

**LOMMEN ABDO'S**

**CONSTRUCTION AND REAL ESTATE PRACTICE**



**LOMMEN ABDO**

**L A W F I R M**

# INDEX

About Lommen Abdo .....	1
Construction & Real Estate Litigation Experience .....	2
Our Construction & Real Estate Litigation Team .....	3
Representative Cases .....	4
Contact .....	4
Construction & Real Estate Litigation Team:	
Mike Moline.....	5
Kathleen Loucks .....	5
Keith Broady .....	5
Reid Lindquist .....	6
Barry O'Neil .....	6
Brent Johnson .....	6
Jamie Johnson .....	6
Leah Isakson .....	6
Kay Hunt .....	7
Bryan Feldhaus .....	7
Mike Leonard .....	7

## ABOUT LOMMEN ABDO

Success is not a matter of luck. Success requires experience, expertise, preparedness, tenacity and a true client partnership. That's true whether you are looking for a trial lawyer, a corporate attorney, an entertainment lawyer, an estate planner, a divorce attorney or a tax lawyer.

Success in the courtroom is second nature to the litigators at Lommen Abdo. From landmark cases in professional malpractice to class actions to contract disputes to appellate advocacy, Lommen Abdo can provide you with sage and prudent counsel.

Lommen Abdo attorneys are who other attorneys turn to when they need expertise outside their fields or representation for themselves. Over and over, other attorneys have identified the attorneys of Lommen Abdo as preeminent litigators, appellate advocates, business lawyers, tax attorneys, estate planners and corporate counsel in Minnesota and western Wisconsin:

- Five of Lommen Abdo's attorneys are listed in the "Best Lawyers in America."
- Thirteen Lommen Abdo lawyers are on the Super Lawyers list: one was on the list of Top 10 Super Lawyers; two were on the list of Top 100 Super Lawyers; one was on the list of Top 40 Business Litigation Super Lawyers; and two have been selected as Rising Stars by Minnesota Super Lawyers.
- Many have obtained certifications in trial practice and real estate.
- Lommen Abdo receives the highest rating for its legal ability from Martindale-Hubbell, Inc., a primary source for information on attorneys and law firms nationwide.
- The chair of Lommen Abdo's appellate department is one of five Minnesota attorneys who are members of the prestigious American Academy of Appellate Lawyers.

We invite you to talk with us about alternatives to traditional hourly billing rates. We have traditionally charged for most legal work on an hourly basis and continue to do so in most instances. However, alternative billing methods can provide you with greater predictability as to the total fee you will have to pay and help you budget for the year. Some alternative billing methods also provide for a sharing of the risk between you and Lommen Abdo. We are happy to work with you to find a mutually beneficial alternative billing method when possible. There are a number of options we can consider.

At Lommen Abdo, legal acumen is a given. It's how we use it on your behalf that makes us the law firm with whom you want to do business. Our collective experience is both deep and broad – and we talk to each other to make sure we've uncovered the best possible approach to handling your matter. We're competitive on your behalf.

The reputation of Lommen Abdo is not the result of boastful claims or public relations spin. Rather our reputation has been hard won through litigation and appeals. It has been earned through long hours of work on behalf of corporate clients. It is the product of our responsiveness to personal legal issues. And it is demonstrated by the many attorneys throughout the country who regularly refer new clients to us.

Appeals  
Business Law  
Business Succession Planning  
Commercial Litigation  
Construction Disputes  
Contracts  
Corporate Formation  
Creditors' Remedies  
Emerging Growth/Venture Capital  
Employment Law  
Entertainment Law  
Estate Planning  
Family Law  
Governance & Compliance  
Insurance Issues  
Intellectual Property  
Medical Malpractice  
Mergers & Acquisitions  
Personal Injury Litigation  
Probate  
Products Liability  
Professional Liability Litigation  
Real Estate  
Securities Law  
Sports Law  
Tax Planning & Disputes  
Vaccine Law  
Workers' Compensation  
Wrongful Death

## CONSTRUCTION & REAL ESTATE LITIGATION EXPERIENCE

Lommen Abdo's construction litigation attorneys have handled all types of disputes that involve real property. This includes:

