

ANN B. OLDFATHER

CURRICULUM VITAE

OLDFATHER LAW FIRM
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Employment (post graduate school)

Wyatt, Grafton and Sloss, associate,	1976-1980
Wyatt, Tarrant and Combs, associate,	1980-1982
Wyatt, Tarrant and Combs, partner, 2800 Citizens Plaza, Louisville, KY 40202	1982-1984
 Ann B. Oldfather, solo practitioner	 October, 1984-1985
 Oldfather & Morris, partner, 1330 South Third St., Louisville, KY 40208	 1986-2006
 OLDFATHER LAW FIRM 1330 South Third St., Louisville, KY 40208	 2007-

Education

Mount Holyoke College, South Hadley, MA	A.B., 1971
 University of Kansas, Kansas City and Lawrence, KS	 1970-1971
 Brandeis School of Law, University of Louisville Louisville, KY	 J.D., 1975, <i>magna cum laude</i> (first in graduating class)

Awards and Recognition

2017, Invited to Inner Circle of Advocates, an invitation only organization "limited to 100 of the Best Plaintiff Lawyers in the U.S."

Best Lawyers In America, published by Woodward/White, Inc.: Listed every year from 1993 to date. In the 2018 edition, Ann is listed in seven areas: Commercial Litigation, Legal Malpractice Law - Plaintiffs, Mass Tort Litigation / Class Actions - Plaintiffs, Medical Malpractice Law - Plaintiffs, Personal Injury Litigation - Plaintiffs, Product Liability Litigation - Plaintiffs, and Professional Malpractice Law - Plaintiffs.

Kentucky Super Lawyers, 2019. Recognized as one of the Top 25 Women Lawyers in Kentucky and one of Top 50 Lawyers in Kentucky.

Kentucky Super Lawyers, 2018. Recognized as one of the Top 25 Women Lawyers in Kentucky and one of Top 50 Lawyers in Kentucky.

Kentucky Super Lawyers, 2017. Recognized as one of the Top 25 Women Lawyers in Kentucky and one of Top 50 Lawyers in Kentucky.

Kentucky Super Lawyers, 2016. Recognized as one of the Top 10 Lawyers in Kentucky.

Kentucky Super Lawyers, 2015. Recognized as one of the Top 10 Lawyers in Kentucky, ranked two in top three.

Kentucky Super Lawyers, 2014. Recognized as one of the Top 10 Lawyers in Kentucky. {No top three ranking published}.

Kentucky Super Lawyers, 2013. Recognized as one of the Top 10 Lawyers in Kentucky.

Kentucky Super Lawyers, 2012. Recognized as one of the Top 10 Lawyers in Kentucky.

Kentucky Super Lawyers, 2011. Recognized as one of the Top 10 Lawyers in Kentucky.

Kentucky Super Lawyers, 2010. Recognized as one of the Top 10 Lawyers in Kentucky and Top Point Getter.

Kentucky Super Lawyers, 2007 (inception) through 2009. Recognized as one of the Top 10 Lawyers in Kentucky as second Top Point Getter in all three years, and recognized on cover as “The Relentless Crusader” for 2007 inaugural issue.

Martindale Hubbell Rating: A-V since 1980s

Recipient: 2001 Kentucky Academy of Trial Attorneys *Peter Perlman Trial Lawyer of the Year*
Board Certified Civil Trial Advocate, by the National Board of Trial Advocacy

Appointment as Special Justice, Kentucky Supreme Court, 1990. Participated in the decision of, and/or authored opinions in: *Hamilton v. Comm.*, 799 S.W.2d 39 (1990); *Taylor v. Comm.*, 799 S.W.2d 818 (1990); and *Wood v. Wingfield*, 816 S.W.2d 899 (1991).

Fellow, International Academy of Trial Lawyers (elected 2004). Limited to 500 lawyers worldwide.

Recipient: 1988, University of Louisville Distinguished Law Alumni Award.

Recipient: 1990, University of Louisville Outstanding Law Alumni Service Award.

