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BIOGRAPHY

John Burkhardt's trial and appellate practice involves litigation and counseling in federal and state courts with a focus on business and complex commercial litigation, particularly including employment and employee benefits litigation, fiduciary litigation, oil and gas litigation, bankruptcy and securities litigation, officer and director litigation, intellectual property litigation, insurance litigation, franchise and distributor/dealer litigation, products liability, as well as arbitration and mediation. His practice has involved commercial disputes of a local, national and international nature.

John has also represented clients before numerous state and federal agencies, including the U.S. Department of Labor, Equal Employment Opportunity Commission, Oklahoma Department of Labor and Oklahoma Employment Security Commission, as well as various other regulatory bodies. His clients have included employers and plan sponsors in a broad array of business sectors including oil and gas, aviation, manufacturing, real estate, banking, communications, insurance, and both public and privately owned healthcare.

As part of his appellate practice, he has successfully argued cases involving breach of contract, employment, ERISA, public policy tort and collections issues before the Oklahoma Court of Appeals, Oklahoma Supreme Court and the U.S. Court of Appeals for the Tenth Circuit.

John's achievements have earned him recognition as a "Litigation Star" by the researchers and publishers of *Benchmark Litigation*.

REPRESENTATIVE EXPERIENCE

- Represented multi-state class of employers and their employees in a successful suit against promoters of a failed multiple employer welfare benefit association to recover unpaid medical reimbursements.
- Successfully defended major oil company in class action suits brought by mineral owner claimants.
- Successfully defended regional franchisees in action brought by prior franchisee asserting wrongful termination of franchise, interference, and related claims.
- Successfully defeated challenge to scope of ERISA's exemption for "governmental plans" on behalf of a public trust entity.
- Successfully defended product manufacturer in multiple personal injury actions arising from major explosion at oil tank farm and explosion at retail facility.
- Successfully defended owner of interstate refined product pipeline in dispute with co-owner of the product pipeline.

- Successfully defended major oil company in suit over environmental compliance issues at several European industrial operations.
- Successfully defended major oil company in defense of take-or-pay litigation.
- Successfully prosecuted, defended and negotiated disputes involving separation and break-up of ownership interests between owners of various small to mid-sized companies.
- Successfully prosecuted and defended numerous employment-related claims, as well as post-employment claims for a myriad of business clients.
- Prosecuted numerous commercial collection and foreclosure actions, including complex cases involving multiple tracts of commercial realty.
- Obtained federal court jury verdict in favor of client in defense of national trade association's multi-million dollar effort under the Fair Credit Reporting Act to shut down client's mode of doing business.
- Successfully defended numerous adverse benefit determinations under ERISA.
- Successfully represented an insurance company in an appeal before the Oklahoma Supreme Court and Oklahoma Court of Appeals in a lawsuit involving claims of breach of contract and enforcement of a non-compete clause.
- Successful in an appeal before the U.S. Court of Appeals for the Tenth Circuit on the issue of the applicability of ERISA to an employee benefit plan sponsored by a public trust hospital.
- Successful in an appeal before the U.S. Court of Appeals for the Tenth Circuit in a suit for a public policy tort claim brought by a former employee of a national airline.
- Successfully represented a major hospital in an appeal before the Oklahoma Supreme Court and Oklahoma Court of Appeals in a lawsuit to collect prisoner medical bills.

ADMISSIONS

- Oklahoma, 1980
- U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma
- U.S. Court of Appeals for the Tenth Circuit

EDUCATION

- J.D., University of Tulsa, 1980 (Phi Delta Phi)
- B.S., with honors, University of Tulsa, 1977

PROFESSIONAL ORGANIZATIONS AND MEMBERSHIPS

- Tulsa County Bar Association
- Oklahoma Bar Association
- American Bar Association (Litigation Section)
- Oklahoma Trial Lawyers Association
- Council Oak/Johnson-Sontag American Inn of Court (Barrister)

CIVIC INVOLVEMENT AND LEADERSHIP

- University of Tulsa Alumni Association (Board of Directors)
- Hillcrest Medical Center Associates