



Anne K. Guillory

Partner
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Louisville, KY
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Anne is a civil litigator who enjoys a multi-faceted practice. Anne defends a wide variety of claims on behalf of product manufacturers, retailers, trucking companies, and a host of other businesses and individuals. Anne has extensive experience in Kentucky state and federal courts and represents clients in multiple industries and sectors from pre-suit investigations through summary judgement, trial, and, if necessary, appeal. In addition, Anne also serves as outside risk manager and coordinator for clients needing multiple areas of expertise. She works to ensure aggressive and early evaluation of matters so that clients can make informed decisions on next steps. Anne enjoys collaborating with colleagues across Dinsmore's footprint to address each client's specific needs.

Anne is a member of the Tort Group and co-chairs the Toxic Tort subgroup. She serves on the in-house Medicare Secondary Payer team to advise internal and external partners on MSP compliance issues and best practices for resolving cases involving Medicare beneficiaries.

Another facet of Anne's practice involves her passion—horses. Whether her equine law clients need sales contracts and boarding agreements, face liability issues, or simply need general risk management, Anne advises clients from the backyard hobby owner to the non-profit rescue to the large training barn. Anne is a trained mediator and believes that mediation with an experienced equine practitioner is an attractive and cost-conscious alternative for all sides. An avid rider and horseracing enthusiast, Anne is a member of the ASHBA and the Rock Creek Riding Club.

Prior to joining Dinsmore in 2008, Anne spent the first eight years of her career practicing at Woodward, Hobson & Fulton, LLP.

Services

- Product Liability
- Litigation
- Toxic Tort
- Tort
- Appellate

- Transportation Industry
- Health Care Industry
- Insurance Industry
- Equine Industry

Education

- Washington and Lee University School of Law (J.D., 2001)
- Western Kentucky University (B.A., *summa cum laude*, 1998)

Bar Admissions

- Kentucky

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Southern District of Indiana

Affiliations/Memberships

- Kentucky Bar Association
- Louisville Bar Association, Communications Committee
- Defense Research Institute
- American Saddlebred Horse and Breeders Association
- United States Equestrian Federation
- Rock Creek Riding Club
- Washington & Lee University Law Alumni Association
- Western Kentucky University Alumni Association

Distinctions

- Peer Review Rated AV Preeminent in Martindale-Hubbell
- Kentucky Rising Stars®

Equine Law

Anne doesn't need to be educated on the basics when working with clients on equine-related issues, as she already "speaks horse." When she was nine, her parents bought a pony thinking she would outgrow the horse phase, but she never did. She has spent her life around horses, owners, and trainers and has an appreciation for a wide variety of breeds and disciplines. Decades of experience with horses, coupled with nearly 20 years of law practice, form the cornerstone of knowledge she relies upon when counseling clients in the equine industry.

As a rider and horse owner, Anne is well situated to assist clients ranging from hobby farm owners to large training stables to non-profit riding clubs and horse rescues. She has counseled clients on diverse equine-related issues, such as setting up board and training operations, effective drafting of sale and lease agreements, and advice on risk management, including liability waivers and best practices under the Kentucky Farm Animal Activity Act. In addition, as an experienced litigator, she has represented clients in disputes involving sale/lease agreements, soured partnerships, oversights in pre-purchase exams, and equine-related personal injury and product liability matters.

Anne also understands the time and expense of litigation is often a barrier to small- and medium-sized equine industry clients, particularly when it comes to breach of contract disputes. At the same time, equine stakeholders need and deserve a forum to resolve disputes in a cost-effective manner. Anne believes mediation offers a cost-conscious alternative to litigation, as well as an opportunity for parties already in litigation to find certainty and finality in what is often an uncertain process. She is uniquely suited to mediate equine-related cases as she can combine her litigation experience, "horse sense," and mediation training to assist parties in exploring potential resolutions.