Recipient: 1997, Brandeis School of Law Alumni Fellow Award.

Who's Who in the World: 17th Edition 2000 (Millennium Edition) published by Marquis Who's Who.

Reported Cases

Childers v. International Harvester, 569 S.W.2d 675 (Ky. App. 1978)

Baker v. Barber, 673 F.2d 147 (6th Cir. 1982)

Courtenay v. Wilhoit, 655 S.W.2d 41 (Ky. App. 1983)

Clark v. Young, 692 S.W.2d 285 (Ky. App. 1985)

West v. Goldstein, 830 S.W.2d 379 (Ky. 1992)

Humana of Kentucky, Inc. v. McKee, 834 S.W.2d (Ky. App. 1992)

City of Louisville v. Stockyards Bank & Trust Co., 843 S.W.2d 327 (Ky. 1992)

Lilly v. Citizens Fidelity Bank and Trust Co., 859 S.W.2d 666 (Ky. App. 1993)

Blakeman v. Schneider, 864 S.W.2d 903 (Ky. 1993)

Giuliani v. Guiler, 951 S.W.2d 318 (Ky. 1997)

Cullinan v. Abramson, 128 F.3d 301 (6th Cir. 1997)

Hasken, et al. v. City of Louisville, 173 F.Supp. 2d 654 (W.D. Ky. 2001)

Farkas v. Bridgestone/Firestone, Inc., 113 F. Supp. 2d 1107 (W. D. Ky. 2000)

McGinnis v. Roman Catholic Diocese of Covington, 2003 WL 22111094 (Ky. App. 2003)

Godfrey v. PNC Bank, Kentucky, Inc., 2004 WL 1175742 (Ky. App. 2004)

Kentucky Kingdom Amusement Co. v. Belo Kentucky, Inc., 179 S.W.3d 785, 33 Media L. Rep. 2350 (Ky. 2005)

Commonwealth of Kentucky, Labor Cabinet v. Hasken, 265 S.W.3d 215 (Ky. App. 2007)

Kemper v. Gordon, 272 S.W.3d 146 (Ky. 2008)

Metro Louisville/Jefferson County Government and the City of Louisville v. Abma, et al., 326 S.W. 3d 1 (Ky. App. 2009)

McDonald's Corporation v. Ogborn, et al., 309 S.W. 3d 274, 107 Fair Empl.Prac.Cas. (BNA) 1516, 30 IER Cases 56 (Ky.App. 2009)

Don. R. Wilkins v. Grace Wilkins (now Wooding), 2010 WL 2891753 (Ky. App. 2010)

Linden v. Cunningham, 2010 WL 5258474 (Ky. 2010).

Griffin v. Linden, 2014 WL 272370 (Ky. App. 2014)

Franz v. Ashland Hospital Corp., et al., 2014 WL 813085 (Ky. App. 2014)

William Tid Griffin, et al. v. R. Dean Linden, 2014 WL 272370 (Ky. App. 2014)

R. Dean Linden v. William Tid Griffin, et al., 436 S.W. 3d 521 (Ky. 2014)

Ries v. Oliphant, 2017 WL 242714 (Ky. App. 2017), not yet final.

Dixon v. Lake Cumberland Regional Hospital, LLC, 2017 WL 1533812, Ky.App., Apr. 28, 2017 (NO. 2014-CA-000917-MR), review denied (Dec 07, 2017)

Admitted to Practice

Supreme Court of Kentucky, May 13, 1976 (KY Bar # 52553)

U.S. Supreme Court, February 23, 1998

U.S. Court of Appeals, Sixth Circuit, February 8, 1982

and other federal circuit courts throughout the country

U.S. District Courts for the Western District of Kentucky, May 17, 1979, for the Eastern District of Kentucky, August 23, 1983, for the Western District of Michigan, September 17, 2013, and other federal district courts throughout the country

Professional Memberships

The Inner Circle of Advocates

Kentucky Bar Association

Louisville Bar Association

American Bar Association

American Association for Justice

Kentucky Association for Justice

International Academy of Trial Attorneys, Fellow (2004 - present)

