



## John L. Kirtley

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### Milwaukee

833 East Michigan Street  
Suite 1800  
Milwaukee, WI 53202

### Practice Areas

Contract & Commercial  
Litigation

Financial Services Litigation

Non-Compete & Trade  
Secrets

Litigation

Real Estate & Construction

Securities & Shareholder  
Disputes

### 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 past chair of its Litigation team. His practice focuses on complex business litigation with an emphasis on shareholder disputes, securities, and corporate governance. Over his 36-year career, John has also litigated numerous disputes concerning contracts, covenants not to compete, business torts, unfair competition, trade secrets, real estate, construction, banking, and financial services.

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 Bet-the-Company, Banking and Finance, and Securities Litigation. John is also listed in *Chambers & Partners* for General Commercial Litigation, *Benchmark Litigation* and *Wisconsin Super Lawyers - Business Litigation*. John has 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 in America* (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, 2024; Lawyer of the Year, Bet-the-Company Litigation, 2014; Lawyer of the Year, Litigation - Securities, 2024)

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®

## Activities

City Year Milwaukee — Board Member

Ozaukee Nonprofit Center — Board Member