



MARGO S. BROWNELL

Partner
Chair of Insurance Coverage Group

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OVERVIEW

Margo Brownell has represented policyholders in litigation, arbitrations, and negotiations with their insurers for almost 20 years. She has helped clients recover hundreds of millions of dollars in high-stakes insurance coverage disputes throughout the country.

Recognized as a 2018 Attorney of the Year, Margo has secured coverage for national and international companies facing a wide range of liabilities and losses, including mass tort and product liability (including medical technology and life sciences), directors' and officers' and professional liability, antitrust and securities liabilities, employment practices liability, asbestos and other toxic torts claims, cyber liability, environmental liability and intellectual property liability and many other types of claims. She handles complex commercial cases involving corporate-owned life insurance (COLI) as well as other types of life insurance products.

In addition, Margo litigates property claims, such as those arising from major catastrophic events like the terrorist attacks of 9/11 and Hurricane Katrina as well as claims under financial institution bonds and commercial crime policies. Margo also handles reinsurance issues and represents reinsurers, as well as risk retention groups.

Margo is engaged with advancing both the profession and the community. Of particular note, she served as an Adjunct Professor of Law at the University of Minnesota Law School, where she taught insurance law and founded the Insurance Law Clinic, which provides student-led representation for individuals and small businesses with insurance claims and/or coverage disputes, often on a pro bono basis for low income individuals.

Prior to becoming a lawyer, Margo was a free-lance journalist for *Newsweek International*, *The Nation*, and *The New York Observer*, among other publications. She also had the privilege of serving as a U.S. Peace Corps volunteer in Marrakech, Morocco.

SELECTED EXPERIENCE

- Lead U.S. coverage counsel for Nordic manufacturing company in dispute brought in international arbitration forum against a

