

Pro Se Plaintiff Employment Cases: Defense Strategies

A Practical Guidance® Practice Note by Thomas J. Cedoz, Husch Blackwell LLP



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This practice note provides guidance for employers and defense counsel handling employment litigation brought by self-represented (pro se) plaintiffs in federal court. It addresses the unique practical challenges these cases present and outlines approaches for managing litigation successfully.

The note covers common employment claims asserted by pro se plaintiffs, including discrimination, retaliation, harassment, and wage and hour claims. It examines early case assessment, threshold defenses, motion practice, discovery management, settlement considerations, trial strategy, and appellate

preservation. It also discusses the additional costs and unpredictability associated with pro se litigation and courts' tendency to construe pro se pleadings liberally.

The note explores several categories of challenging pro se litigants, including vexatious filers, sovereign citizens, plaintiffs presenting competency concerns, and litigants who rely heavily on artificial intelligence tools. Additional topics include ethical restrictions on communications with unrepresented parties, responding to unsupported or emotionally driven allegations, managing electronically stored information and discovery disputes, evaluating settlement opportunities, and protecting settlements from later challenges. The note concludes with practical recommendations for employers, in-house counsel, and defense attorneys facing pro se employment litigation.

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Based in Metro Detroit, Tom defends clients in labor and employment lawsuits, contract disputes, and other commercial litigation matters. He practices from Commerce Township, Michigan as a member of our virtual office, The Link.

As a young teen, Tom discovered a fascination with law when his mother attended law school: he enjoyed studying her material so much that he knew he had to make a career here himself. After earning his law degree, he quickly realized that he should focus his practice on litigation because he thrived on the fast pace and the competitive element. Tom loves nothing more than putting a case together and winning for clients.

Tom's practice could be best characterized as universal litigation: he's on hand to defend a client in any case that arises, whether in state or federal court. He has a special concentration in labor and employment matters, particularly collective actions under the Fair Labor Standards Act (FLSA) and noncompetition litigation. Tom also often works to resolve supplier contract disputes. He's experienced with both jury and bench trials and thrives on the adrenaline of the courtroom.

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