



Linsey W. West

Partner
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Lexington, KY
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Lin has more than 30 years of litigation experience, primarily in the defense of product liability, transportation, utility, professional liability, and commercial litigation claims. He has tried more than 25 lawsuits, including claims against three automobile manufacturers in both first collision and crashworthiness matters. Lin has also represented manufacturers of recreational products, consumer goods, aircraft, and industrial products. He has defended hospitals, physicians, attorneys, trucking carriers, railroads, pharmaceutical distributors, natural gas providers, and electrical contractors.

He was national liaison counsel for an international recreational vehicle manufacturer in multi-district litigation and has substantial experience in complex litigation. Lin has represented clients in matters venued in Kentucky, Ohio, Indiana, West Virginia, Tennessee, Mississippi, Michigan, and New Jersey. He has been named as a Kentucky *Super Lawyer*® for many years and was named *Best Lawyers*® Lexington, Kentucky “Lawyer of the Year” for Product Liability Litigation – Defendants (2012, 2020), Personal Injury Litigation – Defendants (2015), and Railroad Law (2014, 2019). He is a member of the Product Liability Advisory Council and National Association of Railroad Trial Counsel.

Services

- Litigation
- Product Liability
- Equine Industry
- Gaming & Sports Industry

Education

- University of Kentucky College of Law (J.D., 1985)
- University of Kentucky (B.A., 1982)

Bar Admissions

- Kentucky

Court Admissions

- 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
- Kentucky Bar Foundation, fellow
- Defense Research Institute, Recreational Products Committee
- National Association of Railroad Trial Counsel
- Kentucky Defense Council
- International Association of Defense Counsel Trial Academy
- Product Liability Advisory Council
- Master of the Central Kentucky American Inn of Court

Distinctions

- *Best Lawyers*®
 - "Lawyer of the Year" in Lexington for Railroad Law (2014, 2019)
 - "Lawyer of the Year" in Lexington for Personal Injury Litigation – Defendants (2015)
 - "Lawyer of the Year" in Lexington for Product Liability Litigation - Defendants (2012; 2020; 2021)
 - Personal Injury Litigation - Defendants, Product Liability Litigation - Defendants, Railroad Law (2022)
- Kentucky *Super Lawyers*®
 - For Personal Injury – Products: Defense (2021)
- Peer Review Rated AV in *Martindale-Hubbell*

Experience

Wrongful Death Lawsuit Involving Federal Motor Carrier

We defended a federal motor carrier whose driver was accused of striking vehicle on interstate and leaving it disabled in the roadway. The driver was accused of hit-and-run, negligently operating the truck, and failing to render aide at the scene. The motor carrier was also accused of negligent hiring, retention, training, and supervision. We negotiated a favorable settlement for our client following two weeks of trial, just before closing arguments.

Defended Hospital Against Sexual Harassment/Hostile Work Environment and Retaliation Claims

Defense of a hospital against sexual harassment/hostile work environment and retaliation claims brought pursuant to the Kentucky Civil Rights Act. The plaintiff alleged a physician at the medical center sexually harassed her by making inappropriate comments about her appearance and unwanted physical contact, thereby creating a hostile work environment. She further alleged the hospital was aware of the physician's conduct and failed to act. We defended the sexual harassment claim on the grounds that the physician's alleged behavior was not sufficiently severe or pervasive to create a hostile work environment and, in any event, the hospital acted appropriately once the physician's behavior was reported. We defended the retaliation claim on the ground that there was no adverse employment action taken against the plaintiff. The plaintiff originally sought \$5 million in damages, but asked the jury for \$2.5 million in closing argument after the court granted a directed verdict on the retaliation claim. The jury returned a verdict for just \$75,000.

Seller's Counsel in Equity Sale

We supported a closely-held business with a STEM-oriented bundled software and kit product offering in the sale of all its equity to a private-equity backed buyer. Having worked both with and across from private equity portfolio companies across the country, we were able to bring significant knowledge to bear in terms of process, pain points and "what's market." This helped keep the client grounded and protected from overreach. Closing represented a successful and well-deserved exit for our client's principals.