AREAS OF PRACTICE

Litigation

- Business Litigation
- Insurance Coverage Litigation
- Tort & Product Liability

Corporate & Securities

- Insurance Coverage

BAR ADMISSIONS

Minnesota

U.S. District Court

- Minnesota
- District of Columbia
- W.D. Michigan

U.S. Court of Appeals

- Eighth Circuit
- Ninth Circuit

EDUCATION

University of Michigan Law School
J.D., *cum laude*, 2000

Barnard College, Columbia University
B.A., *cum laude*, 1984
Religion

- European insurer over coverage for product liability (2018 and current).
- Represented a Fortune 500 company in obtaining coverage under its multimillion-dollar tower of D&O insurance for the settlement of a securities class action lawsuit (2018).
 - *Noetic Specialty Ins. Co. v. Medtronic plc* (E.D. VA. 2018). Counsel for Medtronic in dispute relating to coverage for Covidien vaginal mesh product liability litigation. Successfully resolved through settlement.
 - *UnitedHealth Group Incorporated v. Executive Risk Specialty Insurance Company*, 870 F.3d 856 (8th Cir. 2017). Served as appellate counsel for UnitedHealth Group in insurance coverage dispute relating to allocation between covered and uncovered claims in underlying antitrust litigation.
 - *In re: Archdiocese of Saint Paul and Minneapolis* (Bankr. D. Minn. 2015). Court-appointed Special Insurance Counsel for over 100 parishes sued in hundreds of clergy abuse lawsuits, as part of the Archdiocese Chapter 11 reorganization. Obtained tens of millions of dollars in insurance coverage settlements under missing insurance policies, which settlements were part of the \$210 million settlement of Archdiocese and Parish clergy abuse claims, and represented the largest settlement by a diocese in bankruptcy to date in the United States.
 - *States Self-Insurers Risk Retention Group, Inc. v. City of Waukegan, et al.*, No. 1:2017cv01028 (N.D. Ill. 2018). Lead counsel for States RRG in coverage litigation regarding Waukegan's claim for \$15 million in insurance coverage for its liability to compensate a man who was falsely imprisoned for 20 years and then released after being exonerated by DNA evidence. Obtained dismissal of Waukegan's claim through an early motion for judgment on the pleadings.
 - *Zurich American Ins. Co. v. Uponor North America, Inc. et al*, Case No. 19HA-CV-13-4791 (Dakota County Dist. Ct. 2013). Lead counsel for Uponor North America, Inc. in complex coverage action brought by Zurich against Uponor and its other primary insurers seeking a declaration of no coverage for liability claims brought against Uponor in class action litigation arising from alleged defects in Uponor's yellow brass plumbing fittings installed in homes and condominiums nationwide. Successfully resolved through mediation and settlement.
 - *Avon State Bank v. BancInsure, Inc.*, 787 F.3d 952 (8th Cir. 2015). Lead counsel for Avon State Bank in successful federal district court case and Eighth Circuit appeal involving coverage dispute under a Fidelity Bond for the Bank's liability to third parties arising from an employee's misappropriation of Bank funds in furtherance of a Liberian advance-money scheme.
 - *Charles Dugan, Jr. v. Supervalu, Inc. et al.*, Case No. 27-CV-13-1906 (Hennepin County Dist. Ct. 2013). Successfully represented Supervalu in dispute regarding rights to ownership and benefits under corporate-owned life insurance policies. Case settled prior to final adjudication.
 - *National Union Fire Ins. Co. of Pittsburgh, P.A. v. Donaldson Company, Inc.*, Case No. 10-CV-4949 (D. Minn. 2010). Represented Donaldson Company, Inc. in suit by insurer seeking to recoup millions of dollars insurer contributed to settlement of underlying product liability litigation against Donaldson under a commercial general liability policy with a batch clause endorsement.
 - *U.S. Bank National Association v. Federal Insurance Company*, 2010 WL 3928123 (W.D. Mo., Oct. 4, 2010). Lead coverage counsel for U.S. Bank in its capacity as trustee of creditors' trust in the Chapter 11 reorganization of Interstate Bakeries Corporation (IBC), in coverage action against Federal Ins. Co. and five excess insurers arising from the insurers' denial of coverage under IBC's directors and officers liability policy for alleged wrongful acts of IBC's former CFO.
 - *OneBeacon American Ins. Co. v. Cortiva Midwest LLC, et. al*, Case No. 2:09-CV- 04950-SRC-MAS (D.N.J. 2010). Successfully represented New Jersey-based company that owns spas and massage schools nationwide in litigation arising from insurer's denial of coverage for class action lawsuit alleging Cortiva's violations of the Fair and Accurate Credit Transactions Act. Coverage action settled prior to final adjudication.
 - *Premier Pet Products, LLC v. Travelers Property Cas. Co. of America*, 678 F. Supp. 2d 409 (E.D. Va. 2010). Represented company that manufactures dog-training collars in insurance dispute over whether its trademark infringement liability was covered under the Advertising Injury provisions of its commercial general liability policy. Case ultimately settled prior to final adjudication.
 - *General Cas. Co. of Wisconsin v. Wozniak Travel, Inc.*, 762 N.W.2d 572 (Minn. 2009). Successfully represented group of Minnesota commercial policyholders as amicus curiae in a case certified to the Minnesota Supreme Court on the question of whether the advertising injury coverage of Wozniak Travel Inc.'s commercial general liability policy covered trademark infringement liability.

