



## **Joshua D. Hague**

Partner

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Josh Hague's legal practice is focused in the areas of commercial and general litigation with an emphasis on estate and trust litigation. Mr. Hague has extensive experience representing clients in all stages of litigation before trial and appellate courts across the country. He has significant experience representing financial institutions, and other fiduciaries, in claims relating to asset management, trust administration, breach of fiduciary duty, fraud, and financial institution liability.

In addition, Mr. Hague has experience in a wide range of employment litigation matters, including negligence, internal investigations, breach of contract, misappropriation of trade secrets, breach of fiduciary duty, fraud, conversion, shareholder disputes, receiverships, preliminary injunctions and administrative law disputes. Mr. Hague is frequently called upon to represent clients in the enforcement of, or defense of, covenants not to compete. Mr. Hague was also a member of the defense team of a multi-district litigation (MDL) transferred to Indianapolis, which involved numerous class action claims and over eight hundred personal injury and wrongful death claims brought by plaintiffs from around the country.

Prior to joining Krieg DeVault in 2001, Mr. Hague served as a deputy prosecutor in Tippecanoe County. As a long-time member of the firm's Diversity Committee, Professional Personnel Committee, and Talent Acquisition Committee, Mr. Hague has been active in hiring and associate management for the firm. Mr. Hague regularly represents the firm at law schools and job fairs, and participates in forums for law students regarding the interviewing and hiring process.

### **Education**

- J.D., Indiana University Maurer School of Law, Bloomington, Indiana, 1998
- B.A., Indiana University, Bloomington, Indiana, 1994

### **Bar & Court Admissions**

- Indiana, 1998
- U.S. District Court for the Northern District of Indiana, 1998
- U.S. District Court for the Southern District of Indiana, 1998

### **Practices**

- Litigation and Dispute Resolution
- Trust and Estate Litigation
- Construction Litigation

- Health Care Litigation
- Labor and Employment
- Public Utilities
- Nonprofit and Exempt Organizations

### Industries

- Construction
- Health Care
- Financial Services

### Representative Experience

- Successfully represented trust company serving as trustee of a mother's revocable living trust in securing a modification of the terms of the trust agreement to allow the trustee to use the trust funds for the maintenance of the mother's disabled son; mother's daughter challenged the trust company's request and the probate court's decision to allow the modification based on a finding of unforeseen events as would allow trust reformation; ruling in the trust company's favor was affirmed on appeal.
- Successfully represented trust company in federal court securing complete payment of funds owed by company to its employee stock ownership plan. Representation included negotiations with the Department of Labor.
- Successfully appealed trial court's refusal to order mother's power of attorney to give son an accounting of his mother's finances as required under the Probate Code.
- Represented personal representative and trustee of various trusts in administration of an estate containing excess of twenty closely held business interests, including skilled nursing facilities and related real estate entities. Representation included defense of separate causes of action involving claims against the estate filed by beneficiaries, estate and gift tax issues, and negotiations with the Internal Revenue Service.
- Representation of the trustees of two large trusts containing interest in closely held businesses valued in excess of \$200 million with respect to allegations of breach of trust, breach of fiduciary duty, trust interpretation, and negotiations with the Internal Revenue Service.
- Successfully represented trust company serving as trustee of a mother's revocable living trust in securing a modification of the terms of the trust agreement to allow the trustee to use the trust funds for the maintenance of the mother's disabled son; mother's daughter challenged the trust company's request and the probate court's decision to allow the modification based on a finding of unforeseen events as would allow trust reformation; ruling in the trust company's favor was affirmed on appeal.
- Representation of child of an incapacitated adult whose assets were being managed by another child under a Durable Power of Attorney. Successfully appealed trial court's refusal to order mother's power of attorney to give son an accounting of his mother's finances as required under recently modified probate code provisions.
- Lead counsel for aviation contractor in multi-million dollar breach of contract lawsuit

- Lead counsel for large regional business machine and service company
- Lead litigation counsel for regional hospital system
- Co-counsel in sale of \$13 million business machine company
- Counseled medium and large companies in preparing and defending non-competition agreements

### Counsel Of Record In The Following

- *Capehart v. Capehart*, 771 N.E.2d 657 (Ind. Ct. App. 2002)
- *In re Guardianship of Stant*, 50 N.E.3d 149 (Ind. Ct. App. 2016)
- *In re Moeder*, 978 N.E.2d 754 (Ind. Ct. App. 2012) (unpublished disposition)
- *Winona Powder Coating Inc., v. Spark Energy Gas, LP*, 42 N.E.3d 1036 (Ind. Ct. App. 2015)
- *Old National Bancorp., v. Hanover College*, 15 N.E.3d 574 (Ind. 2014)
- *Gray v. Mays Management, Inc.*, 903 N.E. 2d 940 (Ind. Ct. App. 2013), *trans denied*

### Professional Associations

- Member, Indiana State Bar Association
- Member, Indianapolis Bar Association
- Participant, Indianapolis Bar Association Leadership Series
- Member, Defense Research Institute
- Member, Sagamore American Inn of Court
- Volunteer and Spokesman, American Heart Association
- Volunteer and Committee Member, St. Vincent's Foundation
- Board Member and Secretary, Brooke's Place

### Awards & Recognitions

- Indiana Super Lawyers Rising Stars, 2012

### Seminars & Presentations

- Co-Presenter, "The Seat is Yours," Indianapolis Bar Association, July 26, 2022
- Gestures of Apology, Sympathy and Even Fault in Hopes of Preventing a Lawsuit, presented to the Indiana Medical Group Management Association on 5-15-09