



MICHAEL J. NORTON

PARTNER

WICHITA OFFICE

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PROFILE

Foulston partner Michael Norton, a litigator in the firm's Wichita office, defends and prosecutes a range of commercial, intellectual property, real estate, insurance, and trust and estate disputes. His clients include businesses from the aerospace, agriculture, insurance, construction, healthcare, and financial services arenas, as well as individuals from all walks of life who need legal solutions to complicated problems. Michael regularly handles federal district and appellate court cases, Trademark Trial and Appeal Board (TTAB) actions, and litigation filed in Kansas and Oklahoma state courts.

Michael's practice encompasses contract disputes, trademark enforcement, copyright protection, products liability, construction claims, defamation cases, and torts. He is particularly sensitive to helping clients resolve matters in the most effective, efficient manner, whether that means negotiating a settlement or taking a case all the way through trial. Applying his skills at the negotiation table and in alternative dispute resolution (ADR) proceedings, he frequently crafts solutions that avoid prolonged litigation. When litigation is necessary, he is a formidable advocate for his clients at all stages of the process, from coordinating e-discovery and taking depositions to presenting evidence at trial and delivering powerful arguments to the court. Michael regularly serves as first-chair in jury trials or as lead counsel in high-stakes litigation and has successfully argued his clients' positions in a range of courts and non-judicial proceedings.

Numerous legal publications list Michael among the best litigators in the country and region. While he has earned the respect of clients and colleagues for his many accomplishments, Michael's personal definition of success is particularly high: not to win at all costs, but to achieve the best result the "right way" – through perseverance, hard work, and integrity.

Michael attributes his work ethic and desire to establish long-lasting relationships with clients to the lessons he learned growing up in the Midwest and from his mentors at Foulston: tell the truth, work hard, earn respect, and never compromise your integrity.

When he's not working, Michael enjoys spending time with his wife and four children and traveling.

Education

- Texas Tech University (J.D., 1998)

FOULSTON

ATTORNEYS AT LAW

- Cameron University (B.A., *cum laude*, 1995)

Admissions

- Kansas (1998)
- Oklahoma (2019)
- U.S. District Court for the District of Kansas (1998)
- U.S. District Court for the Western District of Missouri (2019)
- U.S. Court of Appeals for the Tenth Circuit (2020)

PRACTICE AREAS

- Litigation & Disputes
- Product Liability
- Construction
- Insurance Defense Litigation
- Intellectual Property
- Trade Secret & Noncompete Litigation
- Trust & Estate Litigation

INDUSTRIES

- Construction
- Aviation & Aerospace

RELEVANT EXPERIENCE

- Lead counsel for a bank before the Trademark Trial and Appeal Board (TTAB) in opposition against a foreign company attempting to use an infringing mark in the U.S. market. Obtained TTAB judgment in favor of the client, preventing the registration of the infringing mark.
- Lead defense counsel for a manufacturer in a breach of technology contract lawsuit related to securing and protecting confidential information. Obtained favorable settlement for the client.
- Lead defense counsel for a rancher accused of negligently allowing cattle to escape their fenced pasture. Plaintiffs sought more than \$1,000,000 in damages. Obtained summary judgment dismissing the lawsuit. Dismissal upheld on appeal.
- Lead discovery counsel for a manufacturer in a breach of contract lawsuit filed by an out-of-state supplier. Discovery issues included the application of the proportionality doctrine. Obtained favorable rulings on discovery disputes and assisted in obtaining favorable settlement for the client.
- Defense counsel for a manufacturer in a breach of contract action brought by a supplier. Obtained summary judgment in favor of the client.

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ATTORNEYS AT LAW

- Lead defense counsel for a home healthcare company accused of negligence and wrongful death. Plaintiffs sought more than \$3,000,000 in damages. Case involved the determination of duties under the Kansas Home and Community Based Services Physically Disabled ("HCBS/PD") waiver program. Obtained summary judgment dismissing all claims against the client.
- Co-counsel defending a defamation counterclaim against an employee who posted statements about their supervisor on social media. Obtained summary judgment dismissing all counterclaims against the client.
- Lead defense counsel for clients accused of negligence and violation of the Kansas Consumer Protection Act in the sale of a horse. Case involved the application of the Kansas Assumption of Risk of Domestic Animal Activity statute (K.S.A. 60-4001 *et seq.*). Obtained summary judgment dismissing the lawsuit.
- Lead defense counsel for member of United Kingdom's National Health Service against an out-of-state physician who alleged trade libel and tortious interference with business relationships, among other claims. Obtained dismissal of all claims against the client.
- Lead defense counsel for insurance company accused of breaching the underinsured motorist provisions of its insurance policy. Obtained summary judgment dismissing all claims against the client. Dismissal upheld by the Kansas Court of Appeals.
- Lead defense counsel for a supplier in breach of contract action by a sub-supplier. Obtained favorable settlement for the client.
- Lead defense counsel in the seminal opinion on the application of liquidated damages in Kansas. Obtained summary judgment dismissing the lawsuit. The Kansas Court of Appeals and the Kansas Supreme Court affirmed in the client's favor.
- Lead defense counsel for an engineering firm in a negligence and breach of contract action arising out of the design and construction of feed yard retention ponds. Plaintiff sought more than \$1,400,000 in damages. Obtained favorable settlement for the client.
- Defense counsel for religious organization accused of breaching its fiduciary duty. Case involved the determination of whether a person who was a direct antagonist to the majority of the members of an unincorporated association was a proper class representative. Court ruled in favor of the client, finding that the plaintiff was not an adequate representative.
- Plaintiff's trial counsel for an author in defamation lawsuit against self-publishing company. Obtained verdict in favor of the client and punitive damages award against the publisher.

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Recognized by Best Lawyers® as the 2022 Wichita Personal Injury Litigation - Defendants "Lawyer of the Year"
- Selected by peers for inclusion in *The Best Lawyers in America*® in the areas of Commercial Litigation, Insurance Law, Personal Injury Litigation – Defendants, 2013-2024; Litigation - Insurance, 2021-2024; and Copyright Law and Litigation - Trusts and Estates, 2023-2024
- Selected for inclusion in *Missouri & Kansas Super Lawyers*® *Rising Stars* list, 2008-2013 (a Thomson Reuters business)
- Named a "Litigation Star" in the area of Dispute Resolution by Benchmark Litigation, 2015-2016 & 2018-2024
- Wichita Business Journal, 40 Under 40 Business Leader, 2012
- American Bar Association
- Kansas Bar Association

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ATTORNEYS AT LAW

- Wichita Bar Association
- Kansas Association of Defense Counsel
- Defense Research Institute

COMMUNITY INVOLVEMENT

- KPTS Channel 8, Board of Trustees, 2012-2017
- YMCA Youth Sports Coach
- Wichita Heights Softball League Youth Coach
- Trees for Life, Board Member