Product Liability Lawsuit Involving Allegations of Unwanted Acceleration

Defense of Automobile Manufacturer against unwanted acceleration allegation involving two seriously and permanently injured plaintiffs. Daubert motion lead to exclusion of plaintiffs' liability expert and motion in limine resulted in exclusion of numerous allegedly similar incidents. Negotiated favorable settlement for Automobile Manufacturer.

Multi-District Product Liability Litigation

National liaison counsel for Recreational Vehicle Manufacturer in multi-district litigation involving more than 300 product liability lawsuits involving the design of a side-by-side utility vehicle. Co-trial counsel for 12 of these lawsuits involving Kentucky plaintiffs.

IN RE: Air Crash at Lexington, Kentucky, August 27, 2006

Counsel for Regional Jet Manufacturer in product liability litigation arising from the August 27, 2006 crash of Delta Flight 5191. All claims against the manufacturer were voluntarily dismissed.

Defended a Sporting Goods Store in a Slip-and-Fall Case

We are representing Dick's Sporting Goods, in a premises liability case. The plaintiff was visiting the store on a rainy day, and when attempting to step over a puddle, she slipped and fell, injuring herself. We defended that the hazard was an "open and obvious" condition and were granted summary judgment. The plaintiff appealed the decision, and the Kentucky Court of Appeals reversed. . We obtained discretionary review before the Kentucky Supreme Court and are awaiting a ruling following the submission of briefs and oral argument.

Defended Equipment Manufacturer in a Product Liability Case Stemming From a Fatality

The plaintiff had purchased a track loader from our client, a Japanese equipment manufacturer. The plaintiff then attached a rotary mower, which had been purchased from another supplier, onto the track loader and attempted to mow a neighbor's farm where a man-made pond existed. The plaintiff rode the newly-modified vehicle onto the dam, or berm, of the pond, the ground gave way under the vehicle's weight, and the vehicle and its occupant

overturned into the pond. The operator was killed, and a product liability suit was filed by his family. Working with mechanical engineers, we determined that the operator had been using the track loader in a manner inconsistent with the operating manual and subsequently developed incontrovertible evidence the product was free of any defects. We eventually negotiated a settlement favorable to our client.

Defended Video Game Manufacturer in Product Liability Case

We represented Nintendo in a product liability case that arose from a house fire. The plaintiff was charging a handheld Nintendo game system and left the house, which subsequently caught on fire. The plaintiff's fire examiner alleged the cause of the fire was the Nintendo device, and the plaintiff filed suit for product liability. During depositions we disproved the theory that the fire was caused by the device, instead showing the fire originated three feet away. Following this, the plaintiff voluntarily dismissed the case with prejudice.

Plaintiff v. Liquid Natural Gas Pipeline Operator

Lead defense counsel for a liquid natural gas pipeline operator in litigation arising from a pipeline explosion at Ivel, Kentucky. Sixteen injuries, 45 claimants. Experience included defense of apex depositions.

Plaintiff v. Railroad

Fifteen trials defending railroad in Federal Employers Liability Act lawsuits for multiple allegations including occupational hearing loss and Carpal Tunnel Syndrome claims. Five recent trials and defense verdicts including a serious railroad truck-auto motor vehicle accident lawsuit.

Plaintiff v. Recreational Vehicle Manufacturer

Defense of a recreational vehicle manufacturer against claims of quadriplegic plaintiff operating recalled ATV. Experience included deposition preparation with Japanese apex witness in Japan and presentation of two Japanese witnesses for depositions.

Plaintiff v. Recreational Vehicle Manufacturer

Defense of a recreational vehicle manufacturer against claims of paraplegic plaintiff. Experience included preparation and presentation of Japanese apex witness for deposition, Hague Convention issues and response to attempts to take discovery worldwide.