

BUSINESS OF LAW

SUCCESS stories

LAW FIRMS HIGHLIGHT HOW THEY HELPED BUSINESS CLIENTS IN 2014

The following success stories for 2014 were submitted to Business First by local law firms.

They illustrate how each of the firms assisted a business client to achieve a successful outcome in a legal matter, such as a court case, settlement or business deal.

The information was compiled from responses to a Business First survey of law firms on the 2014 list of largest area law firms.

Business First asked firms to summarize a big success during 2014. They were asked to select a particular case, explain why it was a success and note the major players involved.

Responses appear below and on page 6.



BOEHL STOPHER GRAVES REPRESENTS GEICO IN CHIROPRACTIC CASE

The Kentucky Board of Chiropractic Examiners filed suit seeking an injunction prohibiting licensed physicians from reviewing the claims of chiropractors for reimbursement of their treatment charges under the so-called "no fault" statutes in Kentucky.

"The chiropractic board maintained that chiropractors had the exclusive authority to review the bills of other chiropractors claiming reimbursement from insurance carriers providing 'no fault' coverage in Kentucky," according to Edward Stopher, partner at Boehl Stopher & Graves LLP.

"Specifically, the board sought an injunction prohibiting licensed physicians from reviewing the bills of chiropractors to assist insurance carriers in determining whether to pay or deny those bills as 'no fault' claims," Stopher said.

"The Franklin Circuit Court and the Kentucky Court of Appeals denied the request for an injunction and allowed licensed physicians to perform such reviews in the case of Commonwealth of Kentucky, Board of Chiropractic Examiners v. Charles Barlow, M.D., et al.

"Our client, GEICO General Insurance Co., intervened as a defendant, and various amicus curiae joined, including the American Medical Association.

"The matter is now pending in the Kentucky Supreme Court on the board's motion for discretionary review."

Boehl Stopher & Graves attorneys involved included Stopher, Raymond G. Smith, Charles H. Stopher and Todd P. Greer.



Edward Stopher

DINSMORE & SHOHL WINS WRONGFUL TERMINATION CASE FOR THE COURIER-JOURNAL

"At a time when fewer than 5 percent of all civil cases are tried, in the past 12 months Dinsmore attorneys successfully tried an average of two cases per quarter on behalf of local and national businesses," according to John E. Selent, Louisville office managing partner of Dinsmore & Shohl LLP.

"In one case, attorneys Kathryn Quesenberry and Caroline Pieroni successfully defended Gannett Co. and the Louisville Courier-Journal in a wrongful termination case.

"The case hinged on the claims of a former Courier-Journal executive who was laid off at age 61 in a 2011 corporate restructuring," Selent said.

"The employee alleged that Gannett and the newspaper targeted him for termination because of his age, 'covered up' the reasons for the termination, and failed to offer him a job in the reorganized company.

"During the eight-day trial in Jefferson Circuit Court, Quesenberry and Pieroni demonstrated that the plaintiff's position was eliminated for business reasons due to a restructuring.

"The jury of seven men and five women determined that age was not a 'substantial motivating factor' in either terminating the executive or refusing to offer him another job," said Selent.

"The defense verdict was a major win for our clients as the former employee sought up to \$1.4 million in damages."



John Selent

FISHER & PHILLIPS WINS VICTORY FOR TOYOTA IN CASE ABOUT WAGES

In 1999, five Plaintiffs, who purported to represent more than 1,000 employees at Toyota Motor Manufacturing, Kentucky Inc., brought a class action complaint alleging they were not compensated for time spent putting on and taking off paint suits prior to and after their work on the production line.

The Scott Circuit Court agreed to dismiss the case, but when the law changed in 2006, the court reopened the case, according to attorneys at Fisher & Phillips LLP.

Toyota was represented by Fisher & Phillips partners Jeffrey A. Savarise and Timothy J. Weatherholt. They argued the case should have never been reopened.

The attorneys said they also made the novel argument that the Kentucky Wages and Hours Act does not permit class actions. Although the plain language of Kentucky's statute does not permit a representative action, courts still had allowed such cases to proceed, according to the attorneys.

The Court of Appeals, however, agreed with Toyota, and the Kentucky Supreme Court denied discretionary review.

The attorneys said that this decision is a major victory for employers because the class action device now likely is not available for Kentucky wage claims.



Jeffrey Savarise



Timothy Weatherholt