- *State Farm Fire and Cas. Co. v. Universal Recovery Systems, et al.*, Case No. 62-CV-08-2253 (Hennepin County Dist. Ct. 2008). Successfully represented Minnesota company in dispute against State Farm for coverage under a commercial general liability policy for a lawsuit alleging tortious interference with contract. Case settled favorably for client prior to final adjudication.
- *Bourgeois v. American Family Mut. Ins. Co.*, Case No. 27-CV-07-3134 (Hennepin County Dist. Ct. 2008). Obtained jury verdict for homeowner in coverage action against American Family for progressive water damage loss to the Bourgeois home.
- *Florists' Mut. Ins. Co. v. Wagners Greenhouses, Inc.*, 535 F. Supp. 2d 947 (D. Minn. 2008). Lead counsel for horticultural company in coverage dispute arising from whether claims for the sale of diseased plants was covered under the company's products/completed operations coverage of its commercial general liability coverage.
- *Wilson's The Leather Experts, Inc. v. Peter J. Paek and Federal Insurance Company*, Court File No. 07-2315 (D. Minn. 2007). Successfully represented Wilson's leather in litigation against Federal Insurance Company for coverage arising under commercial crime policy for losses due to employee kickback scheme. Case settled prior to final adjudication.
- *Kean Argovitz Resorts v. Willard Smith v. Lakes Entertainment*, 2000-15830 (80th Dist. Ct., Harris County, Tex. 2005). Obtained jury verdict in favor of publicly traded entity in the business of financing and managing Indian gaming operations in a dispute with joint venture partners and others seeking to unwind two significant projects under a fraudulent conveyance theory.
- *LeMond Cycling, Inc., et al. v. PTI Holding, Inc.*, Case No. 03-5441 (D. Minn. 2005). Obtained \$3.5 million jury verdict for three-time Tour de France champion Greg LeMond in a dispute over PTI's breach of a licensing agreement involving the licensing and branding of a line of LeMond bicycle accessories.
- *Industrial Risk Insurers, Inc. v. Port Authority of New York and New Jersey*, Case No. 02 Civ. 7170 (S.D.N.Y. 2002). Represented insurer in World Trade Center subrogation litigation over issues of negligent design and operation of high-rise office building on World Trade Center site.
- *Factory Mutual Ins. Co. v. Ford Motor Co.* (Arbitration Proceeding, 2002). Represented insurer in \$300 million subrogation action involving catastrophic explosion at Rouge Powerhouse in Dearborn, Michigan.
- *American Foods Group, Inc. v. Supervalu, Inc.* (American Arbitration Association Proceeding, 2001). Represented Supervalu, a national food distributor, in dispute over cause and liability for e. coli contamination of beef products and resulting personal injuries.

LEADERSHIP & COMMUNITY

- Friends of the Boundary Waters Wilderness: Board of Directors 2013-present; Chair 2018-2019; Vice Chair 2017-2018
- Global Rights for Women: Founding Member
- Trial Lawyers for Public Justice
- American Bar Association: Tort Trial & Insurance Practice Group, Chair 2005-2006; Business Litigation Committee; Insurance Coverage Litigation Committee
- Minnesota State Bar Association: Civil Litigation Section, Civil Jury Instruction Guide (JIG) Subcommittee on Insurance Law
- Hennepin County Bar Association
- Minnesota Women Lawyers: Board of Directors 2005-2007; Leadership Committee, Co-Chair 2003-2004; Professional Development Committee, Co-Chair 2002-2003
- Minnesota Food Co-op Boards (MNFCB): Co-Founder and Steering Committee Member
- Barnard College: Admissions Interviewer since 2004
- University of Minnesota Law School: former Adjunct Professor, Insurance Law
- Linden Hills Co-op: Board of Directors 2010-2012

SELECTED HONORS

- **Attorney of the Year**, *Minnesota Lawyer*, 2018
- **North Star Lawyer**, Minnesota State Bar Association, 2018 (*North Star Lawyer is a designation that recognizes members who provide 50 hours or more of pro bono legal services in a calendar year.*)

- **2018 Women in Business Award Winner**, *Minneapolis/St. Paul Business Journal*
- **Fellow**, American Bar Foundation, 2006-present
- **Recognized on Minnesota Super Lawyers® list**, 2017-2019 (*Minnesota Super Lawyers® is a designation given to only 5 percent of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*)
- **Top Women Attorneys in Minnesota® list**, 2018-2019 (*The annual edition of the Top Women Attorneys in Minnesota list features attorneys who received the highest point totals in the previous year's Minnesota Super Lawyers® and Rising Stars balloting, research, and blue ribbon review process.*)

