



## PRACTICE LITIGATION

### Business Litigation

#### PARTNERS

SEAN M. HIRSCHTEN

AMY E. ROMIG

PETER M. RACHER

GEORGE M. PLEWS

THAO NGUYEN

BRETT E. NELSON

JOHN D. MORIARTY

GREGORY M. GOTWALD

JONATHAN P. EMENHISER

DANIEL P. CORY

JEFFREY D. CLAFLIN

CHRISTOPHER J. BRAUN

TONYA J. BOND

ANDREA K. TOWNSEND

JOSH S. TATUM

JOANNE R. SOMMERS

RYAN T. LEAGRE

COLIN E. CONNOR

JEFFREY D. FEATHERSTUN

#### ASSOCIATES

CODY J. COLDREN

NICHOLAS M. BRADY

#### OVERVIEW

Whether it is a “bet the company” issue or a contractual dispute, our litigators can help. Our litigation experience is broad and deep. For example, we successfully defended a metal recycler against neighboring property owners seeking an injunction that would have put the company out of business. We have successfully represented shareholders in securities fraud litigation. Our business litigation practice is often on the cutting edge nationally handling the first class actions challenging banks’ charges in adjustable rate mortgages and in escrow accounts. We also repeatedly handle contractual disputes amongst vendors and suppliers.

#### 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 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 hydrolysis of the chemical warfare agent VX from a depot in Indiana to Veolia Environmental Service’s incineration facility in Texas)
- *Pound v. Aerosol 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. Env’tl. Mgmt.*, Cause No. 49D12-0209-PL-001553 (Marion County Superior Court—summary judgment July 6, 2004, June 12, 2006)



CHRISTOPHER E. KOZAK

## OF COUNSEL

JAMES BURNS

JOHN M. KETCHAM

JEFFREY A. TOWNSEND

F. RONALDS ("RON")  
WALKER

CHRISTINE C. H. PLEWS

ANGELA M. GREEN

## PARALEGALS

KELLY D. BUTLER

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)

[Include significant environmental and insurance coverage cases?]