- construction defect claims
- insurance coverage issues
- subcontractor indemnity
- contract disputes
- professional liability for architects, engineers and attorneys
- purchase agreements
- surety bonds
- commercial loan transactions
- mechanics' liens
- boundary disputes
- environmental matters
- zoning and land use planning
- mortgage foreclosures
- cancellation of contract for deed proceedings
- property tax appeals
- title insurance claims
- bankruptcy avoidance actions
- lease disputes
- first party property damage appraisals

Construction claims, especially those including coverage issues or novel questions of law, require honed advocacy skills. Lommen Abdo offers a unique approach to construction litigation which combines its trial skills with outstanding research and writing capabilities. The centerpiece to this approach is the relationship between the firm's trial lawyers and its nationally renowned appellate attorneys. Each case is evaluated by the trial and appellate teams to identify the relevant legal issues and establish an efficient and effective litigation strategy. The trial team leverages the appellate group's expertise in complex motion practice by posturing claims for dispositive motions whenever possible. The trial and appellate lawyers work together to prepare trial briefs, motions in limine, appropriate jury instructions, and motions to limit expert testimony. The appellate department monitors each trial to preserve issues to be raised in related cases or on appeal. The teams also work together on motions seeking sanctions, injunctions, post-trial motions, writs for mandamus or interlocutory appeals.



We represent:

- Owners
- Contractors
- Subcontractors
- Engineers
- Construction lenders
- Architects
- Material suppliers, such as window manufacturers
- Insurers
- Developers and associations

Our Construction Litigation Practice Group is able to make early assessments of matters allowing it to create an effective litigation plan and budget. We also coordinate closely with experts, witnesses and the client to obtain the best possible outcome. Lommen Abdo's litigators have a keen eye for resolving claims which can result in a great savings in attorney fees.

## OUR CONSTRUCTION & REAL ESTATE LITIGATION TEAM

The firm's trial team consists of several people on the Minnesota Super Lawyer's list: Keith Broady, Reid Lindquist, Barry O'Neil, Michael Moline; Rising Star Kathleen Loucks, and Wisconsin lawyers Jamie Johnson, Brent Johnson and Leah Isakson. Keith handles both the transactional work and all manner of construction disputes in state and federal court, including some of the largest and most complex claims in Minnesota history. His clients include large commercial contractors, corporations, small businesses and insurers. Reid and Mike are board certified civil trial advocates by the National Board of Trial Advocacy and Barry, Mike and Reid are certified as civil trial specialists by the Minnesota State Bar Association. Kathleen has a special focus on multi-unit residential and commercial construction. Brent, Jamie and Leah combined their transactional experience representing contractors with the litigation skills necessary to take a case successfully through trial. Members of the trial team have tried numerous construction cases with tens of millions of dollars at issue, including trials in South Carolina and Florida as well as Wisconsin and Minnesota.

The appellate team consists of Kay Nord Hunt, Bryan Feldhaus, Mike Leonard and Leah Isakson. Kay, a nationally recognized appellate and coverage attorney, has argued more than 600 appeals and obtained more than 300 published decisions. Ms. Hunt is a member of the American Academy of Appellate Lawyers, is among the Best Lawyers in America, was named the Minneapolis Best Lawyers "Appellate Practice Lawyer of the Year for 2012," is on the list of Top 100 Minnesota Super Lawyers, Top 50 Women Super Lawyers and included in the Super Lawyers list in the area of appellate advocacy. She was selected as a "Minnesota Attorney of the Year" in 2013 by Minnesota Lawyer. She is also an adjunct professor at the University of St. Thomas School of Law. Bryan, a 2006 graduate from the University of St. Thomas School of Law, was honored as an "Up and Coming" Attorney in 2011 by *Minnesota Lawyer* and has been selected as a Rising Star each year since 2011. Bryan has also obtained an LL.M. degree in Compliance and Ethics from the University of St. Thomas School of Law. Leah is a 2011 graduate of the University of Wisconsin Law School, where she interned at the Wisconsin Supreme Court and the Wisconsin Department of Justice. Mike is a 2011 graduate of the University of Chicago Law School where he was the managing editor of the University of Chicago Law Review. Before joining the firm he was a clerk with the United States Seventh Circuit Court of Appeals. Kay, Bryan Leah and Mike handle appeals and complex motions throughout the nation and regularly present on issues concerning post-trial motions and appeals.

