STITES & HARBISON PLLC



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
- Health Care – Litigation & Investigations
- Insurance Coverage, Bad Faith & Regulatory Litigation
- Government & 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 Monomenthyl 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 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
- U.S. District Court for the Middle District of North Carolina

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- Civility and Professionalism in Litigation: Has the 'Comment Section' Invaded the Courtroom?

  Organizer, 16th Annual Lively M. Wilson Memorial Lecture Series on Ethics, Professionalism and Civility, Louisville Bar Association, October 28, 2026

- 20 People to Know in Law: Michael Kleinert

  by Amy Higgs, *Louisville Business First*, November 13, 2025

- Introducing LBF's 20 People to know in law for 2025

  by David A. Mann, *Louisville Business First*, October 7, 2025

- Fraud: Kentucky

  Practical Law Commerce Litigation State Q&A, August 7, 2025 *,with Chadwick A. McTighe and Zachary M. VanVactor*

- Equitable Remedies for Contract Actions: Kentucky

  Practical Law Commercial Litigation State Q&A, Thomson Reuters, May 2025 *,with Chadwick A. McTighe and Zachary M. VanVactor*

- Breach of Contract Defenses: Kentucky

  Practical Law State Q&A, Thomson Reuters, December 2024 *,with Chadwick A. McTighe and Zachary M. VanVactor*

- Contract Basics for Litigators: Kentucky

  Practical Law State Q&A, Thomas Reuters, December 2024 *,with Chadwick A. McTighe and Zachary M. VanVactor*

- Tortious Interference: Kentucky

  Practical Law State Q&A, Thomas Reuters, August 2024 *,with Chadwick A. McTighe and Zachary M. VanVactor*

- 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 *,with Chadwick A. McTighe and Zachary M. VanVactor*

- 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-present)
- Artificial Intelligence Committee, Managment Committee Liaison (2025-present)
- 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

- Kentucky State Board of Physical Therapy, Board Member (2021-present)
- The Spirit of Louisville Foundation, Inc., Board of Trustees (2015-present)
- Christine M. Kleinert Institute for Hand and Microsurgery, Board of Directors (2014-present)
- St. Agnes Church, Pastoral Council (2021-2025)
- 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
- Xavier University B.S.B.A., Marketing, Minor in Information Technology *summa cum laude* 2003

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 (2021-24)
- *Best Lawyers in America*®, Professional Malpractice Law - Defendants (2022-27)
- *Kentucky Super Lawyers*®(2023-26)
- *Kentucky Super Lawyers*®, Rising Star (2013-21)
- *Benchmark Litigation* magazine, Future Star (2026)
- *Legal500*, US City Elite, Kentucky Elite, Commercial Disputes (2026)
- *Business First of Louisville*, 20 People To Know in Law (2025)