Experience

Rodrock v. Gumz, 2012 U.S. Dist. LEXIS 57245

Represented plaintiffs in business dispute related to stallion management and partnership agreements. Client entered agreement with a farm to stand four Quarter Horse stallions, and also bred several mares in partnership with the farm. A dispute arose over whether the farm was breeding personal and farm-owned mares to the client's stallions without payment. We pursued multiple contract and tort-based claims against the farm and coordinated and supervised the removal of all client horses from the property. A federal district court applying Kentucky law denied defendants' motion to dismiss four of our claims and found that the economic loss rule did not apply to service contracts.

Crawford Farms Lexington, LLC v. Jeffrey Treadway, et al.

Represented consignor in lawsuit arising from sale of racing or broodmare prospect at auction. After sale, genetic testing revealed that the mare was genetically male. Purchaser sued auction company, consignor, seller, and examining veterinarian, alleging multiple claims against each. We pursued an aggressive early motion for

summary judgment based on the conditions of sale and the economic loss rule. After briefing and argument, the Fayette Circuit Court granted our motion.

Spencer Benedict Stables v. Burkmann Feeds of Glasgow

Represented an animal feed manufacturer in a toxic tort case in which a farm alleged that contamination in a custom mixed horse feed caused an outbreak of illness and death involving 40 horses. The plaintiffs sued two component part manufacturers and our client who developed the formula and mixed the finished feed. The case required specialized knowledge of the animal feed business, FDA requirements and investigation processes, sequencing and other best practices to avoid cross-contamination, and detailed knowledge of each of the horses affected. The parties engaged in plant and farm inspections, thousands of pages of document production, and more than fifty depositions.

Pre-Purchase Disputes

Our client purchased an American Saddlebred show horse in reliance upon a pre-purchase examination performed by a local veterinarian. The examination failed to note navicular cysts in both front feet despite the cysts being visible on radiographs taken during the exam. The horse became chronically lame and required management for the rest of his life. We assisted our client in submitting a claim to veterinarian's malpractice insurer and in negotiating a settlement without the need for litigation.

LLC Formation and Tenant Troubles

Formed the client LLC and facilitated transfer of a farm into a LLC. Worked with the client to negotiate a lease agreement with a horse trainer interested in leasing the property. After advising the client on several issues related to the trainer's compliance with the lease, we assisted the client in declaring the trainer to be in default, terminating the lease agreement, and initiating and completing forcible detainer proceedings to evict the trainer. We then assisted the client in negotiating a new lease agreement and a settlement agreement with the trainer.

Horse Boarding Operations

We routinely represent clients of all equine disciplines in farm purchases, with the intent to undertake a horse boarding operation. In conjunction with the client's accountants, we advise clients on entity formation and form entities to hold the real estate and run the business, respectively. We prepare a lease agreements for the business LLC to lease the farm from the property LLC, and we facilitate the transfer of personal property (horses) into the business LLC. We also advise the client on risk management and insurance issues relating to boarding operations including boarding agreements and waivers.

Outside Counsel for Nonprofit Horse Rescue

Saddlebred Rescue, Inc. (SBR) is a non-profit horse rescue based in New Jersey. We serve as SBR's outside counsel and advise on corporate governance and non-profit best practices. We also prepare adoption agreements and advise on a variety of issues related to fundraising, social media, and staffing.

Ongoing Counsel to Show Horse Training Barn

Our client is an American Saddlebred training operation with show horses and a large lesson program. Over the years, we have advised the client on reinstatement of the LLC, registration of an assumed name, property lease negotiations, and collections matters. In addition, we have prepared show horse lease agreements and advised on general risk management issues.

Pro Bono Counsel to Historic Riding Club

Our client is a historic riding club with 501(c)(3), and we assist with pro bono legal work. We have prepared license and lease agreements, advised on property valuation issues, and counselled on insurance and liability issues for both the club and its annual horse show.

Counsel to Equine Non-Profits

We serve as outside general counsel for numerous equine non-profits including Saddlebred Rescue, Retired Racehorse Project, The Thoroughbred Makeover, New Vocations, Paso Fino Horse Association. Our equine rescue and rehabilitation clients purchase horses from auctions and sales, or receive donated horses, to rehabilitate any health concerns, by using a professional trainer to evaluate the horses, determine their level of training and suitability, and adopt them into appropriate homes. Our work for rescues includes handling corporate compliance, insurance and fundraising issues, drafting and guiding policies on social media use and revising adoption contracts and releases.

