

MIKE LENERT

High Energy Soldier Battles to Right Wrongs

by Chris Bailey

ST. CHARLES—From his power knock on a door to his enthusiasm for the Kane County Bar Association Steer Roast at which he met his wife, Michael W. Lenert absolutely radiates positive energy.

Lest anyone imagine he's all giggles and grins, Lenert has a big streak of Don Quixote in him as well, albeit one with a far better sense for picking fights he can win.

While Miguel de Cervantes' fictional hero is generally known as a knight errant, his twin goals of defending the helpless and destroying the wicked certainly resonate with Lenert, a partner at Meyers & Flowers LLC in St. Charles. He worked at Kinnally Flaherty in Aurora prior to joining his current firm.

With a well-developed sense of right and wrong apparent from almost every word he speaks, Lenert has found both the will and the platform to attempt to right some of those wrongs.

He is and has been involved in sprawling, utterly complex and endlessly challenging mass tort litigation and class actions against large pharmaceutical, insurance and food-related companies. These have included suits filed in the fight to stem the nation's opioid crisis and a genetically engineered corn that pitted its manufacturer versus American farmers and Chinese regulators.

"I like to fight the battle against multibillion-dollar companies that need to be held accountable," says Lenert. "And my law partners here at Myers & Flowers enjoy the fight, too."

But his heart still leads him to take up the cause of those fighting alone as individuals or families, including a truck driver, a firefighter, an ex-Navy fighter pilot, sexual abuse victims and a family all but obliterated by multiple and sad deaths.

THE JESUITS, FAMILY, O.J. SIMPSON

To some extent, he attributes his emphasis on holding accountable those who've left victims in their wake to his education.

"I pretty much had a Jesuit education," says Lenert, who was born in Aurora and is a lifelong resident of the Fox Valley. He attended



Holy Angels Catholic School and Marmion Academy, both in Aurora. He completed his undergraduate degree *cum laude* at Marquette University in Milwaukee, Wisconsin, where he majored in criminology and law studies and social philosophy. He received his J.D. *cum laude* from the Creighton University School of Law, in Omaha, Nebraska, in 2008.

But his parents, grandfather and O.J. Simpson all get assists in his becoming a lawyer, too.

"As a kid, I just loved negotiation," he says. "I loved it when my dad and grandfather took me along to the car dealers to listen and watch them negotiate a purchase." But the Simpson murder case made his pursuit of the law a fait accompli.

"I was fascinated by the O.J. Simpson trial, which happened when I was in seventh grade," says Lenert. "My mom recorded the trial for me so I could watch it when I got home from school."

He now operates far from the criminal side of law and cases like the one that enthralled

an entire nation. But the opioid mass tort case he's working on now certainly has national implications far beyond a single murder trial.

He and his firm are co-lead counsel in the Illinois consolidated litigation on behalf of dozens of Illinois counties suing various manufacturers and distributors of opioids. The suit seeks to hold the companies responsible for their alleged misleading marketing campaigns declaring the drugs to be safe and non-addictive as well as for their failure to monitor and report suspicious orders of the drugs.

"Doctors and patients were lied to about the efficacy of these drugs," says Lenert. "The drug industry deliberately misled trusted doctors who sought to help their patients manage pain."

Such opioids are intended for short-term use (90 days or less) in instances of acute pain, like that following a surgery or injury, the suit says. But they became an all-around painkiller for chronic pain sufferers, too, because their dangers were intentionally hidden by manufacturers, says the suit.

“Drug companies knew very well that long-term opioid therapy was unsafe and ineffective,” says Lenert. “The results have been horrific, destroying whole communities. Long-term opioid use often leads to addiction, crime and other health issues. We represent many of the largest counties throughout Illinois. Their hospitals, law enforcement, courts and jails have incurred immense costs to try to combat this epidemic.”

Lenert says motions to dismiss should be heard soon. After that, he is “hopeful we can continue to move the case forward and hold these companies responsible for the harm they have inflicted throughout our state.”

