

## RUSSELL THOMAS INFINGER

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### PROFILE

Experienced leader and accomplished attorney with a strong background in workers' compensation and employment counseling and litigation for employers. Practice has led to recognition for excellence by Martindale-Hubbell (AV Rating) and *The Best Lawyers in America*. Admitted to practice in South Carolina and Mississippi.

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### LEGAL EXPERIENCE

#### **Nexsen Pruet, LLC**

*Member, 1985 – Present*

- Member (Partner) in 180 attorney firm with offices throughout North and South Carolina.
- Practice focuses primarily on litigation in workers' compensation matters
- Advises corporate clients daily on human resource and workers' compensation issues

#### **United States District Court, Southern District of Alabama**

*Judicial Clerk, 1984 - 1985*

- Served as Judicial Clerk for Honorable Daniel Holcombe Thomas, United States District Court Judge for the Southern District of Alabama in Mobile, Alabama.
- Worked with Judge Thomas who also served by designation for the Eleventh Circuit Court of Appeals

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### EDUCATION

#### **University of Mississippi School of Law**

*Juris Doctor, 1984, cum laude*

- Mississippi Law Journal
- Phi Delta Phi

#### **University of South Carolina**

*B.A., Political Science, 1981, cum laude*

- Phi Beta Kappa

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### STATE AND COMMUNITY INVOLVEMENT

Past Chair, South Carolina Bar Workers' Compensation Section  
Board Member, South Carolina Legal Services  
Member, South Carolina Bar House of Delegates  
Certified Civil Court Mediator



## Rusty Infinger

### Member

Greenville, South Carolina

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### Practices

- Business Disputes
- Employment & Labor Law
- Employment & Labor Law Litigation
- Employment - Workers' Compensation
- Litigation

Russell T. Infinger practices exclusively in the area of workers' compensation defense. Since 1987 the claims Mr. Infinger has defended include: physical brain damage, heart attack, mental-mental, occupational exposure, repetitive trauma, various permanent partial disability claims.

Mr. Infinger is a *cum laude*, Phi Beta Kappa graduate of the University of South Carolina. He received his Juris Doctor *cum laude* from the University of Mississippi School of Law where he was a member of the *Mississippi Law Journal* staff.

Mr. Infinger has been a speaker or panel member at the following events: Southeastern Workers' Compensation Association Annual Meeting, South Carolina Workers' Compensation Educational Association, and several seminars sponsored by NBI, Lorman and SC Chamber of Commerce.

### Career Highlights

- Prior to joining Nexsen Pruet, Mr. Infinger clerked for United States District Court Judge Daniel H. Thomas, Southern District of Alabama.
- *Best Lawyers in America* - Workers' Compensation Law since 2005
- South Carolina Bar - Workers' Compensation Section, past Chairperson
- South Carolina Centers for Equal Justice, ensures low-income residents receive quality legal service - Secretary to the Board
- South Carolina Legal Services - Board Member

### News

- Rusty Infinger Certified as Circuit Court Mediator  
Rusty Infinger has achieved certification as a South Carolina Circuit Court Mediator.
- Nexsen Pruet Attorneys Named to the 2013 Edition of *Best Lawyers in America*®  
Nexsen Pruet attorneys have been named to the *Best Lawyers in America*® list for 2013.
- Fifty-nine Attorneys Selected for *Best Lawyers in America*®; Five Practice Areas Listed Among Top in the Carolinas  
Nexsen Pruet is proud to announce that 59 of its

### Education

- University of South Carolina, B.A., 1981
- University of Mississippi, J.D., 1984

### Bar & Court Admissions

- South Carolina
- Mississippi

### Civic & Professional Memberships

- South Carolina Bar
- Mississippi Bar

attorneys have been named to the 2011 edition of *Best Lawyers*®.

- Fifty-eight Attorneys Selected for *Best Lawyers in America*®  
Fifty-eight Nexsen Pruet attorneys will be included in the 2010 edition of *The Best Lawyers in America*®.
- Rusty Infinger Appointed to South Carolina Legal Services Board  
Nexsen Pruet announced today that Rusty Infinger has been appointed to serve a term on the board of South Carolina Legal Services.
- Nexsen Pruet Moves into New Office Space in Greenville  
Nexsen Pruet has moved into new office space in Greenville.
- "Please re-lease me: Upstate office glut looms"  
The October 27, 2008 edition of GSA Business features a story about Nexsen Pruet's upcoming move and the amount of vacant office space in the Greenville area.
- 45 Nexsen Pruet Attorneys Selected for Best Lawyers Columbia, SC – Forty-five Nexsen Pruet attorneys will be included in the 2009 edition of *The Best Lawyers in America*®. The publication also ranks Nexsen Pruet #1 in eleven practice areas in South Carolina and three in North Carolina.
- 38 Nexsen Pruet Attorneys Named To "The Best Lawyers in America 2008"  
Thirty-eight attorneys from Nexsen Pruet, LLC were recently selected by their peers for inclusion in *The Best Lawyers in America*® 2008 – including six who have now earned the honor for 10 years or more.
- 32 Nexsen Pruet Attorneys Named to 2007 Edition of "Best Lawyers in America"  
Thirty-two attorneys from Nexsen Pruet, LLC have been named to the 2007 edition of *Best Lawyers in America* – including six who have now earned the honor for 10 years or more.
- Americans with Disabilities Act UPDATE - Employment Law Briefing Covers Recent Developments  
Employers constantly struggle with how to apply important ADA requirements to day-to-day issues that arise in the workplace. Please join us for a free breakfast briefing for employers about recent developments under the ADA.

