



Michael E. Kleinert

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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.

## CAPABILITIES

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### Practice Areas

- Appellate Advocacy
- Business Litigation
- Insurance Coverage, Bad Faith & Regulatory Litigation
- Litigation & Appeals
- Professional Liability Litigation

## RECENT ASSIGNMENTS

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- Affirmed before the Sixth Circuit an order dismissing bad faith, fraud, and conspiracy claims against an insurer relating to its denial of coverage in a professional liability matter
- Affirmed before the Sixth Circuit an order dismissing a claim 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 Sixth Circuit an order dismissing bad faith claims against an insurer for allegedly delaying payment after a fire loss
- Obtained summary judgment in federal court in a complex contractual indemnity dispute
- Obtained summary judgment in federal court on various negligence claims asserted against a tractor-trailer repair company
- Currently involved in several complex contract disputes, insurance coverage matters, and professional liability matters
- Represent insurers in a variety of matters, including bad faith litigation and coverage actions ranging from professional liability insurance to life/disability insurance
- 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](http://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)
  - *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2011 U.S. Dist. LEXIS 38637 (D.N.J. Apr. 8, 2011)
  - *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2008 U.S. Dist. LEXIS 49578 (D.N.J. June 23, 2008)
  - *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2008 U.S. Dist. LEXIS 63619 (D.N.J. Aug. 19, 2008)
  - *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2008 U.S. Dist. LEXIS 82540 (D.N.J. Oct. 15, 2008)
  - *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2009 U.S. Dist. LEXIS 56462 (D.N.J. July 1, 2009)
  - *V. Mane Fils S.A. v. Int'l Flavors & Fragrances, Inc.*, 2010 U.S. Dist. LEXIS 45645 (D.N.J. May 6, 2010)

## BAR ADMISSIONS

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- 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

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- 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

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- Ethics Committee, Member
- Office of General Counsel

## MEMBERSHIPS

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

## COMMUNITY INVOLVEMENT

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- 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)
- 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
- St. Agnes Church, member

## EDUCATION

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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

## MORE THAN STITES & HARBISON

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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

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