

## Eric A. Ludwig

Partner

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Office Location:

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Eric Ludwig is a Partner at Bovis, Kyle, Burch & Medlin, LLC working with our corporate law and insurance practice groups. He truly enjoys assisting clients with reaching the best outcome and his services have been used in 30 states (via *pro hac vice* associations with local counsel). Eric joined the firm in 2016 as a lateral partner following more than a decade of practicing law with an Atlanta-based national law firm.

Eric is an experienced commercial, insurance, and product liability litigator with an emphasis in business, premises liability, coverage, and toxic torts. He further uses those skills to also assist clients in corporate law matters including negotiating and drafting contracts, corporate formations, restrictive covenants, protecting trade secrets, franchise agreements, and franchise disclosure documents. Eric represents insurers and their third-party administrators in coverage matters, reservation of rights, and first-party litigation.

A native Kentuckian, Eric is licensed to practice law in Kentucky, Indiana, and Georgia. He has represented clients before State and Federal Courts, arbitrators, and government agencies, including the United States Equal Employment Opportunity Commission (EEOC).

### REPRESENTATIVE PROFESSIONAL EXPERIENCE

Eric is seasoned at addressing clients' needs from pursuing strategic initiatives for corporate matters and litigating from the initial investigation through trial and appeal. He has successfully litigated and tried lawsuits involving allegations of exposure to toxic products, premises liability, and business disputes. Representative matters include:

#### Corporate/Business Litigation

- He regularly serves in the role of “outside General Counsel” for a popular Southeast regional retail premises in their franchising, employment, general business development, and



### PRACTICE AREAS:

- Corporate Law
- Franchise and Hospitality
- Insurance Coverage and Bad Faith
- Labor and Employment Law
- Litigation
- Premises Liability
- Insurance Defense

### ADMITTED TO PRACTICE:

- Georgia, 2007
- Indiana, 2003
- Kentucky, 2000

### EDUCATION:

#### University of Dayton School of Law

- Juris Doctorate, May 2000
- Dean's Merit Scholarship
- Moot Court Board

transactional needs.

- In 2016, Eric counseled an agriculture cooperative in a multi-faceted business “divorce” involving the use of proprietary production machinery (a highly valued piece of specialty equipment that is the only one of its kind to exist in the Western Hemisphere).
- In 2015, Eric successfully litigated a breach of a franchise agreement before an arbitrator that resulted in a seven figure judgment benefitting his client.
- In 2015, he litigated and resolved a breach of contract/fraud matter that resulted in a mid-six figure settlement in the client’s favor.
- In 2015, Eric represented a national restaurant chain in an unjust enrichment /fraud matter that resulted in a favorable recovery for the client in a Georgia Court.
- In 2014, he secured a temporary restraining order to prevent the unauthorized distribution of assets related to an ongoing business dispute before a Florida State Court.

- President Volunteer  
Income Tax Assistance  
Program

#### **University of Kentucky**

- Bachelor of Science,  
Business, May 1997
- Majors: Economics and  
Business Management,  
with Departmental  
Honors (Top 10 percent  
of Economics students)
- Pollard Academic  
Scholarship

#### **Product Liability and Insurance Litigation**

- In 2016, he achieved a dismissal based on a unique application of the statute of limitations in a property damage claim pending before the United States District Court for the Eastern District of Kentucky.
- In 2015, he received two notable product liability victories including the summary judgment dismissal of a claim for alleged asbestos exposure before an Indiana State Court. He also secured a voluntary dismissal before the U.S. District Court in Kentucky after opposing counsel elected not to challenge the pending motion for summary judgment
- In 2015, Eric negotiated the dismissal of 182 product liability claims in a consolidated mass tort action.
- In 2013, he was lead counsel defending a pharmaceutical publishing company in a product liability failure-to-warn claim before the United States District Court in the Northern District of Georgia. The matter resolved favorably while his motion for summary judgment and motion to exclude the opposition’s experts were pending.
- Eric was assistant trial and appellate counsel defending a lung cancer wrongful death claim in a two separate multi-week jury trials that ultimately resulted in a published opinion by the Kentucky Supreme Court.

- In 2010, Eric was assistant trial counsel defending a cervical injury claim that occurred at a national home retailer's premises.
- In August 2007, he was assistant trial counsel in the defense of a mesothelioma wrongful death claim in a multi-week jury trial involving allegations of raw component exposure.

### **PUBLISHED APPELLATE CASES**

- *CertainTeed v. Dexter*, 330 S.W.3d 64 (2010)
- *T. Vanderbilt v. Franklin*, 290 S.W.3d 654 (2009)
- *Bobo v. National Services Industries*, 2009 Ky. App. Unpub. LEXIS 981 (Ky. Ct. App. Nov.20, 2009)
- *Van Landingham v. Georgia-Pacific Corp.*, 2009 Ky. App. Unpub. LEXIS 679 (Ky. Ct. App. Aug. 14, 2009)
- *Booth v. Quality Carriers*, 276 Ga. App. 406 (2005)
- He has also drafted multiple Writs of Mandamus seeking interlocutory relief before Appellate Courts.
- Eric drafted and argued a motion to dismiss leading to the dismissal of 3800 asbestos-related toxic tort claims. The dismissals, which were consolidated in three mass complaints, are among the largest in Kentucky legal history and the results were reported by financial press covering the client.
- He has been granted numerous dispositive dismissals civil liability cases pending in Georgia, Kentucky, Indiana, and South Carolina.

### **PRIOR EXPERIENCE & FAMILIARITY WITH COURTS**

Before actively litigating on behalf of clients, Eric had the unique opportunity of beginning his legal career working for multiple federal and state judges, where he honed his skills on a wide variety of legal issues. He held positions with the following courts:

- Judge Denise Clayton (Jefferson County, Kentucky Circuit Judge) (who is now on the Kentucky Court of Appeals)
- Chief Judge Stephen Mershon (ret.) (Jefferson County, Kentucky Circuit Judge)
- Chief Judge Walter Rice (U.S. District Court, Southern District of Ohio)
- Magistrate Judge Timothy Hogan (ret.) (U.S. District Court, Southern District of Ohio).

## **AWARDS**

Eric is a recipient of the “Rising Star” designation by *Georgia Super Lawyers* magazine.

## **ARTICLES & PUBLICATIONS**

U.S. Court of Appeals for the Fourth Circuit Reaffirms Application of “Lohrmann Standard” Thirty Years Later.

## **PROFESSIONAL AFFILIATIONS**

- State Bar of Georgia (2007)
- Kentucky Bar Association (2000)
- Indiana State Bar Association (2003)
- Georgia Defense Lawyers Association
- Louisville Bar Association
- Atlanta Bar Association

## **COMMUNITY INVOLVEMENT**

Everybody Wins (children's weekly reading program) (Volunteer); Parishioner of St. Ann’s Catholic Church in Marietta, GA; The Sunshine School at Temple Kol Emeth.