#### Publications

- Employment Law - Business Immigration Update  
Over the past few months, there have been several immigration developments that could have a significant impact on businesses in North and South Carolina. This update summarizes the key developments for employers.
- New Rule Makes "Reasonable Factors Other Than Age" Defense More Difficult for Employers  
On March 29, the Equal Employment Opportunity Commission issued a final rule making it more difficult for employers to establish a "reasonable factor other than age" defense for disparate impact claims under the Age Discrimination in Employment Act.
- Recent Guidelines for Employers of Active Duty & Veteran Service Members

The Equal Employment Opportunity Commission (EEOC) has issued timely and relevant guidance for employers addressing protections afforded veterans under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Americans With Disabilities Act (ADA).

- **Keep Your Ears Peeled: Employment Law Update on the FLSA's "Anti-retaliation" Provision**  
In this issue we describe and discuss a recent federal appeals court decision concluding that internal complaints about pay may be protected by the FLSA's anti-retaliation provision.
- **Employment Law Update: Romance in the Workplace: You, Me and our Employer?**  
As Valentine's **Day** approaches, here are some interesting facts for employers to consider.
- **Recent Ruling that Class Action Waivers are Illegal Shows NLRB Remains Active**  
On January 3, 2012, the National Labor Relations Board (NLRB) ruled that a class action waiver in a mandatory employment arbitration agreement is illegal.
- **I-9 Compliance: Avoiding Traps of New Federal Security Features**  
A redesigned federal document is leading to confusion as businesses try to comply with the I-9 requirement.
- **Employment Law Update - January 2012**  
As employers plan for 2012, the inherent risk posed by departing employees presents an opportunity to reevaluate measures used to protect confidential information and **trade** secrets from the high cost of misappropriation.
- **NLRB Delays Requirement for Employers to Post Pro-Union Notice**  
On August 25, 2011, the National Labor Relations Board (NLRB) issued regulations requiring virtually all employers to **post** a large notice to employees informing them of rights under the National Labor Relations Act (NLRA), particularly their right to unionize. Employers must post the notice beginning April 30th, 2012.
- **Employment Law Update - December 2011**  
The EEOC is processing a record number of charges and collecting record settlement amounts. It is pursuing an aggressive systemic enforcement program and focusing on hiring issues. In this edition we discuss what the EEOC is doing and some of the implications for **employers**.
- **2011 Employment and Labor Law - Final Exam Answer Key**  
Last week's final exam generated tremendous response from Nexsen Pruet clients and friends. Congratulations **to** our winners.
- **2011 Employment and Labor Law - Final Exam**  
It's time to test **your** knowledge of the current state of employment and labor law.
- **Pro-Union NLRB Presents Challenges to Employers: Employment Law Update - October 2011**  
Recent pro-union decisions and proposed rules by the NLRB pose challenges for employers.
- **Wrongful Discharge Claims Limit Employment At-Will Doctrine in North and South Carolina: Employment Law Update - September 2011 Supplemental**  
Employment in North and South Carolina is at-will, which generally **means** an employer can terminate an

employee at any time without notice. However, both states have long-recognized exceptions to the employment-at-will doctrine, including provisions that an employee cannot be discharged for reasons that contravene the "public policy" of the state.

- Employment Law Update - August 2011 Supplemental  
This edition is about a United States Supreme Court decision that illustrates the importance of using clear wording when drafting employee invention assignment agreements.
- Employment Law Update - August 2011  
South Carolina and North Carolina have passed state immigration laws mandating employment verification and imposing penalties for failure to comply.
- Employment Law Update - July 2011  
Employers are increasingly disciplining workers over misuse of social media. At issue in so-called "Facebook Firing" cases is whether terminating employees for making disparaging online posts, and having policies prohibiting such posts, violates federal labor law.
- Employment Law Update - June 2011  
This edition analyzes the EEOC's new final regulations implementing the Americans with Disabilities Act Amendments Act of 2008.
- Employment Law Update - May 2011  
The United States Supreme Court recently ruled that the anti-retaliation provision of the Fair Labor Standards Act (FLSA) extends to an employee's oral complaints.
- Employment Law Update - April 2011  
In a unanimous decision, the U.S. Supreme Court recently ruled that an employer can be held liable for employment discrimination based upon the discriminatory animus of a supervisor who influenced, but did not make, the ultimate employment decision.
- Employment Law Update - March 2011  
A new U.S. Supreme Court decision allows third-party retaliation claims under Title VII.
- Employment Law Update - February 2011  
This edition reviews inclement weather wage and hour issues.
- Employment Law Update - January 2011  
Pregnancy discrimination claims are on the rise; and the NLRB proposes a mandatory pro-union poster for all employers.
- Employment Law Update - December 2010  
New final regulations under the Genetic Information Nondiscrimination Act were published by the EEOC in November and will take effect January 10, 2011.
- Employment Law Update - November 2010  
This edition addresses the enforceability of non-competition agreements in the Carolinas.
- Employment Law Update - October 2010  
This edition focuses on a recent lawsuit brought by the EEOC on behalf of an applicant who claims his employer discriminated against him because of his religion in violation of federal law. The applicant requested the employer make an exception to its grooming policy for religious reasons. The article also mentions steps employers can take to minimize the risk of religious discrimination claims.
- Employment Law Update - September 2010 Supplemental

