

Kathleen Hart

Partner

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Biography

Kathleen concentrates her practice in civil and commercial litigation, frequently pursuing or defending cases that involve injunctive relief, such as breach of non-competition agreements, trade secret misappropriation, and unfair competition claims; contract and property disputes; shareholder and corporate control battles; failed business transactions; and RICO, fraud, embezzlement, and business tort claims. She helps clients evaluate the strengths and weaknesses of their claims and defenses in order to position themselves to resolve disputes.

In addition, Kathleen serves as outside general counsel for various privately-held businesses, and as strategist to high net-worth individuals, using her combined employment law and litigation experience to help them evaluate or negotiate employment, non-competition, confidentiality/non-disclosure, employment, change-in-control, and severance agreements. For most of her career, Kathleen has also assisted women and minority clients obtain MBE/WBE/DBE certification with governmental or other certifying agencies.

Representative Cases

- Represented conglomerate of multi-state, multi-million-dollar businesses in defending against lawsuit brought by estate of a founding member attempting to take control of businesses; ultimately resolved dispute with divestiture of estate's ownership in all businesses
- Represented trustees of multi-million-dollar estate involving varied real estate parcels to be divided among multiple heirs; defeated all allegations of breach of fiduciary duty and prevailed in trial court judgment for clients
- Represented different business clients in separate embezzlement cases, including judgments against offenders, coordination of criminal prosecution, seizure of assets, collection measures against offenders, and pursuit of malpractice action with client-favorable settlement against accounting firm whose annual reviews failed to meet GAAP standards
- Represented longstanding manufacturing client in issuing first industry-standard safety warning system for products by researching, analyzing, and drafting product warning labels compliant with ANSI standards in coordination with engineering employees
- Represented national companies in defending against collective action brought under FLSA for wage misclassification and underpayment; ultimately resolved dispute by capitalizing on rare opportunity to warrant nominal client involvement

Education

Indiana University Robert H. McKinney School of Law, JD, 1994

Indiana University, BA, Communication, *with Distinction*, 1990

National Institute for Trial Advocacy, Boulder, Colo., Graduate, 2000

ICLEF Civil Mediation Training (40 hours, Summer 2010), Graduate

Bar & Court Admissions

- Indiana, 1995
- U.S. District Court for the Northern District of Indiana, 1995
- U.S. District Court for the Southern District of Indiana, 1995
- U.S. Seventh Circuit Court of Appeals, 1998
- U.S. Court of Appeals for the Federal Circuit, 2000

Representative Cases *continued*

- Regularly represent multiple business and individual clients in interpreting, negotiating, and drafting various contracts or successful termination of contracts, including executive/management employment agreements, compensation plans, separation/severance agreements, change-in-control, confidentiality/non-disclosure, non-competition agreements, operating agreements, partnership agreements, and bylaws, as well as third-party contracts involving franchised transactions, real estate, joint venture, commerce, intellectual property, patent license, franchise, retail, rental, supply, manufacturing, warranty, regulatory, and consumer-related matters
- Regularly represent clients to obtain or defeat injunctive relief being sought and to otherwise resolve lawsuits involving non-competition claims, including those involving medical/physician, executive/management, shareholder/founders, sales, industrial/manufacturing, and financial/banking
- Regularly assist multiple business clients with formation of entities, conversion of entities, governing documents, corporate governance, legal compliance issues, and preparation of private placement memoranda tenants, and/or employees who need legal analysis of enforceability or compliance respecting prospective employment
- Regularly counsel numerous businesses who hire employees subject to non-compete or other restrictive covenants, and/or employees who need legal analysis of enforceability or compliance respecting prospective employment
- Regularly counsel and assist clients in obtaining certification for minority business enterprise (MBE), woman-owned business enterprise (WBE), disadvantaged business enterprise (DBE), and service-disabled veteran-owned small business (SDVOSB) with various regional, state, and local governmental or certifying agencies
- Regularly serve as outside general counsel for various privately-held businesses, providing legal advice or project management to meet their daily, varied legal and business needs

Awards & Recognition

- Distinguished Senior Fellow, Indianapolis Bar Foundation, 2014
- Distinguished Fellow, Indianapolis Bar Association, 2011
- The Best Lawyers in America®
 - Business Organizations (Including LLCs and Partnerships): 2026
 - Litigation — Labor and Employment: 2026
- Indiana Super Lawyers®
 - Business Litigation: 2007 – 2009, 2021 – present

Community Activity

- Pass The Torch For Women Foundation, Board Member, 2019 – 2023
- Indiana Federal Community Defenders, Inc., Board Member, 2019 – present
- Assistance League of Indianapolis, Advisory Council to the Board, 2007 – present
- U.S. District Court, Southern District of Indiana, Local Rules Advisory Committee Member, 1999 – 2020
- Upon request of various schools or non-profit programs, Kathleen serves as an inspirational speaker to empower challenged teenage students

Practice Areas

- Business & Corporate Law
- Business Contract Disputes
- Business Litigation
- Commercial Litigation
- Intellectual Property Law & Litigation
- Labor & Employment Law
- Non-competition Agreements
- Non-competition Covenants
- Shareholder & Partnership Disputes
- Wills, Trusts & Estates

Associations

- Indianapolis Bar Association
Member, 1994 – present
Board Member, 2014 – 2015, 2011 – 2012
Counsel to the Board, 2013
Standing Committee on Professionalism Co-Chair, 2010
- Federal Bar Association, Indianapolis Chapter
President, 2008 – 2009
Officer/Executive Committee Member, 2002 – 2010
- Sagamore American Inn of Court
Executive Committee/Barrister, 2000 – 2010