STITES & HARBISON PLLC



Michael D. Risley

Title: Member

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Mike Risley is Co-Chair of the firm's Appellate Advocacy Group and former Chair of the Louisville office's Litigation Service Group. A seasoned litigator, Mike frequently appears before both state and federal appellate courts. He also has deep experience in disputes involving insurance bad faith and coverage, ERISA, and commercial and employment-related matters. Mike formerly served as the Louisville Office Executive Member and is a former member of the firm's Management Committee.

CAPABILITIES

Practice Areas

- Appellate Advocacy
- Insurance Coverage, Bad Faith & Regulatory Litigation
- Employee Benefits
- Business Litigation
- Litigation & Appeals

RECENT ASSIGNMENTS

- Currently representing multiple clients in various appellate courts including several matters currently pending in the Kentucky Supreme Court.
- Represented several amici before the Sixth Circuit Court of Appeals in highly publicized Securities Act Class Act.

- Represented property owner in insurance coverage dispute in Tenth Circuit Court of Appeals.
- Had two victories in the Kentucky Supreme Court in 2024, one dealing with insurance coverage issues and one dealing with a statute of limitations issue.
- Represented Kentucky bourbon distiller on matters arising from well-publicized collapse of bourbon warehouse.
- Successfully represented insurer in Sixth Circuit Court of Appeals in plaintiff's appeal of dismissal of bad faith claims. (2020)
- Convinced Kentucky Supreme Court to not abandon traditional classification of entrants upon land in premises liability cases. (2018)
- Successfully represented plaintiffs before the Kentucky Supreme Court in connection with $100 million judgment partially set aside by the Court of Appeals. (2018)
- Successfully represented insurer in Kentucky Court of Appeals in plaintiff's appeal from setting aside of significant default judgment. (2019)
- Represented insurer before the Kentucky Supreme Court in significant bad faith verdict. (2017)
- Successfully represented insurer before Kentucky Supreme Court in reversal of Court of Appeals dismissal of insurer's appeal on procedural grounds. (2015)

REPORTED DECISIONS

- *In re: Firstenergy Corporation Securities Litigation*, 2025 WL 2331754 (6th Cir. 2025) (reversing district court certification of plaintiff class in securities class action)
- *Auto-Owners Ins. Co. v. Excelsior Westbrook Ill., LLC*, 2025 WL 2157456 (10th Cir. 2025) (insurance coverage issues arising from significant water damage to commercial building)
- *Phoenix Ins. Co. v. Wehr Constructors*, 134 F.4th 933 (6th Cir. 2025) (reversal of summary judgment granted to insurer on duty to defund)
- *Motorists Mutual Ins. Co. v. First Specialty Ins. Corp.*, 706 S.W.3d 120 (Ky. 2024) (interaction of multiple insurance coverages applying to a single loss)
- *Handy v. Louisville/Jefferson County Metro Gov't*, 2024 WL 114654 (Ky. 2024) (statute of limitations applicable to government's indemnity claim)
- *Chentwood v. Kentucky Farm Bureau Mut. Ins. Co.*, 654 S.W.3d 720 (Ky. App. 2023) (whether bodily injury limitation applied to spouse's loss of consortium claim)
- *In re King's Daughters Health System, Inc.*, 31 F.4th 520 (6th Cir. 2022) (sought writ of mandamus from Sixth Circuit Court of Appeals on behalf of hospital trying to protect the confidentiality of patient information)

- *Everest Stables, Inc. v. Rambicure*, 803 Fex. Appx. 819 (6th Cir. 2020) (Sixth Circuit affirmed summary judgment granted to insurer on bad faith claim)

