



**Andrew W. Hull**  
**Partner**

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Andrew Hull is a founding partner of Hoover Hull Turner LLP. For almost thirty years, his practice has been business litigation in federal and state courts and before arbitration panels. He has also argued appeals before the U.S. Courts of Appeals for the Seventh and Eighth Circuits, the Indiana Supreme Court and the Indiana Court of Appeals.

**ANDY REPRESENTS:**

- Fortune 500 companies and mid-level businesses in class action suits, product liability claims and business disputes involving breach of contract, business tort and trade secret claims.
- Large Indiana law firms and their lawyers in the defense of professional liability claims, sanctions and conflict matters and disciplinary charges.
- Closely-held companies and their officers, directors and shareholders in business disputes, shareholders' litigation and officers and directors litigation.
- Employers, ERISA plans, fiduciaries and insurance companies in employment and employee benefit litigation.
- Insurers in coverage, reinsurance, complex claims and regulatory matters.
- Drivers and teams in the motorsports industry.

## EDUCATION

- J.D., *cum laude*, Indiana University Maurer School of Law-Bloomington  
Editor, *Indiana Law Journal*
- B.G.S., University of Michigan

## RECOGNITIONS

- Identified in *Chambers USA*'s "Band 1" listing of top lawyers, the highest band rating offered
- AV Preeminent®, *Martindale-Hubbell*
- *The Best Lawyers in America*® (2011-19) – Commercial Litigation; Litigation – ERISA (2017 Lawyer of the Year)
- *Indiana Super Lawyers*® (2004-19, Top 50 in 2010-19, Top 10 in 2017)
- Distinguished Fellow, *Indianapolis Bar Foundation*
- Ranked as a "Local Litigation Star" by *Benchmark Litigation*

## PROFESSIONAL ASSOCIATIONS & CIVIC INVOLVEMENT

- Member, Junior Achievement of Central Indiana, Inc. Board of Directors
- Member, International Network of Boutique Law Firms
- Member, Litigation Counsel of America
- Member, Professional Liability Defense Federation
- Member, Indianapolis Law Club
- Supporter, Indianapolis Bar Association Homeless Project
- Supporter, Indiana University Maurer School of Law-Bloomington Moot Court competition

## EXPERIENCE

Though all cases vary and none is predictive, Andy's experience includes:

### Business Litigation

- Represents Fortune 25 technology company in substantial contract dispute adverse to the State of Indiana.
- Represented public REIT mall owner to obtain injunctive relief against nationwide tenant lease breaches.

- Represented corporation and its President in pursuit of damages in excess of \$2 million against former officers alleged to have engaged in wrongful competition with corporation in breach of fiduciary loyalty, tortious interference with the company's business relationships and related torts.
- Advised LLC member and co-manager regarding management and ownership rights and obligations under the operating agreements of numerous affiliated LLCs in dispute over future operation of real estate development enterprise.
- Represented regional bank in action to foreclose on large residential development, assisting bank to obtain and manage receivership, with contested priority battle with subordinate mortgagor, and to purchase the distressed development at sheriff's sale.
- Represents bank in enforcing non-compete and non-solicit agreement against former loan officer.
- Represented insurer in dispute over service provider's claim for compensation for reinsurance review services. *Lumbermens Mut. Ins. Co. v. Reinsurance Results, Inc.*, 513 F.3d 652 (7<sup>th</sup> Cir. 2008).
- Represented publisher and established enforceability of contractual limitation of liability clause. *Trimble v. Ameritech Pub., Inc.*, 700 N.E.2d 1128 (Ind. 1998).
- Represented national telephone directory publisher in numerous disputes with advertisers and others, including disputes relating to breach of advertising agreements, trademark infringement, and constitutional issues.
- Represented national coffee chain in numerous product and premises liability disputes.
- Represented bankruptcy debtor in over two dozen matters, including substantial contract litigation and accountant professional liability claim. *Baker O'Neal Holdings, Inc. v. Massey*, 403 F.3d 485 (7<sup>th</sup> 2005) (affirming judgment of trial court that \$2.5 million deposit payment to Massey was recoverable to avoid unjust enrichment because parties never concluded a contract); *Massey v. Baker O'Neal Holdings, Inc.*, No. 1:05-cv-1304-DFH-TAB, 2006 WL 897880 (S.D. Ind., March 31, 2006) (affirming bankruptcy court's denial of Massey's claim for \$1 million setoff and ordering Massey to show cause why he should not be sanctioned for filing frivolous litigation); see also *Ernst & Young LLP v. Baker O'Neal Holdings, Inc.*, 304 F.3d 485 (7<sup>th</sup> Cir. 2005) (affirming denial of accounting firm's motion to compel arbitration); *Ernst & Young LLP v. Baker O'Neal Holdings, Inc.*, No. 1:03-cv-0132-DFH, 2004 WL 771230

(S.D. Ind. March 24, 2004) (allowing debtor to file amended complaint, granting in part and denying in part defendants' motion to dismiss claims for accounting malpractice, breach of fiduciary duty, and fraudulent inducement against accounting firm and individual accountant).

- Represented oil/gas defendant in defense of fraud claims in federal suit, including complex choice of law, personal jurisdiction, and other procedural issues.

## Lawyer Professional Liability

- Actively represents over one dozen Indiana law firms in professional liability defense, conflict and sanctions issues, and disciplinary proceedings.
- Resolved over 30 attorney professional liability matters and disciplinary proceedings.

## Employee Benefits Litigation

- Represented pension plan participant in awarding offset for foreign affiliate pension benefits. *Bandak v. Eli Lilly & Co. Retirement Plan*, 587 F.3d 798 (7th Cir. 2009) (affirming judgment for plaintiff on ERISA claim for damages, affirming award of attorneys' fees and costs on grounds that Lilly's position in the litigation had not been substantially justified, awarding plaintiff appellate attorneys' fees).

## Motorsports

- Represents professional race car drivers (including multiple Indianapolis 500 winners) in negotiations with teams and sponsors participating in NASCAR, INDYCAR and other racing series, including those regarding driving and sponsorship services, personal appearances, and intellectual property licensing.
- Counsels race teams and their owners regarding agreements with drivers, sponsors, and other racing services providers, including with respect to licensing, liability limitations, waivers, releases, and indemnities.
- Represented Champ Car World Series and its owners in numerous disputes with event promoters and creditors.
- Represented CART race team and its owner in arbitrated dispute with rival team relating to a technology sharing agreement and ownership rights under LLC operating agreement.

## PRESENTATIONS & PUBLICATIONS

- Frequent speaker and author for continuing legal education seminars on topics such as the use of expert witnesses, trial evidence issues, trial practice, commercial litigation tactics, attorneys' fees for frivolous litigation and employment and employee benefits litigation.
- Speaker, *Temporary Restraining Order and Preliminary Injunction Proceedings: Strategy and Considerations* (ICLEF, June 2017).