We work collaboratively with Lommen Abdo's other practice groups such as real estate, professional liability and commercial transactions. We have both strong and deep experience in insurance coverage and complex motion practice. That experience, along with years of actual trial experience, sets us apart from other attorneys who simply practice construction law. While nearly every firm in town claims that it has litigators who can handle construction defect cases, our expertise in areas that complement our construction practice provides us with the foundation to be highly effective while also being highly efficient. We work to give our clients every advantage in terms of both expense and results.

**Super Lawyers**<sup>®</sup>



## REPRESENTATIVE CASES

Cases handled by those in our Construction Litigation Practice Group include some of the landmark decisions on the issues of subcontractor indemnification, insurance coverage, the statute of repose and the statute of limitations. Notable cases include:

- *Engineering & Const. Innovations, Inc. v. L.H. Bolduc Co., Inc.*, 825 N.W.2d 695 (Minn. 2013)
- *Auto-Owners Insurance v. Second Chance Investments*, 827 N.W.2d 766 (Minn. 2013)
- *Blue Star Plumbing v. Herges*, Unpublished Minnesota Court of Appeals Decision of April 9, 2012
- *Rowe Construction v. Title Mark*, Unpublished Minnesota Court of Appeals Decision of March 29, 2011
- *Upper Minnetonka Yacht Club v. City of Shorewood*, 770 N.W.2d 184 (Minn.Ct.App. 2009)
- *JEM Acres, LLC v. Bruno*, 764 N.W.2d 77 (Minn.Ct.App. 2009)
- *Corn Plus Cooperative v. Continental Casualty*, 516 F3d 674 (8th Cir 2008)
- *Olmanson v. LeSueur County*, 693 N.W.2d 876 (Minn. 2005)
- *Vlahos v. R&I Const. of Bloomington, Inc.*, 676 N.W.2d 672 (Minn. 2004)
- *American States Ins. Co. v. Ankrum*, 651 N.W.2d 513 (Minn.Ct.App. 2002)
- *Seward Housing Corp. v. Conroy Bros. Co.*, 573 N.W.2d 364 (Minn. 1998)
- *Van Vickle v. C. W. Scheurer and Sons, Inc.*, 556 N.W.2d 238 (Minn. Ct. App. 1996)
- *Hurlburt v. Northern States Power Co.*, 549 N.W.2d 919 (Minn. 1996)
- *Holmes v. Watson-Forsberg Co.*, 488 N.W.2d 473 (Minn. 1992)
- *Witcher Const. Co. v. Estes II Ltd. Partnership*, 465 N.W.2d 404 (Minn.Ct.App. 1991)
- *Bor-Son Bldg. Corp. v. Employers Commercial Union Ins. Co. of America*, 323 N.W.2d 58 (Minn. 1982)



## CONTACT

We would be pleased to answer any questions you may have about the services of our Construction Litigation attorneys. Any questions may be directed to:

- In Minnesota: Mike Moline at 612-336-9354 or [mmoline@lommen.com](mailto:mmoline@lommen.com)
- In Wisconsin: Brent Johnson at 715-381-7104 or [brent@lommen.com](mailto:brent@lommen.com)

