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Steven J. Wells

Partner

Steven Wells, Partner, head of the Minneapolis Trial Department from 2000-08 and now co-chair of the firm's Professional Malpractice Group. Recognized by Chambers as one of Minnesota's leading commercial trial lawyers, Mr. Wells has been litigating complex commercial and financial cases for 25 years. Drawing upon his industry knowledge and courtroom experience Mr. Wells has litigated matters arising in a wide range of practice areas, including financial and commercial, franchise and distribution, intellectual property, construction, and environmental disputes. Known for successfully obtaining trial verdicts and summary judgments in high-stakes cases, he has appeared and practiced before state, federal, and administrative courts in over a dozen states.

Mr. Wells received a J.D with honors from George Washington University Law School. He is an Adjunct Professor at the University of Minnesota Law School, and lectures at numerous CLE seminars on trial strategy and procedure, expert witnesses, ethics/attorney-client privilege, and death penalty issues. Mr. Wells has also served as pro bono lead counsel in several death penalty defense cases, one of which was the subject of an Investigative Reports documentary on the A&E network.

Representative Litigation

Financial and Commercial Litigation

- ✦ *Trustee in Bankruptcy for Health Risk Management, Inc. v. Ernst & Young LLP, AAA Arbitration, 2008.* Lead counsel for respondent in "deepening insolvency" claim. After five weeks of arbitration, all claims dismissed with prejudice.
- ✦ *Clougherty Packing LLC v. AmeriCold Logistics, JAMS Arbitration, 2008.* Lead counsel for claimant in contract and accounting dispute; \$2.7 Million award for the claimant.
- ✦ *Rios, et al. v. Jennie-O Turkey Store, Inc., et al.,* District Court, 4th Judicial District, Minnesota (*pending*). Lead counsel for defendants in putative class action regarding donning and doffing in turkey processing facilities.
- ✦ *Data Recognition Corp. v. The McGraw-Hill Companies, Inc.,* U.S.D.C., D. Minn., 2004. Lead counsel for defendant in action by educational testing services company for alleged breach of contract and tort claims over state testing contracts; summary judgment for defendant on all claims.
- ✦ *Loop Corp. v. Ernst & Young LLP,* 2004 WL 2221619 (Minn. App. 2004). Lead counsel for defendant accounting firm in action by investors in failed HMO seeking in excess of \$22 Million for alleged accounting malpractice and securities violations; all claims dismissed with prejudice.

- ✦ *Fortune Funding, LLC v. Ceridian Corp.*, 368 F.3d 985 (8th Cir. 2004). Lead counsel for defendant in action by office building owner and mortgagee claiming over \$44 Million in damages as a result of breach of contract and fraud in sales/leaseback transaction. Partial summary judgment for defendant on contract and related claims; jury verdict for defendant on all fraud claims.
- ✦ *Hormel Foods Corp. v. Cereol, S.A.*, U.S.D.C., D. Minn., 2003. Lead counsel for plaintiff in international brand licensing dispute. Favorable settlement.
- ✦ *Hunt v. Rehabicare, Inc.*, U.S.D.C., D. Minn., 1997. Lead counsel for defendants in action by former distributor seeking substantial damages for alleged breach of contract, tortious interference and defamation; after 7-day jury trial, consent decree entered in which plaintiffs acknowledged falsity of claims against defendants and agreed to pay defendants confidential sum to dismiss defendants' counterclaim.
- ✦ *Amerinet Corp. v. Xerox Corp.*, 972 F.2d 1483 (8th Cir. 1992). Co-counsel for defendant in antitrust and commercial litigation involving high-speed laser printers; judgment for defendant entered by Court of Appeals.

Franchise and Distribution Litigation

- ✦ *Gustman Subaru v. Subaru of America, Inc.*, Div. of Hearing and Appeals, Wisconsin, 2005. Add-point protest; Successful settlement.
- ✦ *Krantz, Inc. v. Nissan North America, Inc.*, U.S.D.C., D. South Dakota, 2005. Lead counsel for defendant Nissan in dealer termination action and civil damages suit. Following motions and evidentiary hearing, termination upheld and all claims of dealer and proposed transferee dismissed with prejudice.
- ✦ *Brunswick Nissan v. Nissan North America, Inc.*, Ohio Motor Vehicle Dealers Board, 2004, and Ohio Court of Common Pleas, 2005. Lead counsel for defendant Nissan in dealer termination action; following trial, termination upheld and all claims of protesting dealer dismissed.
- ✦ *R.L. Imports v. Subaru of America, Inc.*, U.S.D.C., D. Minn., 2005. Lead counsel for defendant Subaru in add-point protest. Following trial, favorable settlement allowing establishment of new dealer.
- ✦ *Jacobs Imports v. Hyundai Motors America, Inc.*, Illinois Motor Vehicle Dealers Board, 2005. Lead counsel for defendant Hyundai in add-point protest. Favorable settlement allowing establishment of new dealer.
- ✦ *Enervations v. 3M*, 380 F.3d 1066 (8th Cir. 2004). Lead counsel for 3M in action by former distributor of film products alleging wrongful termination and various business torts; all claims dismissed with prejudice.
- ✦ *St. Jude Medical, Inc. v. Lifecare International*, 250 F.3d 587 (8th Cir. 2001). Lead counsel for plaintiffs in action for breach of contract and conversion in connection with distribution of heart valves; \$1.7 Million jury verdict for plaintiffs; verdict for plaintiffs on defendants' counterclaims of \$20 Million.
- ✦ *Scopetta v. Porsche Cars North America, Inc. et al.*, U.S.D.C., S.D. Fla., 1997. Lead counsel for Porsche defendants in action seeking \$14 Million in damages for alleged violation of Florida motor vehicle franchise law; confidential settlement.
- ✦ Lead counsel for Porsche Cars North America, Inc. in dealer litigation in state, federal and administrative courts around the country.

