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Andrew Hull is a founding partner of Hoover Hull Turner LLP. For over thirty-five years, his practice has been business litigation in federal and state trial and appellate courts and before arbitration panels. His practice includes a wide variety of contract and business tort disputes, director, officer and fiduciary claims, supply chain issues, class action claims, and the defense of law firms and professional services companies. Andy represents public and private companies in a wide range of industries, including software and cloud services, electronic and automotive component manufacturing, oil and gas development, contracted government services, securities and brokerage services, and motorsports.

EDUCATION

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

RECOGNITIONS

- Ranked in *Chambers USA*'s "Band 1" listing of top Indiana litigators, the highest band rating offered
- AV Preeminent®, *Martindale-Hubbell*
- *The Best Lawyers in America*® (2013-2023) – Commercial Litigation; Litigation – ERISA (2017 Lawyer of the Year)
- Profiled in the 2015 edition of the *Indiana Super Lawyers*® magazine

- *Indiana Super Lawyers®* (2004-2022, Top 50 2010-2022, Top 10 in 2017)
- Distinguished Fellow and Distinguished Life Fellow, *Indianapolis Bar Foundation*

PROFESSIONAL ASSOCIATIONS & CIVIC INVOLVEMENT

- Board Member, Indianapolis Bar Foundation
- 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

- Represent several Indiana cities in putative class action on behalf of Indiana cities and counties in Commercial Court, Marion County, against various video service streaming companies for failure to pay video service franchise fees.
- Represent government-contracted services public company in bid protest, prime contract litigation and subcontract litigation.
- *SG Equipment Finance USA Corp., v. Kimball Electronics, Inc. v. Ariba, Inc.*, United States District Court for the Eastern District of Pennsylvania, Case No. 2:20-cv-06005-JCJ. Represented electronics manufacturing contractor in dispute related to complex cloud services for component procurement.
- *The Finish Line, Inc. v. Ryan Law LLP, et al.*, Marion Superior Court, Cause No. 49D01-1606-PL-21894. Represented national apparel retailer in recoveries on claims asserting professional malfeasance related to the Deepwater Horizon economic loss claims procedures.

- *Division Six Sports, Inc. v. The Finish Line, Inc., et al.*, Seventh Circuit Court of Appeals, No. 19-1070. Prevailed at district court and Seventh Circuit defeating contract claims.
- *Indiana Automobile Insurance Plan v. New Hampshire Insurance Company*, Marion Commercial Court, Cause No. 49D01-1902-PL-006478. Represented insurance association defeating \$7.5 million indemnity claim; affirmed on appeal. *New Hampshire Insurance Company v. Indiana Automobile Insurance Plan*, 176 N.E.3d 514 (Ind. Ct. App. 2021).
- *American Land Holdings of Indiana, LLC, et al. v. Pioneer Oil Co., Inc.*, Sullivan County Superior Court, Cause No. 77D01-1904-MI-000234. In a matter of first impression, question of competing property and mineral interest claims between oil and coal operators.
- Represented national professional sports league and professional sports franchise in defense of separate defamation claims.
- Represented Fortune 25 technology company in substantial contract dispute adverse to the State of Indiana.
- Represented corporation and its President to recover damages against former officers for 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, obtain and manage receivership, establish contested priority battle with subordinate mortgagor, and purchase the distressed development at sheriff's sale.
- Represented 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 (7th 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 product liability claims.
- 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 (7th 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 (7th 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 a dozen Indiana law firms in professional liability defense, conflict and sanctions issues, and disciplinary proceedings.
- Resolved over 50 attorney professional liability matters and disciplinary proceedings.

Employee Benefits Litigation

- Represented pension plan participant in avoiding 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 and an IndyCar® Champion) 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, business ownership disputes, attorneys' fees for frivolous litigation and employment and employee benefits litigation.
- 2020 ICLEF Seminar, Commercial Litigation – Chair and Moderator
- Speaker, *Temporary Restraining Order and Preliminary Injunction Proceedings: Strategy and Considerations* (ICLEF, June 2017).