



Katherine M. Beres

Partner

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Katherine Beres represents clients through all phases of civil litigation, pre-suit through appeal. She focuses her practice on premises liability, automobile and trucking liability, professional liability and insurance coverage disputes.

Prior to joining Wilson Elser, Kate worked at a boutique defense firm defending Fortune 500 companies, businesses and municipalities in a variety of issues, including tort liability and civil rights violations.

During law school, Kate was a senior member of the Moot Court Board of Advocates. In 2016, she was selected to represent her law school at the John J. Gibbons Criminal Procedure National Moot Court Competition. She also served as secretary of the Student Chapter of the Incorporated Society of Irish American Lawyers and participated as a pupil in American Inns of Court.

Education

- University of Detroit Mercy School of Law (J.D., *magna cum laude*, 2016)
- University of Michigan - Dearborn (B.A., *magna cum laude*, 2013)

Bar Admissions

- Michigan

Court Admissions

- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Eastern District of Michigan

Services

- Insurance & Reinsurance Defense
- Transportation

- U.S. District Court, Western District of Michigan

Professional Affiliations

- Michigan Defense Trial Counsel
- Association of Defense Trial Counsel
- Incorporated Society of Irish American Lawyers

Client Wins

Beres and Willig Prevail on Motion for Summary Disposition for Restaurant in Premises Liability Case

Katherine Beres (Of Counsel-Detroit, MI) and Garrett Willig (Partner-Houston, TX) succeeded on a motion for summary disposition in the St. Clair County Circuit Court, St. Clair, Michigan, in a premises liability case against Wilson Elser's restaurant client. The plaintiff allegedly tripped and fell on a crack in the exterior yellow curb near the restaurant entrance, claiming the restaurant failed to maintain the premises in a reasonably safe condition. However, Katherine and Garrett's explanation in support of their motion for summary disposition demonstrated that the crack in the yellow-painted curb was not a dangerous condition and did not pose an unreasonable risk of harm to the plaintiff or anyone else. The court concurred, granting Wilson Elser's motion and dismissing the case.

Mock, Beres, and Gettler Shut Down Agency Claims for Franchisor Client with Summary Disposition Victory

Valerie Mock (Partner-Detroit), Katherine Beres (Of Counsel-Detroit), and Nicole Gettler (Of Counsel-Detroit) prevailed on a motion for summary disposition in the Oakland County Circuit Court in Pontiac, Michigan, for a national hair removal franchisor client. The plaintiff allegedly sustained injury to her genitals during an improperly performed waxing procedure conducted by an employee at the hair removal franchisee location. The plaintiff sued the franchisee and its employee for negligence and sued our client franchisor for vicarious liability based on actual or apparent agency. Valerie, Katherine, and Nicole filed a dispositive motion clarifying that no actual agency relationship existed between the franchisor and the franchisee because our client did not exercise control over the franchisee's operations. The Detroit team also demonstrated that apparent agency was likewise not viable, as the plaintiff could not show reasonable reliance on her subjective belief that the franchisee acted as the franchisor's agent. The court agreed and granted summary disposition in favor of Wilson Elser's franchisor client.

Del Gatto, Cook & Beres Successfully Defend Canadian Company in U.S. Trucking Accident

Brian Del Gatto (Partner-Phoenix, AZ), William Cook (Partner-Detroit, MI), and Katherine Beres (Of-Counsel-Detroit, MI) prevailed on behalf of a Canadian international logistics company in Monroe County Circuit Court, Monroe, Michigan. The plaintiff alleged that when the vehicle she was a passenger in stopped in the dark in the middle of an unlit interstate highway at night and was rear-ended by a semi-truck driven by our client's

driver, the driver was at fault. However, the truck's dash camera video of the accident clearly demonstrated that the vehicle that plaintiff occupied was not visible until one second prior to the accident thereby creating a sudden and unavoidable collision. When the plaintiff refused to negotiate in good faith, Brian, Bill, and Kate filed a dispositive motion explaining how the evidence demonstrated that the driver was not negligent. The circuit court agreed and dismissed the case.

Del Gatto, Cook and Beres Secure Summary Judgment Based on Irrefutable Dash Cam Video in Michigan Trucking Accident Case

Brian Del Gatto (Partner-Phoenix, AZ), William Cook (Partner-Detroit, MI) and Katherine Beres (Associate-Detroit, MI) obtained summary judgment in the U.S. District Court, Eastern District of Michigan, on behalf of Wilson Elser's client, an international Canadian logistics company. The plaintiff alleges that when his vehicle collided with a semi-truck driven by our client's driver, the driver was at fault. However, the dash camera video of the accident clearly shows the driver remained in his lane on the expressway and that the plaintiff lost control of his vehicle, causing the collision. When the plaintiff's counsel refused to voluntarily dismiss the lawsuit, Brian, Bill and Kate filed a dispositive motion explaining how the video demonstrated that the plaintiff caused the accident, not our client's driver. The federal judge in a strong decision found that the collision was 100 percent the fault of the plaintiff and that no reasonable juror would conclude otherwise. The court therefore dismissed the case. This decision saved the client insurer significant legal fees and exposure to serious injuries as well as a large settlement demand. This decision supports that the use of dash cams in the commercial trucking setting has a positive return on investment.