



# W. Craig Robertson III

## Partner

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### Location

250 West Main Street  
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Lexington, KY 40507

### Honors



Highest Professional AV Rating by *Martindale-Hubbell Law Directory*. Peer references stated that, "Craig is an excellent attorney and a zealous advocate for his clients. Top notch." "One of the most prepared attorneys I have ever practiced with or against." "One of the finest lawyers in Kentucky."

*Woodward/White's The Best Lawyers in America®* in the areas of Commercial Litigation, Litigation-Banking & Finance, Litigation-Construction, Litigation-Intellectual Property, and Litigation-Patent, 2010-2020

Best Lawyers® 2019 Lexington Litigation-Construction "Lawyer of the Year"

Best Lawyers® 2016 Lexington Litigation-Banking and Finance "Lawyer of the Year"

Recognized by his peers in *Kentucky Super Lawyers®* 2013-2020

Recognized by Benchmark Litigation as a "Litigation Star" 2015

Recognized as one of Lexington, Kentucky's "Rising Stars" in 2002

### Education

1993 - J.D., University of Kentucky; Order of the Coif

1990 - B.A., with high distinction, University of Kentucky

### Admissions

Craig Robertson, Partner-in-Charge of Wyatt's Lexington office, is a member of the Firm's Litigation & Dispute Resolution Service Team and he leads Wyatt's Equine & Gaming Service Area. He concentrates his practice in the areas of commercial litigation, construction, equine, banking, intellectual property, professional malpractice, insurance and appellate law.

### Representative Litigation

Since commencing his practice in 1993, Mr. Robertson has tried numerous cases. Some of his more significant litigation experience includes the following:

- *Lexmark International, Inc. v. Static Control Components, Inc.*, United States District Court, Eastern District of Kentucky. Mr. Robertson served as counsel for Static Control Components, Inc. in a suit brought by Lexmark involving patent, copyright, antitrust and numerous other contract and tort claims. Lexmark sought damages of approximately 100 million dollars. Following a 5 week trial, the jury returned a complete defense verdict and Lexmark took nothing on its claims.
- *Forcht Bank, N.A. v. Fox Trot Corporation*, Fayette Circuit Court, Lexington, KY. Mr. Robertson represented Forcht Bank in a 2.8 million dollar loan default and a 50 million dollar lender liability counterclaim. Summary Judgement was granted in favor of Forcht Bank on all claims.
- *Joseph Pope v. Kentucky School Boards Insurance Trust*, Franklin Circuit Court, Frankfort, KY. Mr. Robertson represented the Board of Trustees of the Kentucky School Boards Insurance Trust in a 50 million dollar breach of fiduciary duty claim related to workers compensation and property/liability self-insurance funds. The case was resolved.
- *Graham Motion v. Kentucky Horse Racing Commission*, Franklin Circuit Court, Frankfort, KY. Mr. Robertson currently represents Mr. Motion in an action challenging Kentucky's trainer responsibility rule. The trial court struck down the rule as unconstitutional. The matter is currently on appeal.
- *California Horse Racing Board v. Bob Baffert*. Mr. Robertson represented Mr. Baffert in all matters related to Triple Crown winner, JUSTIFY, before the California Horse Racing Board.
- *Fifth Third Bank v. Stone\*Wall Farm, LLC, et. al.*, Fayette Circuit Court, Lexington, KY. Mr. Robertson represented Fifth Third Bank in a 15 million dollar loan default case. The trial court granted summary judgment in favor of Fifth Third for the full amount of its claims.
- *United States Achievement Academy v. Pitney Bowes, Inc. and Pitney Bowes Credit Corporation*, United States District Court, Eastern District of Kentucky. Mr. Robertson represented Pitney Bowes, Inc. and Pitney Bowes Credit Corporation in an action brought by the United States Achievement Academy. The Plaintiff claimed that it leased certain printing equipment that proved defective and resulted in damages exceeding \$1,000,000. The Plaintiff asserted claims for breach of contract, breach of warranty, fraud and negligence. The Trial Court granted summary judgment in favor of Pitney Bowes, Inc. and Pitney Bowes Credit Corporation on all claims.
- *H. Eugene Melton v. KEMSAC, Inc., et al.*, Clinton Circuit Court, Albany, KY. Mr. Robertson served as counsel for KEMSAC, Inc. and its four principal officers. Mr. Melton alleged that the company and its officers fraudulently induced him to purchase stock shortly before the company became insolvent. The claims asserted included securities fraud, corporate mismanagement, misrepresentation and negligence. The jury returned a complete defense verdict and awarded the plaintiff nothing on his claims.
- *John and Susan Moore v. William Landes*, Fayette Circuit Court, Lexington, KY. Mr. Robertson served as counsel for William Landes in a suit brought by John and Susan Moore. The Moores alleged that they had been defrauded in the purchase of the thoroughbred colt TIGER. The matter was arbitrated and a decision was

