



PRACTICE LITIGATION

Appeals

PARTNERS

CHRISTOPHER E. KOZAK

SEAN M. HIRSCHTEN

AMY E. ROMIG

GEORGE M. PLEWS

THAO NGUYEN

JOHN D. MORIARTY

GREGORY M. GOTWALD

JONATHAN P. EMENHISER

DANIEL P. CORY

JEFFREY D. CLAFLIN

CHRISTOPHER J. BRAUN

TONYA J. BOND

ANDREA K. TOWNSEND

JOSH S. TATUM

JOANNE R. SOMMERS

RYAN T. LEAGRE

COLIN E. CONNOR

JEFFREY D. FEATHERSTUN

ASSOCIATES

NICHOLAS M. BRADY

CHRISTOPHER E. KOZAK

OVERVIEW

Our litigation team is well known for its successful appellate work. Our appellate practice has helped to shape the law in many areas, including environmental law and insurance coverage. Our emphasis on thorough and persuasive written work product and effective oral advocacy has secured numerous favorable opinions for our clients. Our attorneys are familiar with all aspects of litigation in state and federal appellate courts and are ready help whether or not we were counsel in the underlying litigation.

EXPERIENCE

- *Lindsey v. DeGroot*, 898 N.E.2d 1251 (Ind. Ct. App. 2009) (Determined Indiana's Right to Farm Act was constitutional and applied to bar the nuisance claim of a neighbor against DeGroot Dairy).
- *The Sierra Club v. Gates*, 499 F. Supp. 2d 1101 (S.D. Ind. 2007) (successfully defended action which sought to enjoin continuing shipments of the product of the hydrolysis of the chemical warfare agent VX from a depot in Indiana to Veolia Environmental Service's incineration facility in Texas)
- *Pound v. Aerosol Co., Inc.*, 316 F.Supp.2d 1079 (D. Kan. 2004) and 498 F.3d 1089 (10th Cir. 2007) (obtained summary judgment holding competitor's product, which contained ozone-depleting substances violated the Clean Air Act and establishing a competitor's right in the Tenth Circuit to recover attorney fees in bringing a successful citizen's suit under the Clean Air Act)
- *Raybestos Prods. Co. v. Indiana Dept. Env'tl. Mgmt.*, Cause No. 49D12-0209-PL-001553 (Marion County Superior Court—summary judgment July 6, 2004, June 12, 2006 judgment (\$11.6 million) & October 30, 2006 (\$4.7 million), (obtained a \$16 million judgment against the Indiana Department of Environmental Management for



OF COUNSEL

NABEELA VIRJEE

PETER M. RACHER

JEFFREY A. TOWNSEND

F. RONALDS ("RON")
WALKER

CHRISTINE C. H. PLEWS

ANGELA M. GREEN

reneging on an agreed order for a risk-based PCB cleanup, reversed on appeal)

- *Port Comm'n v. Consolidated Grain & Barge Co.*, 701 N.E.2d 882 (Ind. Ct. App. 1998) (preliminary injunction regarding use of rail and port facilities)
- *Natural Gas Odorizing, Inc. v. Downs*, 685 N.E.2d 155 (Ind. Ct. App. 1997) (duty to warn gas users)
- *Town of Montezuma v. Downs*, 685 N.E.2d 108 (Ind. Ct. App. 1997) (negligence per se claims involving a gas explosion)