leslie v. Cumulus Media, Inc.*, 814 F. Supp. 2d 1326 (S.D. Ala. 2011) (granting summary judgment for defendant employer on all claims of discrimination and harassment on basis of sex and disability and retaliation in violation of Title VII, ADA, FMLA, and various state laws)
- *Burch v. Moulton*, 980 So. 2d 392 (Ala. 2007) (affirming summary judgment for state university officials on state immunity grounds)
- *Ex parte Barton*, 976 So. 2d 438 (Ala. 2007) (denying petition for writ of mandamus on personal jurisdiction issue in fraud case)
- *Waddell & Reed, Inc. v. United Investors Life Ins. Co.*, 875 So. 2d 1143 (Ala. 2003) (reversing jury verdict/judgment in tortious interference with business relations case)
- *Palmore v. First Unum*, 841 So. 2d 233 (Ala. 2003) (declining to answer certified question posed by federal district court regarding tort of bad faith in ERISA context after initially accepting question for review)
- *Folmar & Associates LLP v. Holberg*, 776 So. 2d 112 (Ala. 2001) (reversing trial court's denial of defendant's motion for summary judgment in intentional interference with business relations lawsuit)
- *Utilities Board of the City of Daphne v. City of Fairhope*, 778 So. 2d 839 (Ala. Civ. App. 2000) (affirming trial court's preliminary injunction order in favor of defendant)
- *Willingham v. QMS, Inc.*, 1999 U.S. Dist. LEXIS 20423 (S.D. Ala. Dec. 13, 1999) (granting summary judgment for defendant in sexual harassment lawsuit)

#### Awards

- Martindale-Hubbell® AV Rated
- *Best Lawyers In America*®, Appellate Practice, 2020 – 2022; Litigation-Labor and Employment, 2019 – 2022
- *Alabama Super Lawyers Rising Star*® Employment & Labor, 2010 and 2012



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