

# Patricia Polis McCrory



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Patricia concentrates her practice in complex business litigation including litigation of intellectual property disputes, trade dress infringement, director and officer liability, environmental contamination, and lender liability. Patricia's clients include corporations, sole proprietorships, limited liability companies, not-for-profit entities, health care providers and financial institutions. She has been recognized by Best Lawyers (2009-2018) in the areas of Commercial Litigation; Litigation - Banking and Finance; Mass Tort Litigation / Class Actions - Defendants, and by Indiana Super Lawyers in Business Litigation (2004-2016). Patricia has a Martindale AV Preeminent Peer Review Rating. Patricia was recognized by Best Lawyers as the 2015 Indianapolis Mass Tort Litigation/Class Actions - Defendants "Lawyer of the Year." Only a single lawyer per practice area in each community is honored as a "Lawyer of the Year."

## Bar Memberships

- Indiana

## Courts

- U.S. Supreme Court
- Indiana Supreme Court
- U.S. District Courts (Northern and Southern Districts)
- 7th District Court of Appeals

## Education

- IU McKinney School of Law, J.D.
- Indiana Law Review, Associate Editor
- University of Indianapolis, B.S., cum laude

## Experience

### Corporate Litigation

- Lead Counsel in patent infringement litigation involving catalytic converting coating processes brought in the United States District Court, Northern District of Indiana/ Hammond Division. *BASF Corp. v. Aristo, Inc.*
- Represented competitor in injunction action in which company failed to show that competitor took company's client list assuming that list was a trade secret. *PrimeCare Home Health v. Angels of Mercy Home Health Care, LLC.*
- Represented Fortune 500 company in alleged breach of contract issues involving wireless communication systems and equipment in United States District Court. Southern District of Indiana. *ViaStar Energy, LLC v. Motorola, Inc.*
- Represented financial institution in action involving alleged Lender Liability and fraud by successfully resolving a complex lender liability action from a failed marina and condominium project, involving complicated collateral disposition, bankruptcy and state law commercial lending issues. *MainSource Bank v. Patricia Hereford v. Peoples Trust Co.*
- Represented employer when discharged African-American salesperson brought action against employer and co-workers alleging civil rights violations and torts. The Johnson County Circuit Court granted employer summary judgment on all claims. The Court of Appeals affirmed. *Perry v. Stitzer Buick GMC, Inc.*

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## Director and Officer Liability

- Represented officers and directors of a health care company in a case brought against them by the Indiana Department of Insurance for breach of fiduciary duties and malfeasance. Issues included alleged preference payments and liability related to continuation of benefits. Sally B. McCarty, as the Insurance Commissioner of the Dept. of Insurance of the State of Indiana v. Alan Bloom, et al. and officers and/or directors of Maxicare Indiana, Inc. and Maxicare Health Plans, Inc.
- Represented officers and directors of a Multi-Employer Welfare Benefit Plan (MEWA) in case brought against them by the Indiana Department of Insurance for breach of fiduciary duties and malfeasance. Indiana Construction Industry Trust (ICIT), Marion County Circuit Court.
- Represented bank wherein the Indiana Court of Appeals concluded the bank could assign malpractice claim against accountants who audited bank to directors who purchased bank's nonperforming loans. First Community Bank and Trust v. Kelley, Hardesty, Smith and Co., Inc.

## Environmental

- Represented various entities in environmental matters including actions before administrative agencies such as the Indiana Department of Environmental Management and in Superfund litigation in Indiana, Illinois, New Jersey and Tennessee.
- Represented seller of lead plates where owners of lead smelting facility brought action against seller of lead plates under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), seeking contribution to response costs for cleaning up contamination at facility. On cross-motions for summary judgment, the U.S. District Court held that sale of lead plates recycled from used batteries was sale of commercially valuable product, rather than arrangement for disposal or treatment of hazardous substance. RSR Corporation and Quemetco, Inc. v. Avanti Development, Inc., et al.
- Represented numerous petroleum operators and dry cleaners in remediation activities within the State of Indiana. Represented companies in acquiring property and in Brownfields applications.
- Represented gas station wherein the Indiana Court of Appeals found amendments to underground storage tank law did not apply retroactively to allow contribution for response costs that were incurred before its effective date and gas station's gas vapor contamination into residences required prompt action for which agency could be reimbursed. Commissioner, Indiana Department of Environmental Management v. Bourbon Mini-art, Inc., et al.
- In addition to representing individuals and manufacturers with their environmental issues, Pat McCrory also has represented farmers and has addressed the unique environmental issues posed by confined feeding operations (CAFO's).

