



## **Libby Yin Goodknight**

### **Partner**

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Libby Yin Goodknight focuses her work in the areas of general and commercial litigation, with a significant emphasis on motion and appellate practice. Ms. Goodknight is a member of the Firm's Litigation Practice Group and serves as Chair of the Firm's Appellate Service Group. She has assisted clients with appeals in state and federal courts across the country and in the U.S. Supreme Court. She has represented amicus curiae parties before the Indiana appellate courts and the U.S. Supreme Court as well. Ms. Goodknight has experience and versatility in a wide range of litigation matters, including shareholder, contract, and other business disputes; covenants not to compete; trade secret enforcement; antitrust issues; RICO; financial institution liability; securities fraud; constitutional claims; government contract bidder protests; and class and collective actions, including those involving wage and hour issues and bank overdraft charges. She has served as counsel in jury trials involving questions of negligence, breach of contract, breach of fiduciary duty, fraud, RICO violations, and toxic exposure. She also regularly assists national and other outside law firms in a local counsel capacity.

Ms. Goodknight originally joined Krieg DeVault in 2001 after clerking for the Honorable James S. Kirsch, the Honorable Sanford M. Brook (ret.), and the Honorable Edward W. Najam, Jr. of the Indiana Court of Appeals. She returned to Krieg DeVault in 2006 after practicing with the Denver, Colorado office of a large international law firm. Ms. Goodknight is active in firm management, serving on the firm's seven-member Executive Committee, as a long-time member and previous Chair of the Associates Committee, and on the firm's Talent Acquisition Committee. She is also the immediate past Chair of the Appellate Practice Section of the Indianapolis Bar Association and serves on the Legal Advisory Committee to the Indiana Legal Foundation, a non-profit organization that advocates for the Indiana business community on significant legal issues pending in the courts.

### **PRACTICE AND INDUSTRY TEAMS**

- Antitrust and Competition Law

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- Appellate
- Class Action and Multi-Party Litigation
- Environmental
- Intellectual Property Litigation
- Labor and Employment
- Litigation

### REPRESENTATIVE EXPERIENCE

- Co-defense counsel for state agency in multiple cases brought by disappointed bidders who were not awarded \$4.4 billion in state contracts. Involved preliminary injunction proceedings and motion practice on complex issues of administrative law, governmental discretion in contracting, and availability of private rights of action under various state and federal statutes. Secured dismissal with prejudice in each case.
- Co-defense counsel in four-week toxic tort jury trial involving claims for alleged physical, psychological, and neuropsychological injuries; property damage; and punitive damages. The trial involved numerous fact witnesses as well as experts in a variety of disciplines. Defense verdict rendered.
- Assisted state agency in two-week jury trial involving claims brought against a private contractor for breach of contract, fraud, and state and federal RICO violations. Favorable verdict in the amount of \$1.2 million rendered.
- Co-defense counsel in federal bench trial involving declaratory judgment action over the validity of a multi-million dollar license agreement and counterclaim for tortious interference with contract. Successful judgment in favor of the defendant and counterclaimant on all counts.
- Represented Australian and Spanish consortium that leased a public state toll road for \$3.8 billion in successfully defending against claims brought by private citizens challenging the validity and constitutionality of the lease between the consortium and the state.
- Successfully defended aerospace company against multiple lawsuits alleging antitrust violations in the services and aftermarket parts business, including unlawful tying, abuse of monopoly power, and sham assertion of intellectual property.
- Served as appellate counsel and argued before the Indiana Court of Appeals in a matter of first impression involving perfected security interests in deposit accounts under Revised Article 9.
- Argued before the Seventh Circuit Court of Appeals in a novel case predicting that Indiana state courts would extend the absolute litigation privilege to preclude contract liability as well as tort liability for disparagement, and that a claim for disparagement can relate only to commercial business interests, not reputational interests.
- Appellate counsel for several not-for-profit organizations in appeals that have broad application and interest to their membership. Has involved filing amicus curiae briefs presenting a historical perspective, policy arguments, and practical implications of significant issues pending before the appellate courts.
- Author of an *Amicus Curiae* Brief defending the constitutionality of the medical malpractice damages cap in Indiana.