## LOMMEN ABDO'S CONSTRUCTION & REAL ESTATE TEAM

Name/ Area of Practice	Contact Information	Profile
<p><b>Michael R. Moline</b> Litigation</p> 	<p>612-336-9354 mmoline@lommen.com</p> <p>Admitted in Minnesota and Wisconsin</p>  	<p>Mike has a national trial practice concentrating on construction defects, products liability, commercial litigation and first-party insurance coverage claims. He has tried more than 50 jury trials to a conclusion and argued more than 500 binding arbitrations, involving products ranging from industrial fasteners and construction materials to electrical components as well as catastrophic building failures, mold infestations and commercial disputes. Mike has the experience to analyze cases early to develop an effective litigation plan and budget. Mike coordinates closely with experts, witnesses and the client to obtain the best possible outcome. Mike is a board certified civil trial advocate by the National Board of Trial Advocacy, has been certified as a civil trial specialist by the Minnesota State Bar Association and is listed as a Minnesota Super Lawyer in the area of construction litigation.</p>
<p><b>Kathleen M. Loucks</b> Litigation</p> 	<p>612-336-9348 kloucks@lommen.com</p> <p>Admitted in Minnesota and Wisconsin</p> 	<p>In her 15 year career, Kathleen has championed individuals and businesses in state and federal courts throughout the region, including general contractors in construction defect cases; individuals in insurance coverage disputes; and plaintiffs and defendants in general litigation matters. She also provides general risk management and legal counsel to individuals and corporations. "My clients want more than a one-size-fits-all approach to their case, they deserve a seasoned and wisdom-driven advocate with a full spectrum of tools, who will talk with them candidly and straight-forwardly about their options, and who will choose the best tools available to serve their interests. That's how I practice and that's what I'm committed to delivering to every client I have the privilege of serving."</p>
<p><b>Keith J. Broady</b> Commercial Litigation &amp; Business Law</p> 	<p>612-336-9346 kbroady@lommen.com</p> <p>Admitted in Minnesota</p> 	<p>Keith Broady represents individuals and businesses in litigation and transactional matters. His litigation practice includes real estate disputes involving title and boundary claims, construction disputes, title insurance, insurance coverage, real estate agents and professional liability. His litigation cases have also involved shareholder disputes, corporate alter ego and successor liability, environmental and mold claims, creditor's claims and fraudulent transfers, burglary and fire losses, contract and agency claims, and probate disputes. His transactional practice includes mergers and acquisitions, real estate sales and leasing and estate planning. He also serves as a mediator and arbitrator. Keith has repeatedly been named to the Minnesota Super Lawyers list and is rated AV® Preeminent™ 5.0 out of 5 in by Martindale-Hubbell.</p>

<p><b>Reid R. Lindquist</b> Commercial Litigation</p> 	<p>612-336-9311 reid@lommen.com</p> <p>Admitted in Minnesota</p>  <p>Minnesota State Bar Association <b>Certified ▲ Specialist</b></p>	<p>Reid Lindquist litigates personal injury claims, premises liability, liquor liability, and insurance coverage disputes. He has extensive trial experience in all aspects of personal injury and commercial litigation. He has been certified as a civil trial specialist by the Minnesota State Bar Association and is a board certified civil trial advocate by the National Board of Trial Advocacy. He has been listed as a Minnesota Super Lawyer in the area of litigation and is rated AV® Preeminent™ 5.0 out of 5 in by Martindale-Hubbell.</p>
<p><b>Barry A. O'Neil</b> Commercial Litigation</p> 	<p>612-336-9342 barry@lommen.com</p> <p>Admitted in Minnesota</p>  <p>Minnesota State Bar Association <b>Certified ▲ Specialist</b></p>	<p>Barry O'Neil's practice involves the resolution of commercial disputes, including real estate and contract matters; liability claims; employment-related issues and insurance claims. Mr. O'Neil works with small and medium size companies to make wise business choices in the area of litigation. He is certified as a civil trial specialist by the Minnesota State Bar Association. Mr. O'Neil is on the Minnesota Super Lawyers list. He is rated AV® Preeminent™ 5.0 out of 5 in by Martindale-Hubbell.</p>
<p><b>Brent R. Johnson</b> Litigation</p> 	<p>715-381-7104 brent@lommen.com</p> <p>Admitted in Wisconsin and Minnesota</p>	<p>Brent Johnson is a member of the firm's Wisconsin office in Hudson. He practices in the areas of real estate and construction law, including commercial and residential transactions and litigation. His litigation practice includes land and property disputes, contract disputes and claims involving homeowners, businesses and realtors. Mr. Johnson also handles disputes among shareholders and business partners, real estate transactions and general corporate and business matters. Mr. Johnson lives in Hudson and is active in the St. Croix River Valley communities.</p>
<p><b>James R. Johnson</b> Litigation</p> 	<p>715-381-7105 jamesj@lommen.com</p> <p>Admitted in Minnesota and Wisconsin</p>	<p>Jamie Johnson is a member of the firm's Wisconsin office in Hudson. He practices in the area of litigation, with primary emphasis on bodily injury, construction and real estate disputes. His civil litigation cases have involved auto accidents, fires, products liability and other claims involving homeowners' business, and realtors' liability. Prior to joining Lommen Abdo in 1990, Mr. Johnson obtained jury trial experience prosecuting criminal and traffic matters as an Assistant District Attorney in Eau Claire, Wisconsin.</p>
<p><b>Leah L. Isakson</b> Litigation</p> 	<p>715-381-7113 leah@lommen.com</p> <p>Admitted in Wisconsin</p>	<p>Leah Isakson is a litigation associate in the Hudson, Wisconsin office. Her practice includes a wide array of litigation areas, including insurance defense litigation, family law, personal injury and commercial litigation. She also assists with Wisconsin appeals. Prior to joining Lommen Abdo in 2012, Ms. Isakson was an associate in private practice in La Crosse, Wisconsin, where her practice focused on general litigation, family law, insurance defense and collections matters. As a student at the University of Wisconsin Law School, Ms. Isakson interned at the Wisconsin Supreme Court and the Wisconsin Department of Justice.</p>

