



## Thad M. Barnes

**Title:** Member

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Mr. Barnes is a seasoned trial attorney with experience in more than 40 bench and jury trials. His practice centers on complex commercial litigation, intellectual property disputes, product liability, and health care litigation. He has handled numerous high-stakes matters, including bet-the-company cases, patent and trade secret litigation, and mass torts.

Mr. Barnes also advises clients on complex e-discovery issues, construction disputes, employment matters, and non-compete agreements. He regularly assists companies with information security, social media concerns, and developing defensible strategies for managing electronically stored information (ESI) in litigation, regulatory matters, and DOJ investigations.

He is recognized by *Benchmark Litigation* as a “Litigation Star” in Intellectual Property and was named one of America’s Best-in-State Lawyers by *Forbes Magazine*.

Mr. Barnes serves as Co-Chair of the firm’s Business Litigation Service Group and has completed multiple terms on the firm’s Management Committee.

## CAPABILITIES

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### Practice Areas

- Antitrust, Consumer Protection & Attorney General Defense
- Arbitration, Mediation & Alternative Dispute Resolution
- Business Litigation
- Class Action, Mass Action & Multi-District Litigation
- Environmental Litigation

- Franchise & Distribution
- Intellectual Property Litigation
- Intellectual Property & Technology
- Litigation & Appeals
- Pretrial Practice & eDiscovery
- Product Liability Litigation

## RECENT ASSIGNMENTS

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- Obtained successful denial of petition for Inter Partes Review for a manufacturing client.
- Obtained multiple summary judgments in Hamilton County, Ohio on chemical exposure claims for manufacturing client (2024).
- Counsel for an independent institutional investment consultant in defense of derivative, taxpayer, and Attorney General claims asserted on behalf of a public pension system for alleged breach of statutory and fiduciary duties, civil conspiracy, and aiding and abetting breaches of fiduciary and statutory duties. *Overstreet v. Mayberry*, 603 S.W.3d 244 (Ky. 2020)
- Lead counsel for a corporate client in a multi-week jury trial against plaintiffs seeking over \$150 million in compensatory and punitive damages for alleged wrongful death and chemical exposure.
- Successfully represented flavor manufacturer in New Jersey federal court in a products liability litigation against a supplier of adulterated products.
- Represented a UK protective case manufacturer against patent infringement claims filed by OtterBox at the United States International Trade Commission, *In the Matter of Certain Protective Cases for Electronic Devices and Components Thereof*, Investigation No. 337-TA-955 filed by OtterBox. Obtained complete dismissal of the investigation. See "Victory for Tech21 as OtterBox ends patent dispute with protective case rival," **MOBILE NEWS** (September 15, 2015).
- After a five week jury trial in New Jersey federal court, obtained a unanimous defense verdict in favor of fragrance company Mane USA, Inc. dismissing claims that the company conspired with a perfumer to misappropriate over 600 trade secret fragrance formulas from a competitor—Swiss fragrance giant Givaudan Fragrances Corp. Givaudan had claimed \$80 million in damages. Before trial, Mane obtained partial summary judgment from the Court dismissing the majority of the claims in a decision that received national attention as an important case regarding potential trade secret liability for subsequent employers. See *Givaudan Fragrances Corp. v. Krivda*, 2013 U.S. Dist. LEXIS 153437 (D.N.J. Civil Action No. 3:08-cv-04409, Oct. 25, 2013), reported in *Failure to Provide Specific Information On Alleged Misappropriations Fatal to Claims*, Bloomberg, BNA Patent, Trademark &

Copyright Journal (October 29, 2013).

- Lead counsel in obtaining \$40 million settlement for global flavor manufacturer V. Mane Fils ([www.mane.com](http://www.mane.com)) against a competitor for claims of patent infringement, false advertising, and tortious interference. 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) 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).
- Lead counsel in successful international arbitration trial involving pro audio music speaker manufacturer and foreign distributor for 40 countries.
- Successfully defended a second request hospital merger challenge by Federal Trade Commission.
- Co-counsel in multi-million dollar environmental remediation and allocation dispute involving international corporations. *Westlake Vinyls, Inc. v. Goodrich Corp.*, 518 F.Supp 2d 902 (W.D. Ky. 2007) and *Westlake Vinyls, Inc. v. Goodrich Corp.*, 518 F.Supp. 2d 918 (W.D. Ky. 2007).
- Developed numerous document retention/ESI policies for large U.S. corporations.
- Litigated a trademark infringement action involving two U.S. restaurant corporations.
- Successfully defended a complex business case involving a dispute over the sale of power generating equipment. The case involved over 150 witnesses, 2 million paper documents and in excess of three terabytes of electronic data.
- Represented a technology company in a complex business case involving breach of contract claims.
- Successfully defended several hospitals in medical malpractice cases.
- Successfully defended a manufacturer in an anti-trust case. The case involved an assessment of several terabytes of electronic information by a team of Stites lawyers.

## BAR ADMISSIONS

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- Kentucky
- Tennessee

- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 7th Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Eastern District of Tennessee
- U.S. District Court for the Middle District of Tennessee
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Western District of Tennessee

## RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

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- Thad Barnes and Michael Denbow to Lead Stites & Harbison's Business Litigation Group  
by editor, *Louisville Business First*, March 29, 2024 ,with [Michael Denbow](#)
- Stites & Harbison Names Business Litigation Co-Chair Duo  
By Adrian Cruz, *Law360.com*, March 29, 2024 ,with [Michael Denbow](#)
- Commanding the Courtroom  
University of Kentucky College of Law, Lexington, Ky., November 2, 2018 ,with [Matthew W. Breetz](#)
- 3rd Circ. Won't Revive \$80M Fragrance Secrets Row  
by Dan Packel, *Law360.com*, February 12, 2016
- Stites & Harbison Obtains Defense Verdict in \$80 Million Trade Secret Misappropriation Case  
*Stites & Harbison, PLLC Client Alert*, February 11, 2014
- Understanding and Managing New Issues in E-Discovery  
Southern Law Network, December 2011
- eDiscovery and Electronic Health Records  
KHIMA Annual Meeting, June 2008
- Should I Keep EVERY Email and Document, Just in Case?  
TechLINKS, September 17, 2007
- Protection of Intellectual Property Rights in Litigation  
AOPA National Convention, Miami, Fla., October 2004

## FIRM LEADERSHIP

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- Business Litigation Service Group, Co-Chair (2024-present)
- Pretrial Practice & eDiscovery Group, Chair

- Recruiting Committee, Former Member
- Louisville Office Recruiting Committee, Former Ex Officio Member
- Lateral Recruiting Committee, Former Chair
- Management Committee, Former Member

## MEMBERSHIPS

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- American Bar Association
- Kentucky Bar Association
- Louisville Bar Association
- Memphis Bar Association
- Defense Research Institute
- Leo Bearman Jr. American Inns of Court Society
- Federal Bar Association

## COMMUNITY INVOLVEMENT

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- St. Agnes Church, Member
- Pi Kappa Alpha, Board of Directors

## EDUCATION

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- University of Louisville Louis D. Brandeis School of Law J.D., 1993
- University of Kentucky B.A., 1990

## ACCOLADES

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- *The Best Lawyers in America*®, Commercial Litigation (2013-26)
- *Kentucky Super Lawyers*® (2013-19, 2021-25)
- *Benchmark Litigation* magazine, Litigation Star (2015-26)
- *Forbes*, America's Best-in-State Lawyers, Commercial Litigation (2025)