American Board of Trial Advocates; Member and Kentucky Chapter President, 1998, 1999

Founding Member and Former Master of The Bar, Louis D. Brandeis Chapter, American Inns of Court

Jefferson County Women Lawyers Association; Member and former President and Vice-President

Brandeis Society, University of Louisville School of Law

University of Louisville Law Alumni Council, Member and former President

Civic Associations

University of Louisville, Board of Overseers

Citizens for Better Judges

Hospice of Louisville; Board Member, 1983-1987

E. P. Tom Sawyer Foundation, Board Member, 1986-1992

SPEAKING ENGAGEMENTS

- September 5, 2019 “Protective Orders: A Panel Discussion,” Kentucky Justice Association Annual Convention, Louisville, KY
- May 10, 2019 “So You Want a Plaintiffs’ Practice: What Do You Need To Know About Trial?,” Kentucky Justice Association Boot Camp, Louisville, KY
- December 8, 2018 “Identifying and Developing Case Frames,” American Association for Justice Weekend With The Stars Seminar, New York, NY
- November 30, 2018 “Lessons Learned From the Other McDonald’s Case,” Charleston School of Law 2nd Annual CLE, Charleston, SC
- February 5, 2018 “Identifying and Developing Case Frames,” American Association For Justice Winter Convention, Maui, Hawaii
- June 30, 2017 “Legends in Advocacy,” Kentucky Justice Association, Louisville, KY
- June 2, 2017 “Trial Skills in the Courtroom,” Kentucky Justice Association, Louisville, KY
- April 24, 2015 “When the Client’s Real Life Impacts ‘Your’ Case: a discussion of bankruptcy, social media, divorce and remarriage, etc.,” Kentucky Justice Association, Louisville, KY
- April 25, 2014 “Damages: Ten Tips for Trial,” Kentucky Justice Association, Louisville, KY
- June 20, 2013 “Lessons We Have learned—War Stories from Some of the Best,” Kentucky Bar Association Annual Convention, Louisville, KY
- May 17, 2013 “Organization for Defendant’s Deposition, Kentucky Justice Association, Louisville, KY
- June 18, 2010 “Loss of Consortium,” a Panel Presentation with Defense and Plaintiff Perspectives, Kentucky Bar Annual Convention, Lexington, KY
- October 25, 2009 Lecture with Demonstration: Using Rules and the Model in Closing. Co-Presenter. American Association for Justice “Mega Seminar: Overcoming Jury Bias, “Rules of the Road,” and Damages”, Las Vegas, NV
- February 20, 2009 “Turning Your Enemies’ Strengths to Your Favor,” Southern Trial Lawyers Association, New Orleans, LA
- December 14, 2008 “Lessons from the Other McDonald’s Case,” American Academy of Justice Weekend with the Stars, “Justice Counts Seminar”, New York City, New York
- June 6, 2008 “Hark! What Claims Lurk in that ‘Employment’ Case?,” Find and Identify Important Causes of Action Seminar, Kentucky Justice Association, Louisville, KY,

October 20, 2005 “Masters in Trial,” Presenter, Demonstration for American Board of Trial Advocates, New York City, NY

May 20, 2005 “Trial Tactics From Trial Masters: Technology: Creative Approach to Cases,” Lexington, KY

September 25, 2003 “Masters in Trial,” Presenter, Demonstration for American Board of Trial Advocates, Anchorage, AK

September 12, 2003 “Masters in Trial,” Presenter, Demonstration for American Board of Trial Advocates, Columbus, OH

June 13, 2003 “It’s a Wrap: The Ethics of Law and Media,” Panelist, 2003 Kentucky Bar Association Annual Convention

March 19, 2003 “Not Just Another Tech Seminar,” Seminar Co-Chair and Presenter, presented by the Kentucky Academy of Trial Attorneys

September 13, 2001 “Taking the Lead: Strategies for Trial Lawyers,” 2001 Kentucky Academy of Trial Attorneys Annual Convention, Lexington, Kentucky.