Advising Training Stable Operator on Business Matters, Litigation

This client maintains a training barn and lesson program in Kentucky. Our work includes general business advice, collections litigation, liability waivers and risk management, counseling on disputes with customers, bills of sale, agency/commission disclosure obligations and boarding and training contracts.

Experience

Representative Reported Cases

A listing of Anne Guillory's published cases, with citations.

Manning v. Arch Wood Prot., Inc., Civil Action No. 0:13-cv-00127-HRW-CJS (E.D. Ky. Sept. 27, 2017). Won summary judgment for a wood preservative manufacturer based upon Kentucky's one-year statute of limitations for personal injury claims, KRS 413.140. Plaintiff lineman alleged injury from exposure to treated wood poles. Federal district court found that plaintiff knew or the in the exercise of reasonable diligence should have known that his claim accrued more than one year before he filed suit. In doing so, the district court adopted the magistrate judge's prior report and recommendations.

Brown v. Arch Wood Prot., Inc., 2017 U.S. Dist. LEXIS 157101 (E.D. Ky. Sept. 26, 2017). Won summary judgment for a wood preservative manufacturer based upon lack of product identification evidence. Plaintiff lineman alleged injury from exposure to treated utility poles. He named six defendants – three preservative manufacturers and three wood treaters. Federal district court granted summary judgment based upon lack of direct product identification evidence and lack of evidence supporting the concert of action theory of product identification.

McCarty v. Arch Wood Prot., 2016 U.S. Dist. LEXIS 44536 (E.D. Ky. Feb. 26, 2016), *adopted by McCarty v. Arch Wood Prot., Inc.*, 2016 U.S. Dist. LEXIS 44883 (E.D. Ky. Mar. 31, 2016). Defend a wood preservative manufacturer against a plaintiff claiming he developed a rare lung condition from exposure to a treated wood product. Plaintiff disclosed seven expert witnesses to establish medical causation. In one consolidated Daubert motion, the defendants jointly sought to exclude all seven experts based upon the speculative nature of their opinions. The court granted our motion, excluded all seven experts and granted summary judgment on plaintiff's

most significant claims. Thereafter the case resolved favorably for our client.

Nissan Motor Co. v. Maddox, 486 S.W.3d 838 (Ky. 2015). Automotive crashworthiness case alleging restraint system and seat design defects. On appeal, the Kentucky Supreme Court vacated the punitive damages award because automaker met or exceeded FMVSS requirements and there was no evidence of gross negligence or reckless disregard.

Hiser v. Seay, 2014 U.S. Dist. LEXIS 168429 (W.D. Ky. Dec. 4, 2014). Product liability suit against vehicle manufacturer. Successful removal of case to federal court more than one year after suit was filed based upon “bad faith exception” of 28 U.S.C. 1446(c)(1).

McGuire v. Lorillard Tobacco Co., 2014 Ky. App. LEXIS 25 (Ky. App. Feb. 20, 2014) (*unpublished*). Asbestos product liability case. Defense verdict at trial in favor of cigarette manufacturer affirmed on appeal.

Rodrock v. Gumz, 2012 U.S. Dist. LEXIS 57245 (W.D. Ky. Apr. 23, 2012). Represented plaintiffs in business dispute related to stallion management and partnership agreements. Trial court denied defendants’ motion to dismiss four of our claims and found that the economic loss rule did not apply to service contracts.

Williams v. Toyota Motor Sales, U.S.A., Inc., 2012 U.S. Dist. LEXIS 6724 (E.D. Ky. Jan. 20, 2012). Summary judgment entered in favor of vehicle manufacturer due to insufficient evidence presented by plaintiff to support product liability claim.

Messerly v. Nissan North America, Inc., 2011 Ky. App. LEXIS 234 (Ky. App. Dec. 2, 2011). Product liability case alleging that child’s death was caused by absence of rear camera in sport utility vehicle.