CORN, GENETICS, CHINA

Lenert was involved in another huge case that had tentacles reaching around the globe. It involved a genetically modified corn seed marketed and distributed by Syngenta that was alleged to have severely injured American farmers. It was globally resolved in 2018 by a \$1.51 billion settlement in a Kansas federal court.

“Syngenta commercialized and marketed a corn seed that had a genetic trait not yet approved for import by China,” says Lenert. Farmers were assured the corn it produced would be accepted by buyers everywhere, he adds.

“Unfortunately, Syngenta’s premature release of its seed afforded China an opportunity to manipulate the corn market,” says Lenert. “Millions of tons of corn were rejected. The corn market collapsed, and the price plummeted.”

The case against Syngenta took five years to resolve globally, and Lenert says he learned a great deal about the farming industry in the process of representing its members in this case.

“Farmers are very sophisticated,” says Lenert. “They run complex businesses and often do not like to discuss the specifics of their operations. But after speaking with farmers throughout the country, it was evident that regardless of the size of their farm or where they were located, virtually every farmer in America was impacted by Syngenta’s actions.”

Lenert considers medical malpractice lawsuits among the most difficult to pursue.

“Medical malpractice cases are some of the most difficult to prosecute,” he says. “They not only require a thorough knowledge of the medicine but they also often involve clients who have suffered a catastrophic injury or unthinkable loss.

“Most people trust their doctors and do not want to believe they can do wrong. Asking a jury to hold a doctor responsible for

professional negligence is a very difficult thing to do, and it requires strong advocacy.”

While Lenert may cherish the big fights involving wrongdoers, he has a soft spot for the individual who has been or could be damaged by negligence, avarice or bad judgment.

Thus, he took on the case of Ed Stringer, a Chicago firefighter killed in the line of duty. The building into which he was sent to fight a small fire suffered a roof collapsed. Another firefighter died, and dozens were injured. Lenert won a \$5 million recovery for Stringer’s family.

The collapse and subsequent firefighter deaths and injuries involved a mortgage

unearthed in the lawsuit.

“They turned a blind eye to these major problems, leaving firefighters to unknowingly enter a building that was structurally unsound,” says Lenert. “It was a five-year court battle, and we won \$5 million for two adult children who lost their father.

“This circumstance was preventable,” says Lenert. “From the outset, my clients made it clear that their primary goal was to protect other first responders from being unnecessarily placed in harm’s way when a financial institution chooses profits over safety. My hope is that this lawsuit places building owners and financial institutions on notice that they will be held accountable if they fail to properly maintain their properties.”

Lenert helped the family of Betty and John Fassig, seemingly stalked by sad events, collect a \$3.6 million judgment against a man (and his insurers) who failed to stop while driving, killing the Fassigs in the subsequent crash. The Fassigs, who cared for their disabled adult son at home, also had stepped in to raise three granddaughters after the girls lost their parents in 2009 and 2011. The youngest was in high school and was still living with the Fassigs at the time of their death.

Lenert hoped the recovery would help the family “heal from their heartbreaking loss.”

Cases that Lenert considers among the hardest to deal with are those involving sexual abuse.

“You could see he had given much thought to what the opposition approach might be, and he was ready to refute those arguments. He was never confused and was on top of his game every time. He’s very bright and works really hard.”

company, denial of ownership and control, and denials of any knowledge of structural defects despite facts to the contrary that were



Wife Katie Lenert with Lenert

“There are usually few witnesses, and it is difficult for these victims to work up the courage to not only call out their abusers but also call out those who may have been complicit in the abuse,” says Lenert.

“Criminal cases are often resolved without the victim ever having an opportunity to be heard. I’ve found the civil lawsuit can be just as important as the criminal case because the victims finally get to speak out about the harm they have suffered and their desire to have the wrongdoers held accountable. It is empowering for them to know they are fighting back for what is right.”

