

PRACTICE

LITIGATION

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OVERVIEW

We offer depth, breadth and a deep bench of skilled attorneys servicing our client's diverse litigation needs. Our attorneys are experienced and knowledgeable in all aspects of litigation in state and federal courts as well as administrative proceedings. From minor disputes to complex, bet-the-company litigation, we're equipped to handle your litigation needs.

We have successfully litigated a wide range of cases including environmental disputes, insurance coverage and recovery, products liability, medical malpractice, construction and design defects, class actions, employment claims, commercial & business disputes, catastrophic injury, wrongful death and real estate litigation.

Our lawyers are problem solvers. Sometimes litigation can be avoided or resolved through informal dispute resolution, which can include negotiation and mediation. Whether litigation or arbitration is required, our strategic approach is designed to get the best possible result for our client while minimizing inconvenience and costs. We pride ourselves on working with clients to provide customized and cost-effective solutions to your particularized needs. We work to offer alternative fee structures for litigation including contingent, blended or flat fee arrangements when it makes financial sense for our clients.

EXPERIENCE

- *Lindsey v. DeGroot*, 898 N.E.2d 1251 (Ind. Ct. App. 2009) (Determined Indiana's Right to Farm Act was constitutional and applied to bar the nuisance claim of a neighbor

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RELATED INDUSTRIES

AGRIBUSINESS

EDUCATION & SCHOOLS

ENERGY & UTILITIES

HEALTH CARE & LIFE SCIENCES

INDIVIDUALS & CLOSELY HELD BUSINESSES

MANUFACTURING

MUNICIPALITIES & GOVERNMENT

NONPROFIT & RELIGIOUS ORGANIZATIONS

PETROLEUM MARKETERS

REAL ESTATE DEVELOPMENT & CONSTRUCTION

TECHNOLOGY

WASTE SERVICES

against DeGroot Dairy).

- *The Sierra Club v. Gates*, 499 F. Supp. 2d 1101 (S.D. Ind. 2007) (successfully defended action which sought to enjoin continuing shipments of the product of the hydrolosis of the chemical warfare agent VX from a depot in Indiana to Veolia Environmental Service's incineration facility in Texas)
- *Pound v. Airosol Co., Inc.,* 316 F.Supp.2d 1079 (D. Kan. 2004) and 498 F.3D 1089 (10th Cir. 2007) (obtained summary judgment holding competitor's product, which contained ozone-depleting substances violated the Clean Air Act and establishing a competitor's right in the Tenth Circuit to recover attorney fees in bringing a successful citizen's suit under the Clean Air Act)
- *Raybestos Prods. Co. v. Indiana Dept. Envtl. Mgmt.*, Cause No. 49Dl2-0209-PL-001553 (Marion County Superior Court—summary judgment July 6, 2004, June 12, 2006 judgment ($11.6 million) & October 30, 2006 ($4.7 million), (obtained a $16 million judgment against the Indiana Department of Environmental Management for reneging on an agreed order for a risk-based PCB cleanup, reversed on appeal)
- *Port Comm'n v. Consolidated Grain & Barge Co.*, 701 N.E.2d 882 (Ind. Ct. App. 1998) (preliminary injunction regarding use of rail and port facilities)
- *Natural Gas Odorizing, Inc. v. Downs*, 685 N.E.2d 155 (Ind. Ct. App. 1997) (duty to warn gas users)
- *Town of Montezuma v. Downs*, 685 N.E.2d 108 (Ind. Ct. App. 1997) (negligence per se claims involving a gas explosion)

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