June 14, 2001 “Masters in Trial,” Presenter, Demonstration for Trial Program presented by the Kentucky Chapter of the American Board of Trial Advocates, Kentucky Bar Annual Convention, 2001

March 23, 2001 & April 20, 2001 “Discovery of In House Material,” Kentucky Academy of Trial Attorneys Maximizing Recovery For Your Clients Seminar, Covington, Kentucky and Louisville, Kentucky

June 9, 2000 “Damages for Loss of Love, Society and Affection in Death Cases,” Tennessee Trial Lawyers Association 2000 Annual Convention, Memphis, Tennessee

April 25, 2000 “Cross Examination Of A Medical Witness,” “Cross Examination of Technical Experts,” Lorman Education Services Conducting An Effective Cross Examination in Kentucky Seminar, Louisville

May 21, 1999 “Handling A Child’s Loss of Consortium Claim,” Kentucky Academy of Trial Attorneys Power Litigation Seminar, Louisville

September 17, 1998 “A Child's Loss of Parental Affection and Guidance: Some Thoughts on Kentucky's Newest Tort” Panelist, 1998 Kentucky Academy of Trial Attorneys Convention, Louisville

June 20, 1996 “Law & Life, A Perfect Balance: Voir Dire: Art, Science or Luck?” Panelist, 1996 Kentucky Bar Association Convention, Lexington

June 29, 1995 Seventh Annual Fayette Bench/Bar C.L.E. Program, Instructor, Fayette County Bar Association

June 9, 1995 “Kentucky’s Unpublished Opinions, Rules & Practice: Does It Merit Change,” Panelist, 1995 Kentucky Bar Association Convention, Louisville

December 7, 1994 “Using the Kentucky Constitution as the Basis for Appeal,” Lecturer, Louisville CLE Institute

April 29, 1994 “Fair Trial And The Public’s Right To Know”, Roundtable Discussion, University of Louisville, The Center for Humanities and Civic Leadership

January 11, 1994 District Court Judges Judicial College, Instructor re Contempt, KY Administrative Office of The Courts

October 27, 1993 1993 Circuit Court Judges Judicial College, Instructor re Contempt, KY Administrative Office of The Courts

October 22, 1993 “Masters in Trial,” Panelist, American Board of Trial Advocates, Cleveland OH

December 3, 1992 “How to Find the Courthouse,” Panelist/Instructor, LBA/Young Lawyer Section, Louisville CLE Institute

April 12, 1991 “Effective Closing Arguments,” Panelist, Louisville CLE Institute

February 9, 1990 “Voir Dire - The Art of Jury Selection,” Panelist, Louisville CLE Institute

April 21, 1988 Trial Advocacy Workshop, Instructor, University of Louisville Seminar, Louisville, Kentucky

June 12, 1987 “Trends Toward Joint Custody - Experience of Bench & Bar,” Panelist, Kentucky Bar Association

April 19-20, 1985 Resolution of the Negotiating Impasse, University of Kentucky Seminar, College of Law, Lexington, Kentucky

November 9, 1984 “An Overview of the Domestic Relations Tax Reform Act,” University of Louisville Seminar, Louisville, Kentucky

September 28, 1983 Kentucky Reports, 1983 Panelist, “Divorce Between Professionals,” Kentucky Educational Television

September 23, 1983 Discovery Tactics and Techniques, Federal Bar Association, Louisville, Kentucky

September 20, 1983 Annual Update Series, Domestic Relations, Presenter, Louisville Bar Association, Louisville, Kentucky

September 15, 1983 “Dissolution: Practical Problems in Preparing and Presenting the Complex Action,” Chairperson and panelist, University of Louisville Seminar, Louisville, Kentucky

October 16, 1982 Trial Avoidance Techniques: Better Representation in Domestic Litigation, Tenth Annual Seminar, Kentucky Academy of Trial Attorneys, Lexington, Kentucky

