



Michael K. Alston

OFFICE MANAGING PARTNER

CHATTANOOGA, TN

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OVERVIEW

Corporate clients value Mike's more than 30 years of experience as an accomplished litigator and mediator of complex commercial claims.

Commercial real estate owners and developers, real estate investment trusts (REITs), insurance carriers, medical device manufacturers, mail-order pharmacies, hospitals and health systems are among the corporate clients relying on Mike's experienced counsel and representation. Mike is known for resolving complex corporate legal matters as an effective negotiator, litigator and mediator in matters that include:

- Personal injury
- Contract disputes
- Construction claims
- First-party insurance claims
- Product liability

Mike has successfully defended clients in class action claims and multidistrict litigation (MDL). Corporations have valued his ability to develop winning strategies through issues of labor, employment and benefits, such as the Employee Retirement Income Security Act (ERISA) and executive separation; lender liability and fiduciary duty; and toxic tort litigation involving strict liability, failure to warn and breach of warranty claims. Mike holds numerous legal

Industry

Real Estate, Development & Construction

Services

Commercial Litigation

ERISA & Employee Benefits Litigation

Healthcare Litigation

Healthcare Operations

Healthcare Providers

Labor & Employment

Litigation & Alternative Dispute Resolution

PFAS

Product Liability

and community leadership roles inside and outside the firm, including serving as the Managing Partner of the firm's Chattanooga office and the Lead Office Managing Partner for the firm.

Experience

- Obtained more than \$1 million in funds in favor of large commercial landlord to repair construction defects identified across multiple locations.
- Represented international provider of shipping and fulfillment services against claims of public and private nuisance relative to development and construction of regional fulfillment center. Claims were resolved prior to trial.
- Represented owner of large retail shopping mall against claims of breach of contract, misrepresentation and professional negligence. Claims were resolved at mediation.
- Secured summary judgment dismissal of all claims against telemarketing client in \$250 million class action in U.S. District Court for the District of Nevada involving alleged violations of Telephone Consumer Protection Act (TCPA).
- Obtained summary judgment for healthcare services client in U.S. District Court, Eastern District of Tennessee, which ruled in favor of our client, interpreting contract obligating six affiliated entities to be joint and severally liable for debt incurred by an individual entity.
- Secured a complete victory for the chief medical officer of a public hospital in a case alleging federal and state constitutional deprivations, antitrust violations, breach of contract, procurement of breach and interference with existing and prospective business relationships and conspiracy.
- Defended breach of contract action brought by former hospital chief executive officer. The matter was resolved before trial.
- Defended manufacturer of Sharps container and transporter of medical waste in a "fear of acquired immune deficiency syndrome" action filed by a physician's assistant who was pricked by a needle. The matter was resolved before trial.

Experience

- Assisted with the representation of numerous multidistrict product liability actions involving contraceptives. Some matters were dismissed on motions and others were resolved before trial.
- Defended a pharmaceutical company in a wrongful death product liability action arising from an overdose by a minor. The matter was resolved on the eve of trial.
- Defended manufacturer of animal vaccines in product liability actions. The matters were resolved before trial.
- Represented several nursing home entities in patient actions arising from injuries and/or deaths. The matters were resolved before trial.
- Defended manufacturers of surgical stools, physical therapy machines, infant intravenous (IV) needles and catheters, forceps and other medical devices in product liability actions. Some matters were dismissed on motions and others were resolved before trial.
- Obtained summary judgment on behalf of a pharmaceutical company against a Title VII claim for race and gender discrimination.
- Represented one of the world's largest automakers in a product liability action in which the plaintiff suffered serious and debilitating injuries from alleged carbon monoxide poisoning. The U.S. District Court ultimately granted summary judgment to the client on statute of limitations and incompetency grounds.
- Assisted with the representation of a tank car manufacturer in a complex product liability action involving a leak of arsenic acid at a rail yard. A favorable settlement was reached after months of investigation and years of litigation with the client's co-party and indemnitor. The client was ultimately voluntarily dismissed before retrial of the action.
- Obtained summary judgment on behalf of a large publicly owned provider of electric power on statute of limitations and contractual limitations of liability grounds.

Recognition

- *The Best Lawyers in America*®, Commercial Litigation, 2024
- *Mid-South Super Lawyers*, Business Litigation, 2021-2023
- American Bar Foundation, Fellow
- Chattanooga Bar Foundation, Fellow; Executive Committee Member, 2021 to present
- Tennessee Bar Foundation, Fellow
- Martindale-Hubbell AV Preeminent

Education

- J.D., Cumberland School of Law Samford University
 - Order of Barristers
 - *American Journal of Trial Advocacy*, Editor-in-Chief
- B.B.A., Texas A&M University
 - Management

Admissions

- Tennessee
- Alabama
- U.S. District Court, Eastern District of Tennessee
- U.S. District Court, Middle District of Tennessee
- U.S. District Court, Middle District of Alabama
- U.S. District Court, Northern District of Alabama
- U.S. District Court, Southern District of Alabama
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Eleventh Circuit

Community Leadership

- American Heart Association, Heart Ball Executive Leadership Team, 2016-present
- Chattanooga Chamber of Commerce, Executive Leadership Circle Representative
- Chattanooga Legal Diversity Consortium, Charter Member
- First Presbyterian Church of Chattanooga, Ruling Elder, 2005-present; Clerk of the Session, 2014-2021
- Presbyterian Church of America (PCA), Committee on Mission to the World, Board Member, 2007-present; Treasurer, 2018-2019



Alston Named Fellow of
American Bar Foundation