



## **Libby Yin Goodknight**

Partner

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Libby Yin Goodknight is Chair of the firm's Litigation and Dispute Resolution Practice. Ms. Goodknight handles a wide range of commercial litigation matters, including shareholder and other business disputes; covenants not to compete; trade secret enforcement; financial institution liability; trust and estate litigation involving corporate fiduciaries; constitutional claims; government contracting and bidder disputes; administrative agency actions; and class and collective actions, including those involving wage and hour issues and bank fees. She has served as counsel in jury trials involving questions of negligence, breach of contract, breach of fiduciary duty, fraud, and toxic exposure. The cases in which she has been engaged touch on a number of industries, including general corporate, health care, and financial services.

Ms. Goodknight previously clerked 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 has assisted clients with appeals in state and federal courts across the country and in the U.S. Supreme Court. Ms. Goodknight is 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 issues in the appellate courts. Her experience and insight as a former clerk, and her active involvement in the appellate bar, make her well-positioned to guide national and regional law firms in need of local appellate counsel in Indiana. Her passion for creative analysis and persuasive advocacy make her a key contributor to any litigation team where resolution of the dispute turns on motion practice, including dispositive motions, motions opposing class certification, motions to exclude expert witnesses and other evidence, and trial briefing.

Ms. Goodknight is active in firm management, having served three consecutive terms on the firm's five-member Executive Committee. She is also a long-time member and previous Chair of the Professional Personnel Committee and serves on the firm's Talent Acquisition Committee. From 2017-2019, she was recognized as one of the Top 25 Women Attorneys in the State by Indiana Super Lawyers.

### **Education**

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

## Practices

- Antitrust and Competition Law
- Appellate
- Class Action and Multi-Party Litigation
- Litigation and Dispute Resolution
- Trust and Estate Litigation
- Health Care Litigation
- Local Counsel Representation
- Financial Services Litigation
- Pharmacy Law
- Municipal and Governmental Litigation

## Industries

- Financial Services
- Health Care

## 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.
- Co-defense counsel in multiple putative class actions brought against Indiana financial institutions challenging their assessment of bank fees.

- 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.
- Successfully defended enforceability of covenant not to compete in preliminary injunction proceedings, obtaining a favorable order establishing the protectable business interests of an ambulatory surgery center against a physician investor. Case presented novel issues and arguments related to the enforceability of non-competes in a health care, non-employment law setting.
- Successfully defended, both in the trial court and on appeal, constitutionality of a city's non-discrimination ordinance against claims that the ordinance violated freedom of speech, freedom of association, and free exercise of religion.
- Obtained favorable ruling on a motion to dismiss federal lawsuit brought by a plaintiff against emergency medical service medic, claiming that the medic committed negligence, negligent infliction of emotional distress, and a Fourth Amendment violation by purportedly failing to intervene to defend the plaintiff or prevent plaintiff from an alleged beating by a police officer at the scene. Involved legal briefing and analysis on novel issues related to the duty of first responders, qualified immunity, and what constitutes an unreasonable search and seizure under the Fourth Amendment.
- Represented national bank in hotly contested trust and estate litigation alleging breach of fiduciary duty, tortious interference with inheritance, unjust enrichment, and other claims arising out of the administration of a complex estate involving many closely held businesses and the funding of testamentary trusts.
- 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. Have authored other *Amicus Curiae* Briefs addressing issues related to the scope and application of the Indiana Medical Malpractice Act.
- 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 In The Following

- *Indiana Family Institute Inc. v. City of Carmel*, 155 N.E.3d 1209 (Ind. Ct. App. 2020)
- *LaPlace Indiana, LLC v. Lakeland West Capital XXIV, LLC*, 2018 WL 701004 (Ind. Ct. App. Feb. 5, 2018) (Unpublished Disposition)
- *Gleaves v. Messer Construction Co.*, 77 N.E.3d 1244 (Ind. Ct. App. 2017)
- *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 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)

## Professional Associations

- Board of Directors, Indianapolis Legal Aid Society
- Appellate Practice Section Council, Indiana State Bar Association
- Legal Advisory Committee, Indiana Legal Foundation
- Indiana Chapter Member and Board of Directors, Asian Pacific American Bar Association
- President Elect, Indiana Law Club

