

Peter M. Cummins

Partner

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400 West Market Street
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Industries

Finance

Commercial Real Estate Finance (CREF)

Regional & Community Banks

Practice Areas

Business & Commercial Litigation

Antitrust & Trade Regulation

Banking & Financial Disputes

Real Estate & Land Use Litigation

Bar Memberships

Kentucky

Peter is the practice group leader for Business & Commercial Litigation. He is a litigator, counseling and advocating on behalf of clients in three principal areas: (1) financial services litigation; (2) real estate litigation; and (3) general business litigation, with a focus on corporate disputes and health care litigation. Outside of these three areas of concentration, Peter also regularly represents clients in noncompete agreement, U.C.C., fraud, and other business tort litigation matters, as well as the defense of personal injury and insurance bad faith claims.

The breadth of Peter's litigation practice is complemented by its depth in that he has tried cases to verdict, argued cases on appeal in a number of venues, handled arbitrations, and represented clients at hearings before various Kentucky administrative agencies, including the Kentucky Cabinet for Health and Family Services Division of Administrative Hearings and the Kentucky Board of Tax Appeals.

In addition to litigating on behalf of his clients, Peter helps them avoid litigation by identifying risks they face in their business, and then developing strategies for avoiding, minimizing and managing those risks.

Peter's Relevant Experience

Financial Services Litigation

For more than 20 years, a significant portion of Peter's litigation practice has been devoted to the representation of financial institutions and other clients in the financial services industry. From

handling 8-figure commercial foreclosures with lender liability counterclaims and receivership issues, to defending a consumer class action on behalf of an international financial institution, Peter is adept at helping financial services clients navigate all of the litigation matters they encounter. Peter's work in this area includes:

- Successful defense and favorable settlement in consumer class action filed in bankruptcy court alleging violations of the Chapter 7 bankruptcy stay.
- Won Rule 12 Motion to Dismiss in putative nationwide class action alleging violations of the Fair and Accurate Credit Transactions Act, 15 U.S.C. § 1681c(g).
- Obtained directed verdict at trial for a federal credit union in case involving check forgery and allegations of unreasonableness on part of credit union.
- Representation of fiduciaries and beneficiaries in trust and estate litigation.
- Defense of financial institutions against FCRA, FDCPA, RESPA, TILA, and other federal statutory claims.

Real Estate Litigation

Peter has handled a wide array of real estate litigation matters for a diverse range of clients, including financial institutions, developers, owners, commercial landlords and tenants, and title insurance companies and their insureds. These matters regularly include zoning appeals, commercial foreclosures, lease disputes, restrictive covenant litigation, and title insurance claim and coverage matters. Representative matters include:

- Representation of owners and developers in zoning appeals, including coal mines, meat packing facilities, and recreational facilities.
- Representation of financial institutions in 8-figure commercial foreclosure actions, often involving lender liability counterclaims.

- Representation of title insurers in coverage and bad faith claims, as well as agent fraud and recoupment matters.
- Representation of title policy insureds in matters involving title defects such as lien priority contests, boundary disputes, and deficient legal descriptions.
- Representation of various parties in easement, commercial lease, and restrictive covenant litigation matters.

Health Care Litigation

The Health Care industry continues to undergo tremendous growth and change, and Peter has represented many industry participants as they navigate that ever-changing landscape. Peter's clients in the health care space include private payors, managed care organizations, and providers such as specialty pharmacies, medical practices, and hospital systems. In addition to trying cases to verdict in the health care space, Peter has handled a number of administrative hearings and appeals arising out of them. Representative matters include:

- Representation of health insurance plan in Medicare Secondary Payer Act litigation.
- Representation of managed care organization in state administrative hearings.
- Obtained defense verdict at trial of claims asserted by physician against hospital arising out of medical staff obligations.
- Representation of specialty pharmacy in noncompete litigation over departure of key employee.
- Representation of medical practices and their owners in various ownership and noncompete disputes.

Corporate Disputes

Peter regularly represents companies, as well as their officers and directors, in all manner of corporate disputes they encounter in the course of their business. On behalf of small, local start-ups, Fortune 50 companies, and everything in between, Peter's work in this arena

includes:

- Successful defense of individuals and entities against federal securities fraud claims brought by investors.
- Arbitrations involving the alleged breach of post-closing obligations by a seller of a privately held company.
- Obtaining a temporary restraining order and preliminary injunction preventing corporate transaction (favorable settlement achieved following rulings).
- Negotiated nuisance value settlement during trial of multi-million dollar breach of contract and fraud claims brought by former vendor against publicly traded client.
- Enforcement of noncompete agreements against former employees, as well as counseling employers on drafting enforceable noncompete agreements.

Other Info About Peter

Education

University of Kentucky College of Law, J.D., *cum laude*, 2000
Order of the Coif

Centre College, B.S., Economics, 1997

Courts

Kentucky Supreme Court

United States District Court Eastern District of Kentucky

United States District Court Western District of Kentucky

United States Court of Appeals Fourth Circuit

United States Court of Appeals Sixth Circuit

Supreme Court of Ohio

United States District Court Southern District of Ohio

United States Tax Court

Recognition

The Best Lawyers in America®, Commercial Litigation, 2024-2027; Litigation – Real Estate, 2024-2027

Chambers USA, Litigation: General Commercial, 2023-2026

Selected to Kentucky Super Lawyers, 2013-2026

Frost Brown Todd Mentor of the Year, 2015

Professional Affiliations

Louisville Bar Association

Kentucky Bar Association

American Bar Association, Litigation Section Member

American Land Title Association

Civic Activities

Catholic Charities of Louisville, 2022-Present – Board Chair; 2018-Present – Board Member

YMCA SafePlace of Louisville, Board Member, 2017 – 2020

Junior Achievement of Kentuckiana, Board Member, 2008 – 2012

Leadership Council on Legal Diversity (LCLD), Law Student Mentor

Leadership Louisville Center – Bingham Fellows (2012); Ignite Louisville (2010); Focus Louisville (2007)

Firm Committees

Business & Commercial Litigation Practice Group Leader

Legal Personnel Committee, Member

Recruiting Committee, former Chair

Nominating Committee, Member

Women's Initiative Committee, former Member

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