## Mediation

- Registered Mediator in the State of Indiana (Civil)

## Highlights & Recognitions

- The Best Lawyers in America Commercial Litigation; Litigation- Banking & Finance, Mass Tort Litigation/Class Actions - Defendants, 2009-2016
- Martindale AV Preeminent Peer Review Rating
- Sagamore Inn of Court, 2007-2015
- The Martindale-Hubbell Bar Register of Preeminent Women Lawyers, 2011
- Top 25 Female Indiana Super Lawyers, 2006-2007
- National Registry of Who's Who, Life Member
- Richard G. Lugar Excellence in Public Service Series, Graduate
- National Institute for Trial Advocacy Advanced Litigation Series, Graduate

## Memberships & Affiliations

# Patricia Polis McCrory

- American Bar Association
- Indiana State Bar Association, Environmental Section; Healthcare and Medical Section; Litigation Section
- Indianapolis Bar Association, Environmental Section, former Chair; and, Health Care Section
- Seventh Circuit Bar Association, Past President
- Defense Research Institute (DRI), Member of Commercial Litigation, Intellectual Property Litigation, Toxic Torts and Environmental, and ADR Committees
- Defense Trial Counsel of Indiana, Indiana Civil Litigation Review, Board of Editors; Business Litigation Section, Chair
- IU McKinney School of Law, Honorable Cale J. Holder Scholarship Committee, Chair
- Japan America Society of Indiana

## Civic & Charitable Organizations

- United Way of Central Indiana Capital Projects Fund Committee; Women United; Past Chair; Member of the Resource Development Committee
- Former Member and Secretary of Indianapolis Regional Board of the Franciscan Alliance Foundation,
- St. Francis Health
- University of Indianapolis, Board of Directors
- Consolidated City of Indianapolis and Marion County Audit Committee for the Administration and Finance Committee
- Indianapolis Kiwanis Club, President (2011-2012)
- Kiwanis Foundation of Indianapolis, Inc., President (2013) (Over Six Million Dollars in Assets)
- Community Hospital East Reinvestment Initiative, Cabinet Member (2013, 2014)

## Publications

- October 2012
- Dealings with Expert Witnesses: A Comparison of the Federal and Indiana Rules Regarding Expert Witness Discovery and Testimony
- Indiana Civil Litigation Review, Defense Trial Counsel of Indiana

## Speaker and Panelist

- Chair of DRI Intellectual Property Seminar (May 7-8, 2015) and Program Vice Chair of DRI Intellectual Property Seminar (May 8-9, 2014)
- Instructor and Lecturer at Indiana Department of Environmental Management Qualified Inspector Training, January 28, 2015
- NBI Sophisticated Deposition Strategies, December 11, 2014
- "Economic Damages in Commercial Litigation: Federal vs. State Discoverability of Expert Reports," ICLEF, January 2013
- "Representing Your Client in Federal Courts," NBI, December 2013, December 2012 and October 2010
- Chair of Business Litigation Seminar (June 13, 2012 ICLEF)
- "Women's Leadership Conference: Connect-Mentor-Inspire," Integrating Women Leaders, Inc., August 2011
- Accountable Care Organizations Seminar - Indianapolis, June 30, 2011
- "Non-Compliance with Environmental Laws and Regulations," presented at the 75th Anniversary Annual Meeting of the Indiana Mineral Aggregates Association, February 2009
- "Business Valuation Litigation - Utilizing Expert Witnesses," Defense Trial Counsel of Indiana, September 2008
- "Fundamentals of Hazardous Waste Law," NBI seminar, December 2007
- "D & O Liability in a Softening Marketplace," 2nd Annual Executive Liability Panel Discussion, Panelist, October 2007
- "Hot Topics in Civil Law and Procedures," Seventh Circuit Bar Association and Judicial Conference, Panel Participant, 2006
- "Health Care: a State and Federal Perspective," seminar chair, 2004
- "Nursing Home Malpractice in Indiana: Successful Case Management from Investigation to Trial," National Business Institute, 2002
- "So You Have a Chemical Spill or Release - Now What?," National Communication Association, Environmental Division, 2002
- Contact with Employees by Opposing Counsel," Seventh Circuit Bar Association and Chair for Judicial Conference, 2001
- "The Role of Medical Records and Personnel in Indiana Civil Litigation," National Business Institute, 2000
- "Long Term Care and Nursing Home Litigation in the State of Indiana, presenter, Indiana Continuing Education Seminar, Ixtapa, Mexico, 1999
- Banking Law Articles and Blogs
- Indiana Court of Appeals Unfolds Dragnet clauses and Affirms Summary Judgment for National City against Wells Fargo Under the

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Doctrine of Res Judicata published in Lexology in cooperation with the Association of Corporate Counsel (July 2012).  
- Good Practice Guide for Lawyers to Detect and Combat Money Laundry - the Business Litigation Impact (ICLEF, November 30, 2011)  
- Consumer Financial Protection Bureau Weights Into Rescission Argument Under the Truth in Lending Act, - April 2012  
- Advisory to Financial Institutions on Filing Suspicious Activity Reports Regarding Elder Financial Exploitation, - April 2011  
- New Rule Adopted as of January 30, 2010 for the Bank Secrecy Act by the Financial Crimes Enforcement Network, December 2010  
- Indiana Court of Appeals Holds That Claim Under The Fair Credit Reporting Act Survives Bankruptcy and Must Be Arbitrated, August 2010