SELECTED PRESENTATIONS

- "Occurrences' and 'Wrongful Acts': One Plus One Does Not Always Equal Two," panel member, Insurance Coverage Litigation Committee CLE Seminar, American Bar Association, 2018
- "Our Lips Are Sealed ... Until They're Not: The Attorney-Client Privilege and Work Product Doctrine In Insurance Claims Disputes and Tripartite Relationships," panel member, 2017 Insurance Coverage Litigation Committee CLE Seminar, American Bar Association Section of Litigation, 2017
- "Covered vs. Uncovered Claims: Navigating Allocation in Mixed-Claim Scenarios," panelist, 2016 Insurance Coverage Litigation Committee CLE Seminar, American Bar Association Section of Litigation, 2016
- "Managing Your General Liability Exposures," panel member, Minnesota Risk Insurance Management Society, 2015
- Margo Brownell, Jason Lien, and David Suchar to Present at Insurance Law Institute for Minnesota CLE
- "Key Issues to Watch For in 2015," Insurance Law Institute, Minnesota CLE, 2015
- "Drafting Insurance Clauses for Real Estate Document," 2014 Real Estate Institute, Minnesota CLE
- "Fidelity Bonds: Advocating Direct Loss from Employee Theft, Fraudulent Transactions and Other Covered Events," webinar, Strafford Publications, 2014
- "Insurance Law Deskbook: Directors and Officers Liability Insurance," webcast, Minnesota CLE, 2013
- "When Disaster Strikes – Why Understanding Insurance Really Matters," Real Estate Institute, Minnesota CLE, 2012
- "Drafting Insurance Law Clauses for Real Estate Documents," MSBA Real Property Law Section, Minnesota CLE, 2011
- "Managing Your Network Liability Risk: Ensuring – and Insuring – Against Data Breaches in the 'Cyber' Age," 2011 Computer and Technology Law Institute, Minnesota CLE, 2011
- "Managing Your Network Liability Risk: Insurance Coverage for Data Breaches in the 'Cyber' Age," Minnesota CLE, 2011
- "Key Topics in Directors & Officers Liability Insurance," *Minnesota Insurance Law Deskbook* Seminar, Minnesota CLE, 2011
- "Insurance for Employment Lawyers – (Just About) Everything You Need to Know about Insurance Coverage But Were Afraid to Ask," Employment Law Mini-Series Webcast, Minnesota CLE, 2010
- "Improve Your Insurance IQ: An Overview of Common Commercial Policy Forms and Basic Insurance Principles," Minnesota CLE, 2010
- "Shifting Fiduciary Duties in Troubled Economic Times," Maslon Speaker Series, 2009

SELECTED PUBLICATIONS

- Chapter 23, "Directors and Officers Liability Insurance," co-author, *Minnesota Insurance Law Deskbook*, Minnesota CLE, 4th ed. (2017 update)
- "The Rise of Credit Card Data Breaches: The Thieves Among Us," 2014 Cyber Security Summit, 2014
- "An 'Accident' Waiting to Happen: The Rise and Fall of the Business Risk Doctrine," *The Hennepin Lawyer*, November 2013
- "The Rise of Credit Card Data Breaches: The Thieves Among Us," co-author, *Minnesota Lawyer*, June 1, 2012; *ON Litigation*, Vol. 3, Summer 2011
- "Directors' and Officers' Liability Insurance," co-author, *Minnesota Insurance Law Deskbook*, 4th ed. (2011)
- "A good faith effort toward a bad faith law?," *ON Litigation*, Vol. 1, Spring 2009

- "Recent Developments in Business Torts Law," co-author, 37 *Tort & Ins. L.J.* 323 (2001-2002)
- "Getting Something Back: Subrogating After the Catastrophe," American Bar Association, Torts and Insurance Practice Section Seminar, 2001
- "Who is an Indian? Searching for an Answer to the Question at the Core of Federal Indian Law," 34 *U. Mich. J.L. Reform* 275 (2000)