July 20, 1982 "Tax Aspects of Dissolution: Practical Problems and Typical Property Settlement Provisions," Annual Convention, The Association of Trial Lawyers of America, Toronto, Canada

May 7, 1982 "Tax Aspects of Divorce," Fayette County Bar Association, Lexington, Kentucky

April 16, 1982 "Drafting Agreements: Tax Clauses and Antenuptial Contracts," University of Kentucky Domestic Relations Seminar, Lexington, Kentucky

February 18, 1982 Overview of Divorce Law, Republic Women's Club, Louisville, Kentucky

January 15, 1982 Moderator, Judicial Panel, Joint Custody Seminar; Women Lawyers Association, Louisville, Kentucky

September 22, 1981 LBA Annual Update Series, Domestic Relations

November 13, 1981 "Division of Marital v. Non-Marital Property," Custody and the Division of Assets at the University of Louisville

April 16, 1981 Norton Children's Hospital presentation on adoption

March 20, 1981 "Tracing of Non-Marital Property, Appreciation in Value After Marriage, Inherited Property," Domestic Relations at the University of Louisville

January 30, 1981 Legal Ethics and Law Office Management at the University of Louisville

December 9, 1980 Presentation to psychiatry residents on the family and the law sponsored by Norton Children's Hospital

October 9, 1980 "Property Division and Settlement Agreements," Seminar on Family Law at Midway College

August 22-23, 1980 "Practical Problems and Typical Property Settlement Provisions," Seminar on Domestic Relations at University of Kentucky

July 10-12, 1980 "Drafting Antenuptial Agreements," Family Law at the University of Louisville

June 13, 1980 A Practical Problems and Typical Property Settlement Provisions: Tax Aspects of Marital Dissolutions at the University of Louisville

April 1, 1980 Domestic relations presentation at the University of Louisville

PUBLICATIONS

The Court's Authority to Assign Assets, Trial Magazine, a publication of the Association of Trial Lawyers of America, March, 1984.

“Basic Property Disposition Rules,” Chapter, *Valuation and Distribution of Marital Property*, published by Matthew Bender and Co., Inc., April, 1984.

“Kentucky Civil Practice At Trial,” Chapter, “Juries,” *Civil Practice Handbook*, Volume II, University of Kentucky, Office of Continuing Legal Education, 1990.

“Legal Issues For Indigents Charged With Contempt,” *The Advocate*, a publication of the Kentucky Department of Public Advocacy, October, 1994.

SUMMARY BIOGRAPHICAL INFORMATION

Partner and associate, Wyatt, Tarrant & Combs, 1976-1984; sole practitioner, 1984-1986; partner, Oldfather & Morris 1986 to 2006; principal, Oldfather Law Firm, 2007 –date, concentrating in complex litigation, including plaintiff personal injury, product liability, medical malpractice, legal malpractice, business litigation, employment, probate, trust and family law. Admitted to the Bar: 1976, Kentucky. Education: Mount Holyoke College, A.B. (1971) and University of Louisville, J.D., *magna cum laude* (1975). Memberships: Kentucky Bar Association; Louisville Bar Association; Kentucky Association for Justice (former member Board of Governors); American Association for Justice; American Board of Trial Advocates, President Kentucky Chapter, 1998 and 1999; Fellow, International Academy of Trial Lawyers (2004); Board Certified Trial Advocate of the National Board of Trial Advocacy; listed in seven categories, BEST LAWYERS IN AMERICA, 1994 to date; founding member and former Master, Louis D. Brandeis American Inn of Court; Brandeis Society of University of Louisville School of Law; University of Louisville Law Alumni Council; Lecture course taught at University of Louisville in Trial Practice; Louisville Bar Association Committees on Professional Responsibilities and Family Law; Hospice of Louisville, Inc., Board Member, 1983-1987; Women Lawyers Association of Jefferson County; Citizens for Better Judges; E. P. Tom Sawyer Foundation, Board Member, 1986-1992. Awards: University of Louisville Distinguished Law Alumni, 1988; University of Louisville Outstanding Law Alumni Service, 1990; Brandeis School of Law of the University of Louisville, Alumni Fellow, 1997; Kentucky Association for Justice “*Peter Perlman Trial Lawyer of the Year*,” 2001, and proud member of the Inner Circle of Advocates, 2017.

