



Michael E. Kleinert

Title: Member

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Michael advises and represents clients in a variety of business and legal matters, including complex commercial litigation, contract negotiations, regulatory matters, insurance coverage matters, civil litigation, business torts, and professional liability matters. Michael currently serves on the Firm's Management Committee, and previously served as the Firm's Deputy General Counsel.

CAPABILITIES

Practice Areas

- Appellate Advocacy
- Arbitration, Mediation & Alternative Dispute Resolution
- Business Litigation
- Employment Litigation
- Government & Regulatory Litigation
- Health Care - Litigation & Investigations
- Insurance Coverage, Bad Faith & Regulatory Litigation
- Litigation & Appeals
- Professional Liability Litigation

RECENT ASSIGNMENTS

- Affirmed before the Sixth Circuit an order dismissing bad faith, fraud, and conspiracy claims in a complex insurance coverage case involving underlying professional liability claims.
- Affirmed before the Sixth Circuit an order dismissing claims against a medical record reviewer on the grounds of ERISA preemption, and successfully opposed the plaintiff's petition for a writ of certiorari to the U.S. Supreme Court.
- Affirmed before the Kentucky Court of Appeals an order upholding the contractual shifting language contained in a rental car contract.
- Successfully defended both companies and individuals in matters involving trade secret misappropriation, non-compete agreements, and non-solicitation provisions.
- Won summary judgment in federal court in a complex contractual indemnity dispute.
- Won summary judgment in state court on negligent entrustment claims asserted against a rental car company.
- Won summary judgment in federal court on tort and contract claims asserted against a tractor-trailer repair company.
- Member of team of attorneys involved in complex environmental remediation and allocation litigation. See *Westlake Vinyls, Inc. v. Goodrich Corp.*, 518 F. Supp. 2d 902 (W.D. Ky. 2007); *Westlake Vinyls, Inc. v. Goodrich Corp.*, 518 F. Supp. 2d 918 (W.D. Ky. 2007).
- Member of a team of lawyers involved in a large patent infringement litigation, which resulted in \$40 million settlement for global flavor company V. Mane Fils (www.mane.com). See:
 - *NEW YORK TIMES*, *IFF and Mane Announce Settlement of Mane's Lawsuit Concerning Monomethyl Succinate* (December 29, 2011)
 - *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 249 F.R.D. 152 (D.N.J. 2008), reported in *NEW JERSEY LAW JOURNAL*, *Use of Attorneys' Letters To Woo Business Held To Waive Privilege* (March 5, 2008)

BAR ADMISSIONS

- Kentucky
- U.S. Court of Appeals for the 6th Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Middle District of North Carolina
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the Western District of Kentucky
- U.S. Supreme Court
- U.S. Tax Court

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- Ethics for the Mostly Undead!
CLE, presented to Louis D. Brandeis American Inn of Court, October 2022
- Breach of Fiduciary Duty: Kentucky
Practical Law, Thomson Reuters, November 2021
- Chapter 11: Business Risk Exclusions
co-author, *The Reference Handbook on the Comprehensive General Liability Policy* (American Bar Association, 2d ed. 2014)
- Improving the Quality of Justice: The Innocence Protection Act of 2004 Ensures Post-Conviction DNA Testing, Better Legal Representation, and Increased Compensation for the Wrongfully Convicted
44 *Brandeis Law Journal* 491 (2006)

FIRM LEADERSHIP

- Management Committee (2023-25)
- Deputy General Counsel (2021-23)
- Office of General Counsel (2017-23)
- Office of General Counsel, Ethics Subcommittee, Member (2014-23)

MEMBERSHIPS

- American Bar Association
- Kentucky Bar Association
- Louisville Bar Association
- Defense Research Institute
- Kentucky Defense Counsel
- Louis D. Brandeis American Inn of Court , Barrister

COMMUNITY INVOLVEMENT

- State Board of Physical Therapy, Board Member (2021-25)
- Christine M. Kleinert Institute for Hand and Microsurgery, Board of Directors (2014-present)
- WLKY-TV's Spirit of Louisville Foundation, Board of Trustees (2015-present)
- St. Agnes Church, Pastoral Council (2021-present)
- Leadership Kentucky, Class of 2017
- Legal Aid Society, Justice for All Campaign Board Member (2011-14); Associates Campaign Board Member and Co-Chair (2009-14)
- Legal Aid Society, volunteer attorney

EDUCATION

University of Louisville Louis D. Brandeis School of Law J.D. *magna cum laude* 2006

- Salutatorian (Edwin O. Davis Award)
- *Brandeis Law Journal*, Vol. 44 Senior Articles Editor
- Brandeis Honor Society
- West Group Outstanding Scholastic Achievement Award
- Clark Boardman Callaghan Best Brief Award
- Chief Justice John S. Palmore Award

Xavier University B.S.B.A., Marketing *summa cum laude* Minor in Information Technology 2003

- Valedictorian Candidate
- Delta Sigma Pi Scholarship Key
- Beta Gamma Sigma Honor Society for Business Excellence
- William Masterson Memorial Scholarship for Marketing
- Men's NCAA Division I Tennis Team, Co-Captain
- Atlantic-10 Academic All-Conference, 2001-03

MORE THAN STITES & HARBISON

Outside of practicing, Michael enjoys hiking, mountain biking, playing the guitar and piano, and spending time with his wife, daughter, son, and two dogs. Michael is also an avid fan of college basketball and football.

ACCOLADES

- ChambersUSA, "America's Leading Lawyers for Business," Litigation: General Commercial (2021-23)
- *Best Lawyers in America*®, Professional Malpractice Law - Defendants (2022-24)
- *Kentucky Super Lawyers*®(2023-24)
- *Kentucky Super Lawyers*®, Rising Star (2013-21)