



Kevin M. Fetherston

Attorney

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Kevin Fetherston is a shareholder in the firm's Litigation and Risk Management Practice Group. He focuses his practice on general tort litigation, business and commercial litigation, and professional liability litigation. Kevin has extensive experience litigating complex cases and appeals in both state and federal courts.

Kevin is recognized as a Rising StarSM (2015-2019) by *Wisconsin Super Lawyers*[®] in General Litigation.

He is a member of the State Bar of Wisconsin and the Milwaukee Bar Association.

Representative Matters

- Assisted in obtaining favorable trial decision for business owner against claims asserted by business associates including fraud, theft of trade secrets, conversion, and tortious interference, among others. Representation included *Daubert* challenges to plaintiffs' damages experts and summary judgment on basis of inadmissible expert testimony and the impact of non-compete and non-disclosure agreements.
- Assisted in obtaining summary judgment for member of limited liability company facing claims by other member including breach of fiduciary duty, conspiracy to defraud, tortious interference, conversion, and malicious injury to business, among others, on grounds that member lacked standing to sue derivatively or personally recover any damages pursuant to the *Rose* decision.
- Assisted in obtaining favorable verdict for attorney and member of limited liability company against claims asserted by client and alleged business partners including legal malpractice, breach of fiduciary duty, and breach of contract. Representation included extensive motion practice attacking plaintiff's ability to prove causation and damages and motions after verdict.
- Assisted in obtaining favorable settlements for attorneys accused of securities fraud, business reorganization malpractice, bankruptcy malpractice, real estate transaction malpractice, and collection malpractice, among others. Representations included summary judgment on basis that plaintiffs lacked standing and were incapable of proving causation and damages and plaintiffs' experts were subject to exclusion pursuant to the *Daubert* standard.
- Assisted in obtaining summary judgment for attorneys accused of transactional malpractice, criminal defense malpractice, and violating HIPAA, among others, on basis that plaintiffs were incapable of demonstrating attorney/client relationship, causation and damages.
- Assisted in obtaining favorable settlement for accountant accused of accounting malpractice and involvement in securities fraud.
- Assisted in obtaining summary judgment for accountants accused of accounting malpractice on grounds of plaintiff's inability to prove causation and damages.
- Assisted in several attorney disciplinary cases and petitions for reinstatement to the Wisconsin bar.

Representative Presentations

- "Locating and Working with Expert Witnesses", HalfMoon Seminars, April 2015
- "What is a *Daubert* Motion? How will *Daubert* be Utilized in Wisconsin?", Wisconsin Defense Counsel, 2011 Summer Conference

Practice Areas:

- Litigation and Risk Management
- Commercial and Business Litigation
- Professional Liability

Education:

- Marquette University Law School, J.D., 2011
- Miami of Ohio, B.A., 2008

Bar Admissions:

- Wisconsin
- U.S. District Court, Eastern and Western Districts of Wisconsin