- **Other Significant Appellate Decisions**
  - *Davis v. Kentucky Farm Bureau Mut. Ins. Co.*, 495 S.W.3d 159 (Ky. App. 2016) (Successfully represented insurer in case involving the number of occurrences arising from a tragic death)
  - *Marshall v. Rawlings Co.*, 854 F.3d 368 (6th Cir. 2017) (2-1 reversal of summary judgment granted employer on employment-related claims)
  - *Indiana Ins. Co. v. Demetre*, 527 S.W.3d 12 (Ky. 2017) (Appeal from significant bad faith verdict against insurer)
  - *Gentry v. Tennessee Board of Judicial Conduct*, 2018 U.S. App. LEXIS 7629 (6th Cir. 2018) (Sixth Circuit Court of Appeals affirmed dismissal of claims against attorneys brought by opposing party)
  - *Yung v. Grant Thorton*, 563 S.W.3d 22 (Ky. 2019) (Kentucky Supreme Court reinstated full award of $80,000,000 in puritive damages to firm's client)
  - *Smith v. Smith*, 563 S.W.3d 14 (Ky. 2019) (Convinced Kentucky Supreme Court to retain traditional classifications of entrants onto land to define the duties owed the entrant)
  - *Vogt Power Int'l, Inc. v. Labor Dep't of Workplace Standards*, 585 S.W.3d 169 (Ky. App. 2019) (Dispute over whether Wage and Hour regulations applied to a corporate executive)
  - *Community Financial Services Bank v. Stamper*, 586 S.W.3d 737 (Ky. 2019) (Kentucky Supreme Court resolved what constitutes a negotiable instrument under the Uniform Commercial Code)
  - *PNC Bank, N.A. v. Edwards,* 590 S.W.3d 818 (Ky. 2019) (Kentucky Supreme Court clarified jurisdictional issues in Estate litigation)
  - *Kentucky Farm Bureau Mut. Ins. Co. v. Armfield,* 2016 Ky. App. LEXIS 23 (Ky. App. 2016) (Court of Appeals held no coverage existed for loss of consortium claim when no coverage existed for bodily injury claim)
  - *Kentucky Farm Bureau Mut. Ins. Co. v. Conley*, 456 S.W.3d 814 (Ky. 2015) (Ky. Supreme Court reversed Court of Appeals' dismissal of appeal, recognizing that appeals should be decided on their merits)
  - *Macglashan v. ABS LINCS KY, Inc.*, 448 S.W.3d 792 (Ky. 2014) (Kentucky Supreme Court answered certified question of law on employment law issue)
  - *Hoskins v. Kentucky Farm Bureau Mut. Ins. Co.*, No. 2012-SC-000731-D (Ky. 2014) (Kentucky Supreme Court deadlocked 3-3 on applicability of a policy exclusion to a spouse's loss of consortium claim)

- *Phelps v. American Reliable Ins. Co.*, 2014 Ky. App. Unpub. LEXIS 869 (Ky. App. 2014) (Successful affirmance of trial verdict in insurance coverage/bad faith action)
- *Smith v. AEGON Cos. Pension Plan*, 769 F.3d 922 (6th Cir. 2014) (Sixth Circuit upheld enforcement of forum selection clause contained in ERISA plan)
- *Smith v. Commonwealth General Corp.*, 589 Fed. Appx. 738 (6th Cir. 2014) (Sixth Circuit affirmed dismissal of state law claims based on ERISA preemption)
- *Crutchfield v. Transamerica Occidental Life Ins. Co.*, 527 Fed. Appx. 339 (6th Cir. 2013) (Sixth Circuit affirmed summary judgment for insurer on claims for long-term care benefits and for bad faith)
- *Young v. Nationwide Mut. Ins. Co.*, 693 F.3d 532 (6th Cir. 2012) (Sixth Circuit affirmed certification of plaintiff class in connection with insurer's address verification process for taxing purposes)
- *Cincinnati Ins. Co. v. Motorists Mut. Ins. Co.*, 306 S.W.3d 69 (Ky. 2010) (Successfully represented appellant before Kentucky Supreme Court on whether a contractor's faulty workmanship constitutes an occurrence for purposes of a Commercial General Liability policy)
- *West v. Tyson Foods, Inc.*, 374 Fed. Appx. 624 (6th Cir. 2010) (Represented employer in appeal of discrimination claim)
- *Cape Publications, Inc. v. University of Louisville Foundation*, 260 S.W.3d 818 (Ky. 2008) (Resolving application of Open Records Act to the identity of donors to the University of Louisville Foundation)
- *Cincinnati Ins. Co. v. Hofmeister*, 2008 Ky. App. LEXIS 313 (Ky. App. 2008) (Reversal of significant insurance bad faith verdict)
- *Kentucky Farm Bureau Mut. Ins. Co. v. Rodgers*, 179 S.W.3d 815 (Ky. 2005) (Reversal of insurance bad faith verdict)
- *Harris v. Peabody Coal Co.*, 102 Fed. Appx. 482 (6th Cir. 2004) (Affirmance of summary judgment for employer on discrimination claim)
- *James v. Kentucky Farm Bureau Mut. Ins. Co.*, 2003 Ky. App. LEXIS 312 (Ky. App. 2003) (Affirmance of verdict in insurer's favor on coverage and bad faith claims arising out of school shooting)
- *Kroger Co. v. Regional Airport Authority*, 286 F.3d 382 (6th Cir. 2002) (Sixth Circuit upheld administrative process client had implemented)
- *Global Network Technologies v. Regional Airport Authority*, 122 F.3d 1997 (8th Cir. 1997) (Affirmance of summary judgment on claim of fraud in letter of credit being presented for payment)
- *United Mine Workers v. Peabody Coal Co.*, 38 F.3d 850 (6th Cir. 1994) (Affirming summary judgment for employer in WARN Act case on statute of limitations grounds, thereby creating a conflict among the circuits eventually resolved by the Supreme Court)