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- Author of an *Amicus Curiae* Brief on behalf of the Indianapolis Bar Association Appellate Practice Section on an important matter of appellate procedure.
- Served as member of national coordinating counsel team representing Fortune 100 retailer in numerous wage and hour class and collective actions pending in state and federal courts nationwide. Primary responsibility was to review and approve all briefs filed in connection with dispositive motions and class certification.
- Successfully resolved nationwide FLSA collective actions and putative Rule 23 class actions alleging violations of federal overtime law, state wage payment statutes, and state common law claims for breach of contract and promissory estoppel. Defended other employers in similar wage and hour collective actions.
- Pro bono author of an *Amici Curiae* Brief on behalf of the National Coalition Against Domestic Violence and the National Center for Victims of Crime in *Town of Castle Rock, Colorado v. Gonzales*, 125 S. Ct. 2796 (U.S. 2005).

**Counsel of record of the following:**

- *Old National Bank v. Kelly*, 31 N.E.3d 522 (Ind. Ct. App. 2015)
- *Head v. Professional Transportation, Inc.*, 2015 WL 5785797 (S.D. Ind. Sept. 30, 2015)
- *Lanni v. National Collegiate Athletic Association*, 42 N.E.3d 542 (Ind. Ct. App. 2015)
- *Drake v. Dickey*, 12 N.E.3d 875 (Ind. 2014)
- *Metro Holdings One, LLC v. Flynn Creek Partners, LLC*, 25 N.E.3d 141 (Ind. Ct. App. 2014)
- *Canada v. Countrywide Home Loans, Inc.*, 982 N.E.2d 487 (Ind. Ct. App. 2013) (Unpublished Disposition)
- *Merchant Capital, LLC v. Melania Marks Skincare, LLC*, 2013 WL 6189338 (S.D. Ind. Nov. 26, 2013)
- *Plank v. Community Hospitals of Indiana, Inc.*, 981 N.E.2d 49 (Ind. 2013)
- *Designplan, Inc. v. Price*, 980 N.E.2d 926 (Ind. Ct. App. 2013) (Unpublished Disposition)
- *Nexstar Broadcasting, Inc. v. Granite Broadcasting Corp.*, 2012 WL 2838547 (N.D. Ind. July 9, 2012)
- *Town of Zionsville v. Hamilton County Airport Authority*, 970 N.E.2d 185 (Ind. Ct. App. 2012), trans. denied
- *Sisters of St. Francis Health Services, Inc. v. EON Properties*, 968 N.E.2d 305 (Ind. Ct. App. 2012).
- *AvidAir Helicopter Supply, Inc. v. Rolls-Royce Corp.*, 663 F.3d 966 (8th Cir. 2011), cert. denied (U.S. 2012)
- *Martinez v. Park*, 959 N.E.2d 259, 2011 (Ind. Ct. App. 2011) (Unpublished Disposition)
- *Wilson v. Sisters of St. Francis Health Servs. Inc.*, 952 N.E.2d 793 (Ind. Ct. App. 2011)
- *Davis v. Countrywide Home Loans, Inc.*, 2011 WL 837048 (S.D. Ind. March 4, 2011)
- *Rain v. Rolls-Royce Corporation*, 626 F.3d 372 (7th Cir. 2010)
- *Fifth Third Bank v. Peoples National Bank*, 929 N.E.2d 210 (Ind. Ct. App. 2010)
- *Roell v. American Senior Communities*, 928 N.E.2d 652 (Ind. Ct. App. 2010) (Unpublished

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Disposition)

