

Lynn D. Preheim

PARTNER

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Lynn "demonstrates a good command of the courtroom, bringing a tenacious approach to products liability, general commercial, and health care-related litigation matters," according to *Chambers USA*.

Lynn tries cases in high-stakes bench and jury trials across substantive areas of law nationwide. He has litigated multiple cases and arbitrations with \$1 million to well over \$100 million at stake. Lynn is recognized by *Chambers USA* as "one of the most talented and well-prepared attorneys in the state," with "a strong knowledge of the client's needs and the firm's expertise, and is very effective in combining the two."

With wide-ranging trial experience including commercial contracts, environmental claims, nuisance and other torts, UCC issues, shareholder and ownership disputes, Lynn's cross-industry experience encompasses banking, health care, software, aviation and aircraft crash defense, and complex product liability litigation.

An attorney by trade and a rancher at heart, Lynn is a real-life cowboy. He lives on a working ranch in the Kansas Flint Hills, where he and his family raise cattle and horses. Lynn spends as much time as possible horseback, and on a really good day, with a rope in his hand. His hands-on outlook and experience greatly enhance Lynn's pragmatic approach to business disputes.

PRACTICES & INDUSTRIES

- Business Litigation
- Antitrust
- Aviation & Aerospace
- Class Action
- Employment Litigation
- Business Policyholder Insurance Coverage
- Product Liability
- Trade Secret Litigation
- Transportation

ADMISSIONS

- Kansas, 1987
- U.S. District Court for the District of Kansas, 1987
- U.S. District Court for the Northern District of Oklahoma, 2003
- U.S. Circuit Court of Appeals for the Tenth Circuit, 1987
- U.S. Circuit Court of Appeals for the Ninth Circuit, 1999

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EXPERIENCE

Lynn has served as outside general counsel for Kansas-based manufacturing companies and healthcare providers. He handles consumer protection issues for a variety of clients, including representing one of the country's largest retailers in connection with a high profile challenge to its advertising practices. He has been the lead in numerous arbitrations, helping clients in several industries successfully resolve disputes cost effectively and in a timely manner. He also serves as a mediator and expert witness.

Representative experience

- In 2017, he tried a case for an energy company client and obtained a favorable fraud and misappropriation of trade secrets verdict for \$3.825 million.
- In 2016, Lynn was in trial for more than two months in cases involving alleged misappropriation of trade secrets, water law, insurance coverage and property tax.
- Represented a bankers' bank in a six week jury trial in which the client was accused of misappropriation of trade secrets by a software company. Obtained a defense verdict in the case. Plaintiff originally sought damages of \$55 million.
- Represented a hospice provider in a False Claims Act whistleblower suit ultimately prosecuted by the U.S. Department of Justice, in which the government sought tens of millions in Medicare reimbursement.
- Represented a Kansas Groundwater Management District and its hundreds of members in connection with an Intensive Groundwater Use Control Area (IGUCA) proceeding instituted by the Kansas Department of Agriculture.
- Represented a Kansas Groundwater Management District and its members in connection with an impairment complaint filed by the U.S. Department of the Interior and the Quivira National Wildlife Refuge, contending that over 2000 water rights in the Rattlesnake Creek basin were impairing its senior water right.

EDUCATION

University of Kansas, J.D., 1987

- *Kansas Law Review*

Bethel College, B.S., 1984

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- Represented a water right holder in a landmark impairment case, which defined “impairment,” determined the procedure for prosecuting an impairment claim, and helped shape the application of the prior appropriation doctrine under Kansas law.
- Won a landmark verdict for a fertilizer company at the Kansas Court of Tax Appeals. Argued successfully that the company’s process equipment was personal property and should therefore be taxed at a lower rate than real property. The decision, in addition to saving the company over \$10 million each year in actual tax payments, clarified the proper classification for property tax purposes of heavy industrial machinery and equipment in Kansas. The decision dictates how this machinery and equipment is to be taxed for every manufacturing or industrial concern throughout the state.
- Represented numerous aviation concerns, including a large aircraft manufacturer. Lynn has successfully defended the manufacturer in airplane crash cases and numerous contract disputes.
- Represented a well-known manufacturer of camping and outdoor products in its product liability litigation nationwide for several product lines.
- Represented a large retailer in connection with a government investigation of its nationwide advertising practices and business model in which the government asserted claims of deceptive advertising, together with violations of the Kansas Consumer Protection Act and other consumer protection laws.
- Won a landmark verdict for a fertilizer company at the Kansas Court of Tax Appeals. Argued successfully that the company’s process equipment was personal property and should therefore be taxed at a lower rate than real property. The decision, in addition to saving the company over \$10 million each year in actual tax payments, clarified the proper classification for property tax purposes of heavy industrial machinery and equipment in Kansas. The decision dictates how this machinery and equipment is to be taxed for every manufacturing or industrial concern throughout the state.

RECOGNITIONS

Named “Lawyer of the Year” by *The Best Lawyers in America*® for Health Care Law, 2019, 2023

Recognized in *Chambers USA: America’s Leading Lawyers for Business* for Litigation: General Commercial

Recognized as a “highly capable litigator” in *Benchmark Litigation*

Selected a number of years for inclusion by *The Best Lawyers in America* for “Commercial Litigation” and “Healthcare Law”

Selected a number of years for inclusion by Missouri & Kansas *Super Lawyers*® for Business and Healthcare Litigation

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PROFESSIONAL & CIVIC ACTIVITIES

Kansas Bar Association, Agricultural Law Executive Committee

Wichita Bar Association

- Medical Legal Committee
- Civil Practice Committee

Wesley E. Brown American Inn of Court

Leukemia and Lymphoma Society, Kansas Chapter, Past President

Wichita Area Economic Outlook Team, Member and Past Chairman

Memorial Home Endowment Board of Directors, Past President

NEWS

175 Stinson Attorneys Selected to the 2024 *Best Lawyers in America* List
08.17.2023

Chambers USA 2023 Legal Guide Recognizes Stinson Attorneys and Practice Groups
06.05.2023

Super Lawyers® Recognizes 26 Stinson Attorneys in Missouri and Kansas
11.14.2022

152 Stinson Attorneys Selected to the 2023 *Best Lawyers in America* List
08.18.2022

Best Lawyers in America® Names Nine Stinson Attorneys as "Lawyer of the Year"
08.18.2022

The 2022 *Chambers USA* Guide Recognizes Stinson Attorneys and Practice Groups
06.02.2022

Stinson Attorneys Assist Manufacturing Client in Securing Permanent Injunction in Patent Litigation
03.03.2022

Super Lawyers Recognizes 21 Stinson Attorneys in Missouri and Kansas
11.15.2021

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103 Stinson Attorneys Selected to the 2022 *Best Lawyers in America* List
08.19.2021

Chambers USA Recognizes Stinson Attorneys and Practice Groups Nationwide
05.25.2021

Stinson Attorneys Named to 2020 Kansas & Missouri *Super Lawyers* and Rising Stars
11.16.2020

112 Stinson Attorneys Selected to the 2021 *Best Lawyers in America* List
08.20.2020

Chambers USA Recognizes Stinson Attorneys and Practice Groups Nationwide
04.29.2020

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