EXTENDED SUMMARY

Ann Oldfather is the principal of OLDFATHER LAW FIRM, a firm concentrating in plaintiffs' litigation. Ann has practiced law for over 40 years, after graduating *magna cum laude* from the Brandeis School of Law at the University of Louisville in December, 1975, as first in her class. Ann has been sole trial counsel in a number of hotly disputed and significant cases, including the sexual abuse strip-search litigation against McDonald's Corporation resulting in a record setting Bullitt County verdict of \$6.1 Million (and a court ordered award of attorney fees and expenses of an additional \$2,489,786.08), commercial litigation between Carrier Vibrating Equipment Company and Rexnord International dealing with loss of corporate goodwill and resulting in a plaintiff's verdict of \$12.5 million, and record -breaking verdicts in medical malpractice litigation in Somerset, KY, once for a young man with a missed diagnosis of a metabolic disorder where a rural Kentucky jury returned a verdict of \$5.5 million in 1991, which stood as the largest verdict in the region until Ann broke it in 2014, with a verdict in a combined amount of \$10,658,265.42 for the family of a bariatric patient who died after surgery at Lake Cumberland Regional Hospital. Ann was one of the lead plaintiffs' counsel in the Carrollton, Kentucky bus crash disaster in which 27 children and adults burned to death in a school bus designed and manufactured by Ford Motor Company. Ann served as one of the Class Counsel for the settlement class of 243 victims of sexual abuse in their recovery against the Archdiocese of Louisville of \$25.7 million. Ann has tried many complex, multi-party cases as lead or sole trial counsel. She was appointed as the head of one of only six trial counsel committees approved by the Federal District Court in the Ford/Firestone multi district litigation. Ann was also appointed as Lead Counsel for the venous injury claimants in the Vioxx MDL, where she and her firm single-handedly established general causation for those claimants over Merck's *Daubert* challenge. Ann has been listed in the BEST LAWYERS IN AMERICA since 1993, and is now listed in seven separate categories, the highest number of individual listings in Kentucky in this prestigious publication. Ann was the highest vote-getter overall in *Kentucky Super Lawyers 2010* survey, and she has been ranked in the Top Ten every year since, regularly appearing as one of the top three. She has received the prestigious "A-V" listing from Martindale Hubbell continuously since the mid 1980s, and is featured in their BAR REGISTER OF PREEMINENT ATTORNEYS. She is a Board Certified Civil Trial Advocate by the National Board of Trial Advocacy. Ann has served as a Special Justice on the Kentucky Supreme Court, authoring both majority and dissenting opinions. Ann has lectured as a speaker at numerous programs, including presentations at the annual convention of the American Association for Justice and at Kentucky's Annual Judicial College. Ann has served as an advocacy instructor at the University of Louisville, and she is the author of the "Juries" chapter of the KENTUCKY CIVIL PRACTICE HANDBOOK. Ann is a member and past-Board member of the Kentucky Association for Justice, a member of the American Association for Justice, and a member and 1998 and 1999 President of the Kentucky Chapter of the American Board of Trial Advocates. She was the recipient of the 1997 Alumni Fellow Award from the Brandeis School of Law of the University of Louisville. Ann was inducted in the International Academy of Trial Attorneys in April, 2004. Ann's proudest achievements are being the recipient of the 2001 *Peter Perlman Trial Lawyer of the Year* award from the Kentucky Association for Justice, and her membership in the *Inner Circle of Trial Advocates*. She is also extremely proud of representing more than 700 active and retired firefighters of the City of Louisville in overtime and related litigation that has extended over fifteen years and has returned her clients in excess of Thirty-Four Million Dollars (\$34,000,000) to date.