Intellectual Property Litigation

- ✦ *University of Nebraska v. BASF and Syngenta Crop Protection, Inc.*, U.S.D.C., D. Neb. (*pending*). Lead counsel for defendant Syngenta in license and patent dispute regarding pesticide-resistant plants and technology.
- ✦ *Gamma-10 Plastics, Inc. v. Solvay Polymers, Inc.*, AAA Arbitration, 2002. Lead

counsel for respondent in arbitration brought by plastics company alleging damages plus royalties for misappropriation of trade secrets relating to development, formulation and manufacture of gamma-resistant polypropylene. After two-week arbitration, all claims against respondent denied.

- ✦ *Medeva Pharmaceuticals, Inc. v. Morton Grove Pharmaceuticals*, U.S.D.C., N.D. Ill., 2002. Lead counsel for pharmaceutical manufacturer in action against generic drug manufacturer for alleged patent infringement. Favorable settlement (stipulated injunctive relief).
- ✦ *Children's Broadcasting Corp. v. The Walt Disney Company and ABC Radio Networks, Inc.*, 245 F.3d 1008 (8th Cir. 2001); retrial, 357 F.3d 860 (8th Cir. 2004). Trial co-counsel for defendants in action by children's radio network seeking damages in excess of \$170 Million for alleged misappropriation of trade secrets and breach of contract.
- ✦ *Century Mfg. Co. v. FPPF Chemical Co.*, U.S.D.C., W.D.N.Y., 1993. Co-counsel for plaintiff in patent and licensing litigation involving automotive antifreeze recycling; after obtaining preliminary injunction and partial summary judgment, client obtained full licensing rights, cash and other relief in settlement.

Construction and Environmental Litigation

- ✦ *Union Pacific Railroad v. Reilly Industries, Inc.*, 215 F.3d 830 (8th Cir. 2000). Lead trial counsel for defendant in action under federal and state law for alleged PAH (polynuclear aromatic hydrocarbon) contamination of industrial site; jury verdict and judgment for defendant following two-week trial.
- ✦ *Johnson Bros. Corporation v. Mannesmann Demag Corporation*, AAA Arbitration, 1997. Co-counsel for claimant involving claims and counterclaims pertaining to construction of steel mill in Iowa; award of \$4.7 Million for claimant, \$0 on counterclaim.
- ✦ *Johnson Bros. Corporation v. Green Bay Metropolitan Sewerage District*, Arbitration, 1996. Lead arbitration counsel for contractor in arbitration against owner involving numerous geotechnical issues; award for contractor.
- ✦ *Mergentime/White v. Metcalf & Eddy of New York, Inc. and Hazen and Sawyer, P.C.*, U.S.D.C., S.D.N.Y., 1994. Co-counsel for defendants in action by contractors seeking \$75 Million for alleged engineering malpractice relating to design and construction of improvements to New York City water supply; confidential settlement.

Pro Bono Litigation

- ✦ *Guy v. Cockrell*, 343 F.3d 348 (5th Cir. 2003). Lead counsel for Texas death row inmate in federal habeas proceeding; following trial, writ of habeas granted. Subject of "Investigative Reports" documentary on The Arts and Entertainment Network.

Admissions

- ✦ Minnesota
- ✦ United States District Court for the Districts of Minnesota, and Eastern and Western Districts of Wisconsin
- ✦ United States Court of Appeals for the Fourth, Fifth, Seventh, Eighth, Ninth, and Federal Circuits
- ✦ Appeared and practiced before state, federal and administrative courts in numerous other states

Education

- ✦ George Washington University Law School
J.D., 1983, with honors
- ✦ University of Vermont
B.A., Russian Studies and History, 1979, *cum laude*

Civic and Community Activities

- ✦ Advocates for Human Rights, Death Penalty Steering Committee
- ✦ Board Member, West Bank School of Music
- ✦ Board Member, James Sewell Ballet (Treasurer)
- ✦ Board Member, Theatre de la Jeune Lune
- ✦ West End Sports and Athletic Club Baseball Coach

Teaching and Presentations

- ✦ University of Minnesota, 2007-09, Adjunct Professor
- ✦ Lecturer at numerous CLE seminars on trial strategy and procedure, expert witnesses, ethics/attorney-client privilege, software disputes, and contract drafting.