

## Jennifer M. Luther

### Senior Counsel

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Madison

608.258.4215



Jennifer Luther strives to help her clients reach practical and efficient solutions when disputes arise. Her strong analytical skills and good judgment enable her to guide clients to resolve litigation through negotiated settlements where possible, or when necessary, take them all the way through trial.

Jennifer is a Senior Counsel in the firm's Commercial Litigation practice group and a secondary member of the Construction and Labor & Employment practice groups. Jennifer's practice is focused on helping businesses and individuals navigate a wide range of complex commercial disputes. Prior to joining Foley, Jennifer was an attorney at a Madison-based full-service law firm, where she was a member of the firm's litigation, employment, and construction practice groups.

Jennifer has experience litigating an extensive spectrum of commercial disputes in both state and federal court, with specific expertise in construction litigation, insurance coverage issues, construction liens, real property disputes, trade secrets, tortious interference with contract, restrictive covenants, as well as a vast array of other types of commercial contract disputes.

#### **Construction Litigation**

Jennifer's construction litigation experience includes:

- Breach of Construction Contract
- Negligence
- Construction Defects
- Lien Enforcement and Defense
- Residential and Commercial Properties
- Insurance Coverage

#### **Commercial Litigation**

Jennifer's commercial litigation practice spans many disputes, including:

- Employment
- Insurance Coverage
- Shareholder Disputes
- Trade Secrets
- Unfair Competition
- Commercial Contract Disputes
- Premises Liability

### **Employment Litigation**

Jennifer's employment litigation experience includes:

- Restrictive Covenants
- Trade Secret Misappropriation
- Breach of Fiduciary Duty
- Tortious Interference with Contract
- Breach of Employment Agreement
- Temporary Restraining Orders and Preliminary Injunctions

Jennifer Luther has years of experience trying complex commercial cases, including jury trials and injunctions hearings. She has been first and second chair at trials, injunction hearings, and evidentiary hearings, where she has conducted opening and close statements, taken direct and cross examinations of key witnesses, argued contentious pre-trial matters, including motions in limine, objections to exhibits, motions to strike witnesses, and disputes over deposition designations. Jennifer second-chaired a jury trial on a tortious interference with contract claim, where her trial team successfully prevailed on a motion for a directed verdict on behalf of her client after seven long days of witness testimony. Notably, in that same case, Jennifer and her trial team had previously defeated eight of plaintiffs' nine claims, including a misappropriation of trade secrets claim, on summary judgment before the case even went to trial, which was key to her team's overall strategy of narrowing the issues for trial and obtaining critical evidentiary rulings. Jennifer's broad trial experience also includes cases involving construction defects, contractual disputes, negligence, premises liability, and constitutional claims. Jennifer also has experience seeking temporary restraining orders and permanent injunctive relief for clients, which is often done on an expedited basis. Jennifer's accolades include being honored as a "Best Lawyers: Ones to Watch Recognition in Commercial Litigation" and "Wisconsin Super Lawyers – Rising Star" for multiple years in a row.

### **Representative Experience\***

- Second chaired jury trial in commercial construction defect case. Obtained favorable settlement on behalf of plaintiffs before conclusion of trial.

- Second chaired jury trial in tortious interference with contract case following successfully obtaining dismissal at summary judgment stage of misappropriation of trade secrets, breach of fiduciary duty, identity theft, conspiracy, and other claims. Successfully obtained directed verdict in favor of defendants.
- Second chaired jury trial in premises liability case representing a national gas station chain. Obtained favorable jury verdict awarding half of plaintiff's claimed damages.
- Represented pharmacy benefit manager in arbitration with health plan regarding pharmacy pricing. Obtained favorable settlement where claimed damages were in excess of US\$15 million.
- Represented contractor in lawsuit alleging ATCP violations. Obtained favorable settlement at mediation where claimed damages were in excess of US\$80,000.00.
- Represented loan officer in dispute with former business associates. Obtained favorable settlement at mediation where claimed damages were in excess of US\$1,000,000.00.
- Obtained summary judgment on behalf of remaindermen of life estate in lawsuit brought by life tenant seeking unilateral right to sell a lake home and keep all proceeds.
- Successfully negotiated forbearance agreement in loan foreclosure lawsuit where the obligations under the note were in excess of US\$1,000,000.00.
- Obtained summary judgment in federal court on behalf of hospital in Title VII lawsuit brought by hospital employee claiming discrimination and retaliation.
- First chaired jury trial in federal court and obtained a jury verdict in favor of three police officers accused of Fourth Amendment violations in arresting suspect.
- Successfully negotiated resolution of multiple construction lien disputes on behalf of both contractors and property owners.

*\*Certain of these matters were handled prior to joining Foley*

## **Awards and Recognition**

- Best Lawyers: Ones to Watch Recognition in Commercial Litigation (2021-2024)
- Wisconsin Super Lawyers – Rising Star® (2018, 2019, 2021 – 2023)

## **Community Involvement**

- Dane County Bar Association
- Greater Madison Chamber of Commerce – Leadership Greater Madison (LGM) Class of Spring 2025 member
- Chair of Jean North Falligant Memorial Scholarship (2015-Present)
  - Awards US\$1,000-\$2,000 scholarship to graduating senior from Edgerton High School each year
- Legal Association for Women (LAW)
  - Board member and co-chair's LAW's annual "I Resolve..." benefit for Domestic Abuse Intervention Services (DAIS) (2016-2020)
- Wisconsin State Bar's Legal Assistance Committee from 2016-2019

## Sectors

- [Racial Justice & Equity](#)

## Practice Areas

- [Commercial Litigation](#)
- [Construction](#)
- [Labor & Employment](#)
- [Litigation](#)
- [Trade Secret Noncompete Litigation](#)

## Education

- University of Wisconsin Law School (J.D., cum laude, 2010)
  - Moot Court Board
  - Senior Note and Comment Editor, *Wisconsin International Law Journal*
  - Dean's Academic Achievement Award recipient
- University of Wisconsin, Madison (B.A., 2007)
  - Political Science

## Admissions

- Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. District Court, Eastern District of Wisconsin
- United States Court of Appeals, Seventh Circuit