United States District Court,  
Eastern and Western Districts of  
Kentucky

U.S. Court of Appeals, Sixth  
Circuit

rendered in favor of Mr. Landes. As a result, the Plaintiffs took nothing on their claims.

- *Dr. David Lambert v. Ken Ramsey*, Fayette Circuit Court, Lexington, Ky. Mr. Robertson served as counsel for Dr. David Lambert in an action brought against Ken Ramsey for breach of an oral contract to pay \$250,000 worth of bonuses due to the racing success of the thoroughbred colt ROSES IN MAY. The jury returned a verdict in favor of Dr. Lambert for the full amount of his claim.
- *AGC Flat Glass North America, Inc. v. Pilkington, PLC and Saint-Gobain Ceramics and Plastics, Inc.*, Madison Circuit Court, Richmond, KY. Mr. Robertson represented Saint-Gobain Ceramics and Plastics, Inc. in a suit involving claims brought by AGC Flat Glass North America, Inc. AGC claimed that a NO<sub>x</sub> reduction technology created by Pilkington caused a premature failure of refractory products manufactured by Saint-Gobain and used by AGC in its Richmond, Kentucky glass manufacturing plant. AGC sought approximately 20 million dollars in damages. The case was resolved favorably prior to trial.
- *Fifth Third Bank v. Zayat Stables, LLC*, Fayette Circuit Court, Lexington, KY. Mr. Robertson represented Fifth Third Bank in a 30 million dollar loan default case. Zayat Stables asserted numerous lender liability counterclaims. The matter was ultimately resolved in bankruptcy court.
- *H&R Mechanical Contractors, Inc. v. Codell Construction Co.*, Knox Circuit Court, Barbourville, KY. Mr. Robertson was counsel for Codell Construction Company in a construction dispute where the Plaintiff claimed that Codell had improperly performed its duties as construction manager, resulting in delay damages of approximately \$350,000. The Trial Court dismissed the Complaint and Kentucky's Court of Appeals affirmed.
- *University of Kentucky v. Midland Engineering*, Franklin Circuit Court, Frankfort, KY. Mr. Robertson served as counsel for the University of Kentucky in a suit brought by the University against Midland Engineering Company for a fire which occurred during remodeling of the University's Administration Building. The claims were for breach of contract and negligence. The case was settled favorably for the University.
- *Rodney Love v. Kern's Bakeries*, Johnson Circuit Court, Paintsville, KY. Mr. Robertson defended Kern's Bakeries in a personal injury action involving a motor vehicle accident in which the Plaintiff claimed a brain injury and over \$800,000 in damages. At trial, a directed verdict was entered in favor of Kern's Bakeries.
- *Stone\*Wall Farm v. Ronald J. Bamberger*, Fayette Circuit Court, Lexington, KY. Mr. Robertson served as counsel for Ron Bamberger in an action brought by Stone\*Wall Farm concerning the thoroughbred colt LAWYER RON. Stone\*Wall Farm alleged breach of contract and breach of fiduciary duty with regard to the racing career of LAWYER RON. Mr. Bamberger prevailed on Stone\*Wall's claim that it was entitled to direct LAWYER RON's racing career. Following this favorable ruling, the remaining aspects of the case were settled.
- *JRN, Inc. v. CGU Insurance Co.*, United States District Court, Eastern District of Kentucky. Mr. Robertson represented JRN, Inc. in a breach of contract claim against CGU over \$200,000 worth of damages to a JRN owned Kentucky Fried Chicken Restaurant. The issue was whether the damages were caused by a covered loss under a policy of insurance. The jury returned a verdict in favor of JRN.
- *Jeffrey Isham v. ABF Freight System, Inc.*, Fayette Circuit Court, Lexington, KY. Mr. Robertson defended ABF in an employment case where the Plaintiff claimed civil rights violations, conspiracy, malicious prosecution and abuse of process. The trial court granted summary judgment in favor of ABF.