Part two of a two-part OSHA Update describing what employers can expect in connection with an inspection conducted by South Carolina OSHA and how to contest citations.

- Employment Law Update - September 2010  
The U.S. Supreme Court continues to issue rulings favorable to arbitration agreements in the employment setting.
- Employment Law Update - August 2010 Supplemental  
Part one of a two-part OSHA Update describing what employers can do to prepare for an inspection conducted by South Carolina OSHA.
- Employment Law Update - August 2010  
This edition of the newsletter summarizes a Fact Sheet issued by the U.S. Department of Labor (DOL) setting out the agency's view of unpaid internships.
- Employment Law Update - June 2010  
This edition reviews a recent decision by the Fourth Circuit federal appeals court examining who is a "supervisor" for purposes of holding a company liable for sexual harassment conduct by a supervisor.
- Employment Law Update - January 2010  
As the new year gets underway, the January edition of the Update discusses four resolutions employers will want to consider.
- Employment Law Update - October 2009  
This edition focuses on the EEOC's recent publication that addresses waivers of discrimination claims in employee severance agreements; the EEOC reminds employers and employees about requirements for valid and enforceable releases, especially when the releases are for employees age 40 and older.
- Employment Law Update - August 2009  
This edition focuses on three Department of Labor opinion letters that address how cost-cutting strategies like mandatory furloughs and reduced workweeks may affect an employee's exempt status under the Fair Labor Standards Act. It also updates pending North Carolina legislation that, if passed, would require private sector employers to use E-Verify to check the legal status of new hires.
- Employment Law Update - July 2009  
This edition discusses the U.S. Supreme Court's *Gross v. FBL Financial Services, Inc.* decision, which recognized a more stringent standard of proof for employees bringing claims under the federal Age Discrimination in Employment Act (ADEA). According to the Court, a plaintiff asserting a disparate-treatment claim under the ADEA must prove that age was the "but-for" cause of an adverse employment action, as opposed to a mere "motivating factor."
- Employment Law Update - June 2009 Supplemental  
Starting July 1, 2009, private employers in South Carolina with 100 or more employees must comply with the employment verification requirements of the South Carolina Illegal Immigration Reform Act.
- Employment Law Update - June 2009  
This edition focuses on recent court decisions striking down restrictive covenants for being overly broad and highlights the need to narrowly tailor non-compete and non-solicitation agreements.
- Employment Law Update - May 2009  
This edition explains why many employers are seeking privileged legal compliance reviews of their

compensation practices and documentation in the aftermath of the Lilly Ledbetter Fair Pay Act.

A brief video update on immigration compliance developments is available by clicking [here](#). Then, click on the video entitled "Immigration."

- Employment Law Update - March 2009  
This edition describes the recently enacted Ledbetter Fair Pay Act, which extends the time period in which employees can pursue pay discrimination claims.
- Employment Law Update - February 2009 - Special COBRA Edition  
The economic stimulus law signed by President Obama on February 17, 2009, contains significant changes to COBRA, providing for a premium subsidy for eligible employees and also giving eligible individuals another chance to elect COBRA.
- Employment Law Update - February 2009  
This edition summarizes laws and issues that can impact Carolinas employers when downsizing or otherwise reducing payroll or schedules.
- Employment Law Update - January 2009  
This edition summarizes key provisions of the new FMLA regulations, which will require substantial changes in employer policies and practices.
- Employment & Labor Law Desk Reference For The Carolinas
- Employment Law Update - October 2006  
On August 17, 2006, President Bush signed the 900-plus page Pension Protection Act of 2006 ("PPA"), putting in place many reforms to federal tax and employee benefit laws intended to strengthen the nation's private employer retirement system.
- Employment Law Update - August 2006  
U.S. Supreme Court Expands Anti-Retaliation Provision of Title VII
- Employment Law Update - June 2006  
Recent Decisions Highlight Importance Of Background Checks for Employers

#### Events

- Patient Protection and Affordable Care Act: Employment Law Quarterly Breakfast Briefing
- Sexual Harassment - Survival Tips and Myths: Employment Law Quarterly Breakfast Briefing
- Employment Law Quarterly Breakfast Briefings
- Webinar: Immigration Compliance & Enforcement Update
- Quarterly Employment Law Breakfast Briefing - ADA Update - May 2006
- Quarterly Employment Law Breakfast Briefing - January 2006