



Mark J.R. Merkle

Partner

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Mark is a trial attorney who litigates in the areas of business and financial services, product liability, contracts, torts and employment law. A significant part of his practice is devoted to the defense of major manufacturers in product liability cases and commercial litigants in contract, fraud and securities litigation brought both in federal and state courts. He routinely represents clients in the defense of class action lawsuits including shareholder suits, product liability claims and consumer claims. He served as liaison counsel in multi-district litigation filed in Indianapolis and was actively involved in coordinating the defense of class action claims and over eight hundred personal injury and wrongful death claims.

Mark has advised clients on labor matters from negotiating collective bargaining agreements to obtaining judicial relief during a labor dispute. Mark has represented management in disputes regarding employment agreements, union representation petitions and unfair labor practice charges. He has handled matters before the National Labor Relations Board and private arbitrators.

Mark has extensive experience with employment contracts and restrictive covenants and has drafted such contracts from a litigation perspective and then enforced those contracts in state and federal courts. Mark also works with clients to draft many contracts used daily in commerce including supply agreements; joint development agreements; warranty documents; and, warning labels. While at the Firm, Mark served as Acting General Counsel for a national manufacturing concern. In that role, he was responsible for drafting contracts, leases and other commercial agreements, rendering advice on human resource issues and managing outside counsel in commercial litigation cases.

Mark currently serves as the Firm's General Counsel. He is an avid golfer, boater and antique car and boat fanatic.

Education

- J.D., Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana, 1983
- A.B., *cum laude*, Wabash College, Crawfordsville, Indiana, 1980

Bar & Court Admissions

- Indiana, 1983
- U.S. District Court for the Northern District of Indiana, 1983
- U.S. District Court for the Southern District of Indiana, 1983
- U.S. Court of Appeals 7th Circuit, 1983

Practices

- Appellate
- Class Action and Multi-Party Litigation
- Litigation and Dispute Resolution
- Financial Services Litigation
- Internal and Government Investigations
- Trust and Estate Litigation
- Municipal and Governmental Litigation

Industries

- Financial Services

Representative Experience

- Liaison counsel in multi-district litigation actively involved in coordinating the defense of class action claims and over eight hundred personal injury and wrongful death claims
- *Mills vs Old National Bank*- successful dismissal of class action suit alleging injury resulting from breach of computer system security
- *Mayberry vs Bridgestone Firestone North American Tire* - Appeal to the Indiana Supreme Court resulting in the adoption of a three-part balancing test in the discovery of trade secret information
- Successfully represented Management in the decertification of a union based on the United States Constitution
- Directed Verdict for defendant in jury trial where plaintiff claimed over \$25 million in Damages
- Judgment for plaintiff in ERISA suit-first reported Indiana District Court case finding a participant had a right to recover from the administrator for individual damages versus damages to the plan itself

Professional Associations

- Defense Trial Counsel of Indiana, Member
- Indianapolis Bar Association, Member
- 7th Circuit Bar Association, Member
- Indiana State Bar Association, Member
- Indiana Lawyers Club, Member
- The Law Club, Member

Awards & Recognitions

- Benchmark Litigation, Indiana Litigation Star

Seminars & Presentations

- "Litigating Banking Law Issues", Banking Law and Regulation (ICLEF), 2017



- "Litigating Banking Law Issues", Banking Law and Regulation (ICLEF), 2010
- Defense Trial Counsel of Indiana- presentation on trial strategy

Publications

- Co-Author, "Indiana Financial Institutions Continue to be Targeted in Class Action Overdrafts and NSF Lawsuits," February 3, 2021
- Contributing Author Indiana Section - The Product Liability Desk Reference
- Contributing Author Indiana Section - The Business Torts Desk Reference