<p><b>Kay Nord Hunt</b> Appeals</p> 	<p>612-336-9341 kay@lommen.com</p> <p>Admitted in Minnesota and Wisconsin</p>  	<p>Kay Nord Hunt is an appellate advocate, having handled over 500 appeals. Her appellate practice includes a significant number of accounting and legal malpractice cases. Ms. Hunt also works closely with trial lawyers and handles certification matters and other complex hearings; prepares or responds to motions to exclude expert testimony, motions for summary judgment and other dispositive motions and post-trial motions; monitors trials to preserve issues on appeal; prepares trial briefs; and handles mandamus or interlocutory appeals. Ms. Hunt is a member of the American Academy of Appellate Lawyers, was selected as the 2012 Best Lawyers "Lawyer of the Year" for her appellate practice in Minneapolis, is listed among the Best Lawyers in America, is in the list of Top 100 Minnesota Super Lawyers and included in the Minnesota Super Lawyers list in the area of appellate advocacy. She is an adjunct professor at the University of St. Thomas School of Law. She is AV® Preeminent™ rated 5.0 out of 5 by Martindale-Hubbell.</p>
<p><b>Bryan R. Feldhaus</b> Litigation &amp; Appeals</p> 	<p>612-336-4389 bryan@lommen.com</p> <p>Admitted in Minnesota</p> 	<p>Bryan Feldhaus is a shareholder at the Lommen Abdo Law Firm. He represents clients in a wide variety of civil litigation, including business disputes, shareholder and partnership litigation, creditor's remedies, securities fraud and intellectual property litigation. Mr. Feldhaus also practices in the areas of legal malpractice defense and products liability litigation. Mr. Feldhaus was included in the list of Up &amp; Coming Attorneys in 2011 and has also been listed as a Rising Star by Minnesota Super Lawyers since 2011.</p>
<p><b>Michael M. Leonard</b> Litigation &amp; Appeals</p> 	<p>612-336-9301 mleonard@lommen.com</p> <p>Admitted in Minnesota and Illinois</p>	<p>Mike Leonard is a litigation associate. Before joining Lommen Abdo, he clerked at the Seventh Circuit Court of Appeals. Mike is a graduate of the University of Chicago Law School in 2011, where he was the Managing Editor of the University of Chicago Law Review, a member of the Student Animal Legal Defense Fund, member of the Intellectual Property Law Society, and winner of the Joseph Henry Beale Prize for Outstanding Legal Writing. He received his B.A. from Coe College in Cedar Rapids, Iowa, magna cum laude, in English and Philosophy.</p>

# LOMMEN ABDO

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