#### **Reported Cases**

- *Static Control Components, Inc. v. Lexmark International Inc.*, 697 F.3d 387 (6th Cir. 2012)
- *Thornton v. Western & Southern Financial Group Beneflex Plan*, 797 F.Supp.2d 796 (W.D. Ky 2011)
- *U.S. Achievement Academy, LLC v. Pitney Bowes, Inc.*, 458 F.Supp.2d 389 (E.D. Ky 2006)
- *Fields v. Lexington-Fayette Urban County Government*, 91 S.W.3d 110 (Ky. App. 2001)

#### **Representative Clients**

- Static Control Components, Inc.
- Saint-Gobain Ceramics and Plastics, Inc.

- Magnum Hunter Resources Corporation
- Fifth Third Bank
- Pitney Bowes, Inc. and Pitney Bowes Credit Corporation
- Koch Carbon, LLC
- ABF Freight Systems, Inc.
- American Association of Equine Practitioners
- Ducks Unlimited
- Liberty Mutual Insurance Company
- XL Design Professionals Insurance Company
- Western & Southern Life Insurance Company
- Graham Motion
- Bob Baffert
- Valvoline, LLC

## **Professional Experience**

- Judicial Clerk to both the Honorable Charles R. Simpson III and the Honorable John G. Heyburn II in the United States District Court for the Western District of Kentucky

## **Presentations**

- "Defending a Racing Medication Case Before the Stewards and/or an Administrative Agency in Anticipation of Appellate Review," 34th Annual National Conference on Equine Law, University of Kentucky College of Law, Lexington, KY, May 2, 2019
- "Equine Law Damages," 31st Annual National Conference on Equine Law, University of Kentucky College of Law, Lexington, KY, May 5, 2016
- "Top Ten Effective Equine Litigation Strategies," 30th Annual National Conference on Equine Law, University of Kentucky College of Law, Lexington, KY, April 30, 2015
- "Premises Liability in Kentucky," 25th Annual KBA Corporate House Counsel CLE Seminar, Louisville, KY, April 16, 2015
- "Litigation Strategies for the 'Bet the Company Case,' In-House Counsel Litigation Seminar, Louisville, Kentucky, November, 2013
- "Effective and Innovative Discovery Methods and Requests in Equine Litigation," 26<sup>th</sup> Annual National Conference on Equine Law, University of Kentucky College of Law, Lexington, KY, May 4, 2011
- "Ten Commandments of Loss Prevention," Kentucky Society of Professional Engineers annual conference, Owensboro, Kentucky, April 2004
- "Arbitration v. Litigation," University of Kentucky annual Construction Law Conference, Lexington, Kentucky, April 2003

## **Professional Activities and Memberships**

- Fayette County, Kentucky and American Bar Associations
- American College of Equine Attorneys

## **Civic Involvement**

- Lexington Chamber of Commerce
- Leadership Lexington graduate 2003
- Leadership Kentucky graduate 2014
- Board Member of The Well

## **Interests**

- Horse Racing - Part owner of several thoroughbreds including CAIRO PRINCE and SOLDAT
- Golf
- Running

## Languages

- Some Spanish