- Member, Indiana State Bar Association
- Member, Indianapolis Bar Association
- At Large Member of Executive Committee of Appellate Practice Section, Indianapolis Bar Association
- Former Chair Elect of Appellate Practice Section, Former Vice Chair of Appellate Practice Section, Former Secretary of Appellate Practice Section, Former Executive Committee of Women and the Law Division, Former At Large Member of Executive Committee of Appellate Practice Section, Former Secretary of Appellate Practice Section
- Sagamore American Inn of Court
- Indianapolis American Inn of Court
- Former Mentor, Indiana University School of Law

### Civic Involvement

- Board of Directors, Indianapolis Legal Aid Society
- Emeritus Board Member, Dress for Success Indianapolis, Inc.
- Former Board of Directors, Former Secretary, Dress for Success Indianapolis, Inc.
- Former Member, Women for Riley

### Awards & Recognitions

- Indiana Super Lawyers, 2014-2023
- Indiana Super Lawyers, Top 25 Women Attorneys Listing, 2017-2019
- Indiana Super Lawyers Rising Stars, 2009-2013

### Seminars & Presentations

- Co-Author, "New Indiana Law Will Clarify How Financial Institutions May Make Changes to Deposit Account Agreements", March 13, 2024
- Co-Presenter, "Arbitration 101: An Alternative to Litigation," Krieg DeVault Podcast Series, July 11, 2023
- Co-Presenter, "Would the Sign Standards in Your Unified Development Ordinance Withstand 1st Amendment Constitutional Challenge?" Accelerate Indiana Municipalities Ideas Summit, November 4, 2022
- Presenter, Annual Appellate Roundtable, Indianapolis Bar Association Appellate Practice Section, 2021
- Presenter, "Arbitration Clauses: Things Every Financial Institution Should Consider Before Agreeing to Arbitrate," Krieg DeVault Webinar, June 23, 2021
- Moderator, Indianapolis Bar Association Appellate Roundtable featuring Supreme Court Justice Mark Massa and Indiana Court of Appeals Judge Cale Bradford, 2020
- Presenter, "Arbitration Clauses: Things Every Business Should Consider Before Agreeing to Arbitrate," Krieg DeVault Webinar, 2019
- Moderator, Indianapolis Bar Association Appellate Roundtable featuring Indiana Supreme Court Justice Steven David and Indiana Court of Appeals Judge Elizabeth Tavitias, 2019
- Moderator, "Preparing for and Reflecting on Arguments before the U.S. Supreme Court" featuring Indiana Solicitor General Thomas Fisher, Chief Federal Defender for the Indiana Federal Community Defenders Monica Foster, Executive Director of Indiana Legal Services Jon Laramore, and UC Berkley School of Law Professor Erwin Chemerinsky, Indianapolis Bar Association SCOTUS Symposium, 2019
- Moderator, Indianapolis Bar Association Appellate Roundtable featuring Indiana Supreme Court Justice Christopher Goff and Indiana Court of Appeals Judge Elaine Brown, 2018

- Speaker, "I Can Do THAT On Appeal?", Indianapolis Bar Association, 2018
- Speaker, "Summary Judgment Tips and Trends Post-Hughley," Indianapolis Bar Association, 2017
- Moderator, Indianapolis Bar Association Appellate Roundtable featuring Indiana Supreme Court Justice Geoffrey Slaughter and Indiana Court of Appeals Judge Michael Barnes, 2017
- Presenter, "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
- Speaker at medical conferences on challenges to the constitutionality of the damages cap under the Indiana Medical Malpractice Act, 2011-2012

## Publications

- Author, "Personal Pronouns: Make Sure You're Getting Them Right," Indianapolis Bar Association Talk Newsletter, January 28, 2022
- Co-Author, "Indiana Financial Institutions Continue to be Targeted in Class Action Overdrafts and NSF Lawsuits," February 3, 2021
- Co-Author, "Trump Administration Makes Changes to Appointment of Federal Administrative Law Judges," September 18, 2018
- Co-Author, Indiana Chapter of the *Tort Law Desk Reference: A Fifty State Compendium*, 2016-2021 editions
- Regular contributor to the Indianapolis Bar Association Appellate Practice Section publications

## Certifications

- Legal Lean Sigma® White Belt