ISP Chemicals LLC v. Dutchland, Inc., 2011 U.S. Dist. LEXIS 72701 (W.D. Ky. July 6, 2011). Defended a family-owned wastewater tank design company where plaintiff alleged negligent engineering and construction of a concrete wastewater treatment tank. Trial court reversed its previous ruling and found that the majority of plaintiff’s claims were barred by the one-year statute of limitation for professional negligence. In related rulings, the court excluded several opinions by one of plaintiff’s expert witnesses. Finally, less than one month before trial, the court granted us permission to file an additional dispositive motion based upon Kentucky’s recent adoption of the economic loss rule. With that motion pending, the case resolved favorably and enabled our client to remain in business.

Walker v. Philip Morris USA Inc., 610 F.Supp.2d 785 (W.D. Ky. 2009). Multiple fatality house fire allegedly caused by careless smoker. Motion to dismiss granted in favor of cigarette manufacturer.

Early v. Toyota Motor Corp., 277 Fed. Appx. 581 (6th Cir. 2008). Double fatality carbon monoxide poisoning case brought against vehicle manufacturer. The Sixth Circuit affirmed the trial court’s exclusion of plaintiffs’ expert under Daubert and affirmed summary judgment for manufacturer. See also *Early v. Toyota Motor Corp.*, 486 F. Supp. 2d 633 (E.D. Ky. 2007) (district court’s opinion excluding expert).

General Electric Co. v. Cain, 236 S.W.3d 579 (Ky. 2007). Represented multiple defendants in asbestos premises

liability case. The appeal resulted in a significant opinion by the Kentucky Supreme Court applying the exclusive remedy provisions of the Kentucky workers compensation act, known as the “up the ladder” defense.

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Motor Vehicle Product Liability Litigation

Represent numerous motor vehicle manufacturers in product liability cases. Defect allegations defended against include seatbelts, load limiters, airbag non-deployment, rollover propensity, roof intrusion, seatback deformation, unintended acceleration, and absence of rear cameras.

Warranty & Lemon Law Litigation

Defense of motor vehicle manufacturers in cases involving alleged breach of warranty, Kentucky Consumer Protection Act violations, Kentucky lemon law violations, and Magnuson-Moss Act violations.

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Chemical Preservative Product Liability Litigation

Represent wood preservative manufacturer against a series of claims alleging various health conditions allegedly related to occupational exposure to treated wood products. Dispositive defenses included statute of limitations, lack of product identification and lack of medical causation.

Trucking & Auto Accident Litigation

Represent a variety of trucking, auto and transportation-related accident claims for clients including long-haul, dedicated and intermodal trucking companies, and retailers who maintain hub/fleet vehicles for local deliveries. Frequently defend claims involving alleged violations of statutes or regulations, negligent hiring/supervision/retention, failure to maintain equipment, conspicuity and visibility, and punitive damages.

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Premises Liability Litigation

Represent a variety of premises and general liability cases for national retail store clients. Allegations defended against include slip/trip and fall, natural and manmade hazards, negligent security, false imprisonment, falling merchandise, and general negligence.

Industrial Equipment Product Liability Litigation

Represent manufacturers and distributors of a variety of industrial and inventory-related products including offset and center-seat forklifts, swing-reach trucks, commercial saws, and machine presses. Defended allegations related to visibility, conspicuity, guarding, light curtains, two-hand controls, rollover propensity, roof strength/design, and fall protection.

Publications

March 21, 2023

Lessons in Liability: What You Need to Know About Remote Riding Lessons

July 6, 2021

States' COVID-19 Immunity Statutes and Product Liability Claims Related to COVID-19

dri | Strictly Speaking

September 8, 2020

COVID-19 Liability: Practical Guidance on Risk Management for Horse Shows and Competitions

January 30, 2019

Good Strategy or Forum Manipulation? The Continuing Evolution of the Bad Faith Exception to the One-Year Time Limit on Removal

Defense Counsel Journal