FROM ‘SILLY’ TO ‘SERIOUS’

A parking lot dispute that Lenert calls “silly on both sides” was far less emotional, but an altercation that led to a lawsuit that mattered a good deal to him.

His client, Tom Shover, an ex-Navy fighter pilot, was crossing a drug store parking lot when he saw a seemingly healthy man get out of a car parked in a handicapped parking slot.

“I said something like, ‘You’re moving pretty good for a guy in a handicapped spot,’” says Shover now. “He got in my face, and I put out a hand to keep him at bay. He claimed I injured him.”

Shover’s aunt, Jayne Shover, was an executive director of the National Easter Seals Society, and an Easter Seals center in Elgin is named after her. That might explain why Tom Shover was particularly sensitive to issues surrounding the disabled.

When the supposed victim filed a lawsuit alleging battery and seeking over a half million dollars in damages, Lenert stepped to Shover’s defense in a case that lasted two years.

“I believed Tom, and he was set to lose his entire retirement for something he didn’t do,” says Lenert. During discovery, he says, evidence was uncovered that the man who filed the suit was known for fabricating the truth. After taking numerous depositions, including that of the plaintiff’s world-renowned ankle surgeon, Lenert was able to refute any claim of injury. The case resolved for \$0.

“Mike did not give up,” says Shover, of the lengthy litigation. “He did great. He always had a smile, but he had all the angles covered. He had everybody backing down.”

“I was able to help a good man, one who served his country,” says Lenert. “As an attorney who now works exclusively on behalf of plaintiffs, I think it is super important that plaintiff’s attorneys properly vet their cases. Frivolous lawsuits only serve to prejudice the claims of those who are truly deserving.”

COVERING ALL ANGLES

Greg Conforti, who opposed Lenert in a transportation-related wrongful death case,



The Lenerts with daughter Cecilia and son Cole

also noticed, as Shover did, Lenert’s ability to cover all the angles.

Conforti was defending a truck driver (and his trucking firm) who accidentally killed another driver who was standing outside his truck in an industrial loading area. Lenert represented the dead driver’s family, which won a \$5 million settlement shortly before a trial was set to begin.

The suit was complicated by the fact that the body wasn’t discovered immediately, there were no witnesses, and the dead driver wasn’t wearing a safety vest. Before it was over, Lenert had taken 35 depositions and worked with experts on accident reconstruction, trucking and loading dock operations, vocational economics and forensic pathology to prove his case.

“I didn’t know him before this case, but Mike was ultra-prepared,” says Conforti. “You could see he had given much thought to what the opposition approach might be, and he was ready to refute those arguments. He was never confused and was on top of his game every time. He’s very bright and works really hard. He can handle any kind of case.”

Conforti was also a very graceful loser.

“We paid a lot of money to his clients, so I think you’d have to say he did great,” says

Conforti. “But I think it was a fair price and a good settlement.”

Lenert says he’s continually re-charged by his personal injury, medical malpractice, product liability and mass tort work.

“I’m constantly seeing new issues, and I learn new things every day,” says Lenert. “It keeps me interested.”

As important as each day of his practice is, he still considers a steer roast at a local VFW club one of the most important days of his life.

“That’s when I met Katie,” says Lenert, of his wife. “We met at the KCBA Steer Roast.”

Katie Lenert is an attorney at Mickey, Wilson, Weiler, Renzi, Lenert & Julien in Sugar Grove, where she focuses on estate planning and elder law. The two occasionally talk shop, but their practices are very different.

“Sometimes, we’ll bounce things off one another, but luckily for me, I don’t have to argue against Katie in court,” he says.

They have their hands full together when they are at home, though, as parents of two pre-kindergarten-aged children. Cecilia is 4 and her brother, Cole, is 2. They might be the only two people who can surprise Lenert these days.

“It’s amazing just how different two kids can be,” he says. “They mean the world to us.” ■