



John L. Kirtley

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Practice Areas

Antitrust Litigation

Contract/Commercial Litigation

Financial Services Litigation

Non-Competition & Trade Secrets

Real Estate & Construction Litigation

Securities & Corporate Governance Litigation

Admissions

Wisconsin

Education

Juris Doctor, Indiana University School of Law, *cum laude*

Bachelor of Arts, Ball State University, Economics & Political Science, *magna cum laude*



John L. Kirtley is a member of the firm's Board of Directors and co-chairs its Dispute Resolution Division. His practice focuses on complex business litigation with an emphasis in securities and corporate governance, contracts, covenants not to compete, business torts, unfair competition and trade secrets, real estate, construction, and banking and financial services including FINRA and international arbitrations.

John is listed in *Best Lawyers* for Bet-the-Company, Banking & Finance, Commercial, Mergers & Acquisitions and Securities Litigation and has been recognized by *Best Lawyers* as Lawyer of the Year for both Bet-the-Company Litigation and Litigation - Banking and Finance. John is also listed in *Chambers & Partners* for General Commercial Litigation, *Benchmark Litigation* and *Wisconsin Super Lawyers* - Business Litigation. John has 30 years of extensive jury and court trial experience and has also litigated numerous injunction proceedings and arbitrations (both domestic and international).

John graduated *cum laude* from the Indiana University School of Law. He completed his undergraduate education at Ball State University, where he received a bachelor's degree in economics, *magna cum laude*.

John is admitted to practice before the United States Federal District Courts for the Eastern and Western Districts of Wisconsin, the Federal Court of Claims, and the United States Court of Appeals for the Seventh Judicial Circuit. He is a frequent seminar speaker on current business litigation topics and federal court practice.

Representative Experience

Jack Link's

Lead counsel defending company and majority owners in minority shareholder litigation

Kohl's Department Stores Class Action Litigation

Lead counsel defending Kohl's in claims of deceptive pricing.

Marcus Corporation

Lead counsel representing Marcus in a variety of commercial disputes.

BMO Harris Bank N.A.

Lead counsel in numerous securities, regulatory enforcement, lender liability, FINRA arbitrations, real estate and financial services disputes.

Marshall & Ilsley Corporation Class Action Shareholder Litigation

Represented M&I in connection with its acquisition by BMO Financial, defending against fiduciary duty breach claims.

Representative Experience

Caterpillar Class Action Litigation

Represented Caterpillar in connection with its acquisition of Bucyrus, defending claims of aiding and abetting both fiduciary duty breaches and violation of federal securities laws.

Ladish Class Action Litigation

Represented Allegheny Technologies (“ATI”) in connection with its acquisition of Ladish, defending against fiduciary duty breach claims.

Hurd Windows & Doors Class Action Litigation

Represented UIS, Inc., the parent company of Hurd Windows & Doors, in a class action alleging breach of warranty. While the class was certified, the trial court granted summary judgment dismissing the case. The case then settled on appeal before the Seventh Circuit Court of Appeals. The case alleged that gas-filled windows leaked causing the windows’ R-value to drop.

Citigroup Global Markets

Represented Citigroup in swap and derivative related cases, trade secret and non-compete injunction proceedings, securities litigation and FINRA arbitrations.

Wacker Neuson Corporation

Represent Wacker on a variety of commercial issues, including defending Wacker Neuson against a TCPA class action.

Wells Fargo

Represented Wells Fargo in defending against breach of fiduciary duty claims arising from Trustee relationship.

Juneau Village Towers

Represented property owner in multi-million dollar partition and corporate dissolution litigation.

Dietlin v. Garden-Fresh Foods

Represented minority shareholder in arbitration to compel redemption of shares under a buy/sell agreement.

Schroeder v. Fred Radandt Sons, Inc.

Defended majority shareholders against breach of fiduciary duty and corporate dissolution claims.

Lewis v. CIB Marine, et al.

Represented former CFO defending against class action securities fraud allegations.

Grede Foundries

Represented independent directors and special litigation committee relative to derivative claims alleging fiduciary duty breaches.

Strong Capital Management Class Action Shareholder Litigation

Represented Strong Capital Management and various Strong Funds in class action shareholder litigation.

Kohler Dissenters’ Rights Litigation

Represented shareholders in dissenters’ rights and breach of fiduciary duty litigation against Kohler Company.

Killarney Kourt LLC v. Jansen Construction Arbitration

Represented general contractor in defending against delay and defective construction damage claims.

Seth Peterson Cottage Conservancy v. The Goodyear Tire & Rubber Company

Defended Goodyear in product defect Wisconsin class action.

Representative Experience

Johnsonville Sausage v. Premio Foods

Represented Johnsonville in Federal court trademark infringement jury trial.

Beamaco v. City Centre

Represented property owner in multi-million dollar real estate lease option and right of first refusal dispute.

Spacesaver Corporation v. Schuette Industrial Sales

Represented Spacesaver in UCC product warranty litigation trial.

Chr. Hansen Labs v. Crompton & Knowles

Represented buyer of pharmaceutical plant in multi-million dollar arbitration regarding cGMP compliance.

Quad Graphics/Cedarhurst Air Charter v. Waukesha County

Represented private airline in dispute against county-owned airport concerning rights of self-fueling.

Maxim (Cargill Financial Services, Inc.) v. Goshen Fidelity

Represented Cargill in a financial services federal court jury trial.

House v. Strong Capital Management

Jury trial for mutual fund advisor against claims of negligence and breach of contract.

M&I Bank South Central v. Lofberg

Represented M&I in an injunction proceeding precluding further disposition of assets at risk due to customer's conversion of funds.

Federal Plaza Associates v. Canada Trustco and Chemical Bank

Represented property owner in injunction proceeding precluding draw on multi-million dollar Letter of Credit.

Merkt Cheese Company v. Zander Creamery

Represented Merkt Cheese in a jury trial against supplier of contaminated food ingredient.

Dawes Transport v. American Phoenix

Represented trucking company in computer software commercial arbitration.

Tower Sites, Inc. v. Town of Mt. Pleasant

Federal court trial under Telecommunications Act.

Carrera v. IAM National Pension Fund

Federal court ERISA trial.

Godfrey v. United States of America

Federal court litigation against the IRS.

Atari v. Venturedyne

Represented Atari defending against federal court trade secrets injunction proceedings.

Court Admissions

United States District Court, Eastern District of Wisconsin
United States District Court, Western District of Wisconsin
United States Court of Appeals, Seventh Circuit
The Federal Court of Claims

Professional Association Memberships

Milwaukee Bar Association

Honors

Listed in *Best Lawyers* (Bet-the-Company Litigation, Litigation - Banking & Finance, Litigation - Mergers & Acquisitions, Commercial Litigation, Litigation - Securities, 2010 - present; Lawyer of the Year, Litigation - Banking & Finance, 2013, 2015; Lawyer of the Year, Bet-the-Company Litigation, 2014)

Recognized as a *Wisconsin Super Lawyer* (2006 - present)

Recognized by *Chambers USA* (General Commercial Litigation, 2013 - present)

Recognized by Benchmark Litigation as a *Local Litigation Star* (Securities, 2015, 2018)

AV Preeminent® Peer Review Rated by Martindale-Hubbell®

Honors

Ozaukee Nonprofit Center — Board Member