- *In the Matter of the Commitment of R.R.*, 916 N.E.2d 311 (Ind. Ct. App. 2009) (Unpublished Disposition)
- *Atterholt v. Herbst*, 902 N.E.2d 220 (Ind. 2009)
- *Cooper Industries, LLC v. City of South Bend*, 899 N.E.2d 1274 (Ind. 2009)
- *Bank One, Nat. Ass'n v. Surber*, 899 N.E.2d 693 (Ind. Ct. App. 2009)
- *Chi Yun Ho v. Frye*, 800 N.E.2d 1192 (Ind.2008)
- *Order for Mandate of Funds Montgomery County Council v. Milligan*, 873 N.E.2d 1043 (Ind. 2007)
- *The Blakley Corp. v. EFCO Corp.*, 853 N.E.2d 998 (Ind. Ct. App. 2006)
- *Bonney v. Indiana Finance Authority*, 849 N.E.2d 473 (Ind. 2006)
- *Ledbetter v. Hunter*, 842 N.E.2d 810 (Ind. 2006)
- *In re Contempt of Wabash Valley Hosp., Inc.*, 827 N.E.2d 50 (Ind. Ct. App. 2005)
- *Indiana Family and Social Services Admin. v. Hospitality House of Bedford*, 783 N.E.2d 286 (Ind. Ct. App. 2003)
- *Don's Guns & Galleries, Inc. v. Security Link of Ameritech, Inc.* , 812 N.E.2d 251 (Ind. Ct. App. 2004)
- *Molina Healthcare of Indiana, Inc. v. Henderson*, 2006 WL 3518269 (S.D. Ind. Dec. 4, 2006)

## EDUCATION

- Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana (J.D., 1998)
  - Dean's Tutorial Society, Legal Writing Tutor, 1996 - 1997
- Indiana University, Bloomington, Indiana (B.S. in Biology, 1995)

## BAR & COURT ADMISSIONS

- Indiana, 1998
- U.S. District Court for the Northern District of Indiana, 1998
- U.S. District Court for the Southern District of Indiana, 1998
- Colorado, 2004
- U.S. District Court for the District of Colorado, 2004
- U.S. Supreme Court, 2005
- U.S. Court of Appeals 7th Circuit, 2010
- U.S. Court of Appeals 8th Circuit, 2010

## SEMINARS AND PRESENTATIONS

- "Latest Developments in Financial Services Law: A Recap Of Key Issues Impacting All Financial Institutions That Occurred in 2016, and What Is Next in 2017," Meritas Capability Webinar, 2016
- Moderator, Indianapolis Bar Association Appellate Roundtable featuring Indiana Supreme Court Justice Geoffrey Slaughter and Indiana Court of Appeals Judge Robert Altice, 2016

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### PUBLICATIONS

- Co-Author, Indiana Chapter of the *Tort Law Desk Reference: A Fifty State Compendium*, 2016 and 2017 editions
- Regular contributor to the Indianapolis Bar Association Appellate Practice Section newsletter and webpage

### PROFESSIONAL ASSOCIATIONS

- Indiana Legal Foundation, Legal Advisory Committee, 2015-2017
- Sagamore American Inn of Court, 2011-2012 (Associate)
- Indianapolis American Inn of Court, 2002-2004 (Associate)
- Indiana State Bar Association, 1998-2017 (Member)
- Indianapolis Bar Association, 1998-2017 (Member)
- Indianapolis Bar Association, 2012 (At Large Member of Executive Committee of Appellate Practice Section), 2013 (Secretary of Appellate Practice Section), 2014 (Vice Chair of Appellate Practice Section), 2015 (Chair Elect of Appellate Practice Section), 2017 (Immediate Past Chair of the Appellate Practice Section)
- Indianapolis Bar Association, 2009 (Executive Committee of Women and the Law Division)
- Indiana University School of Law, 1998-1999 (Student Mentor)
- Dress for Success Indianapolis, Inc. (non-profit providing business appropriate attire and other assistance to low-income women entering the workforce), 2013-2017 (Emeritus Board Member), 2002-2004 and 2006-2012 (Board of Directors), 2003-2004 (Secretary), 2001-2003 (Volunteer)
- Women for Riley, 2011-2012 (Member)

### AWARDS AND RECOGNITIONS

- Indiana Super Lawyers, Top 25 Women Attorneys Listing, 2017
- Indiana Super Lawyers, 2014-2017
- Indiana Super Lawyers Rising Stars, 2009-2013

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