BAR ADMISSIONS

- Kentucky
- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 8th Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky
- U.S. Supreme Court

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- US Chamber Urges 6th Circ. To Ax FirstEnergy Class Cert.
  By Katryna Perera, Law360.com, February 20, 2024 *,with Bethany A. Breetz, Marjorie A. Farris, Chadwick A. McTighe and Sarah Cronan Spurlock*
- Tie Votes in the Kentucky Supreme Court
  Bench & Bar Magazine, Kentucky Bar Association, March/April 2023
- Friend or Foe - Dealing With Your Own Insurer
  Kentucky Bar Association In-House Counsel seminar, March 8, 2022
- IN PERSON: Stites & Harbison's Michael Risley goes from small town to the big time
  By Steve Kaufman, *Louisville Business First*, February 1, 2021
- The Court of Appeals is Speaking - Are We Listening?
  Louisville Bar Briefs, January 2021 *,with Bethany A. Breetz and Alisa Micu*
- How Louisville's lawyers, architects and accountants are going remote
  by Marty Finley and Sarah Shadburne, *Louisville Business First*, April 2, 2020
- Stites & Harbison names new top exec in Louisville
  by Chris Larson, *Louisville Business First*, March 3, 2020
- Kentucky High Court Restores $80M Punitive Damages Against Firm
  Law360, December 13, 2018 *,with Bethany A. Breetz and Matthew W. Breetz*
- Homebuilder's commercial liability insurance may not completely protect you
  Stites & Harbison, PLLC, Client Alert, March 30, 2010
- Q&A with Stites & Harbison's Michael Risley
  Law 360, New York, November 10, 2009

FIRM LEADERSHIP

- Appellate Advocacy group, Co-Chair
- Louisville Office Recruiting Committee, Member
- Business Acceptance Committee, Former Member
- Former Office Executive Member, Louisville Office
- Diversity Committee, Former Member
- Louisville Litigation Service Group, Former Chair
- Management Committee, Former Member

MEMBERSHIPS

- American Bar Association
- Kentucky Bar Association
- Louisville Bar Association
- Defense Research Institute
- Kentucky Defense Counsel
- Kentucky Bar Foundation,
  - Life Member

COMMUNITY INVOLVEMENT

- Better Business Bureau of Greater Louisville, General Counsel
- Episcopal Diocese of Kentucky, Church Attorney
- St. Francis School, former long-term Board of Trustees member
- University of Kentucky Fellow

EDUCATION

- University of Kentucky College of Law J.D., with highest distinction, 1983

- Murray State University B.S., Psychology, *summa cum laude* 1977

MORE THAN STITES & HARBISON

Mike serves as General Counsel to the Better Business Bureau of Greater Louisville. He is a Church Attorney for the Episcopal Diocese of Kentucky, and a former long-time member of the Board of Trustees of St. Francis School, an independent school located in Louisville. Mike spends some of his time away from the office travelling, being an avid sports fan, and serving at his Church. In addition, while a notoriously bad golfer, Mike will long be remembered for winning the closest to the pin contest at the 2005 Louisville Bar Association annual golf outing.

ACCOLADES

- *Martindale-Hubbell*® AV-Preeminent® Peer Review Rated
- *Best Lawyers in America*®, Appellate Practice (2011-27)
- *Best Lawyers in America*®, Louisville Area Lawyer of the Year in Appellate Law (2017, 2022)
- *Kentucky Super Lawyers*® (2013-26)
- *Louisville Magazine's* "Top Lawyers" for Insurance Law (2013, 2014, 2016)
- *Finance Monthly*, Fintech Awards Insurance & Reinsurance Lawyer of the Year (2019)