MASLONLLP



JASON A. LIEN

Partner
Co-Chair of Construction & Real Estate Litigation Group

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OVERVIEW

Jason Lien focuses his litigation practice on representing clients from the construction, real estate, financial services, and railroad industries. He appears in federal and state court on behalf of design-build firms, general contractors, architects, engineers, specialty contractors, suppliers, property management companies, real estate owners, and lenders. A portion of Jason's practice also involves representing a Class I railroad in disputes in Minnesota and North Dakota.

Prior to joining Maslon in 2002, Jason served as a Naval Officer with the United States Navy Judge Advocate General's Corps, where he litigated court-martial proceedings, administrative hearings, and military appeals.

Jason has been ranked every year since 2016 by *Chambers USA* for his work in construction law. In addition, Jason has been selected for the 2015-2026 Minnesota Super Lawyers® lists and prior to that was recognized as a Minnesota Rising Star. Jason was also named as a Thomson Reuters® Stand-Out Lawyer from 2024-2026 based on a survey of senior in-house counsel for client satisfaction, client advocacy, and legal skills.

In addition to his litigation practice, Jason has served as a member of Maslon's Governance Committee. Outside of the office, Jason is a three-time Ironman finisher.

SELECTED EXPERIENCE

Construction, Real Estate, and Financial Services

- Represented contractors, developers, design firms, property owners, lenders, real estate management companies, and nonprofit groups in hundreds of disputes involving:
    - defective design, defective construction, and delay claims;

AREAS OF PRACTICE

Litigation
- Appeals
- Business Litigation
- Construction & Real Estate Litigation
- Insurance Recovery
- Tort & Product Liability

Real Estate
- Condemnation & Eminent Domain

BAR ADMISSIONS

Minnesota

North Dakota

South Dakota

Iowa

Wisconsin

U.S. District Court
- Minnesota
- North Dakota
- Wisconsin, E.D.

U.S. Court of Appeals
- Eighth Circuit
- Armed Forces

U.S. Navy-Marine Corps Court of Criminal Appeals

U.S. Supreme Court

EDUCATION

University of Minnesota Law School
J.D, *cum laude*, 1998

Hamline University
B.A., *cum laude*, 1994
Political Science and Legal Assistance

  - insurance coverage claims involving property damage arising from defective construction, remediation, business interruption, and loss of use;
  - mechanic's liens claims and surety bonds;
  - government contractor claims;
  - land use and zoning;
  - annexations;
  - landlord-tenant disputes;
  - partitions, easements, conservation easements, and boundary lines;
  - property tax appeals;
  - eminent domain proceedings; and
  - commercial foreclosures, receivership actions, and loan workouts.

- Represented national engineering firm in multi-party, consolidated litigation arising from natural gas explosion that occurred during the construction of underground utilities.
- Defended fire protection contractor in breach of contract claim alleging in excess of $5 million in damages.
- Represented stone cladding fabricator against design defect claim involving claims of construction and design defects of stone cladding installed on a 25-story condominium tower.
- Defended architect in dispute involving alleged construction and design defects to building enclosure of 26-story mixed-use apartment tower.
- Represented international bridge design firm in $80+ million dispute arising from claims made by bridge’s general contractor for additional compensation due, in part, to alleged design defects.
- Represented Fortune 500 company in $15+ million dispute arising from defective design and construction of data center's underground electrical feeder system.
- Represented national REIT in litigation regarding termination of purchase of agreement of real estate located in San Jose, California, valued at $30+ million.
- Defended general partner of low income housing tax credit (LIHTC) properties in dispute with limited partners over allegations of breach of limited partnership agreements and fiduciary duties.
- Defended architectural and engineering firm against alleged structural design defect claims involving a $30+ million municipal parking ramp.
- Represented engineering firm in multi-party litigation involving repair damages alleged by university caused by design and construction defects to waterproofing systems in new campus buildings.
- Represented international engineering, procurement, and construction company in multi-state jurisdiction insurance coverage and bad faith litigation that resulted in successful recovery of damages arising from $100+ million design and construction dispute.
- Defended international design-build firm in several disputes arising from an allegedly defective design and construction of ethanol plants.
- Defended major commercial aggregate and ready-mix concrete supplier in disputes regarding alleged concrete defects, insurance coverage, and land use and zoning.

Railroads

- Represented major U.S. railroad in various real estate litigation matters throughout Minnesota and North Dakota, including right-of-way disputes, administrative law proceedings, permitting matters, quiet title actions, condemnations, land use, and lease disputes.

Food, Drug, and Product Liability

- Represented food company in contract dispute with international food additive supplier involving product recall and application of the United Nations Convention on Contracts for the International Sale of Goods (CISG).
- Represented food manufacturers and restaurateurs in litigation involving contract, construction, commercial leases, and class action lawsuits alleging violation of the Fair and Accurate Credit Transactions Act (FACTA).

- Advised client on product recall and obtained multimillion-dollar jury verdict for client to recover recall costs and other consequential damages from supplier.
- Represented drug research and development corporation in contract dispute with service provider.
- Represented major medical device company in disputes to enforce non-competition, non-solicitation, and confidentiality agreements against former officers and employees.
- Assisted in obtaining injunction for minority shareholder to prevent controlling shareholders from taking actions to freeze out client from medical device manufacturing company, which ultimately resulted in multimillion-dollar buy-out settlement.

Healthcare

- Helped establish important legal precedent for healthcare industry on the admissibility of administrative disciplinary agreements in medical malpractice cases.
- Represented healthcare professionals in fraud investigations, licensing matters, contract disputes, non-competition agreement disputes, and misrepresentation claims involving the sale of medical practices.
- Represented healthcare service company in breach of fiduciary duty and fraud claim filed by minority shareholder.

Decisions

- *Friends of the Rail Bridge v. North Dakota Dep't of Water Resources,* 2024 WL 480848 (N.D. 2024)
- *Friends of the Rail Bridge v. North Dakota Dep't of Water Resources,* 995 N.W.2d 461 (N.D. 2023)
- *In re Petition by Qwest Corporation for Resolution of a Dispute with BNSF Railway Company Over the Use of Railroad Right-of-Way Under Minn. Stat. § 237.045*, 918 N.W.2d 578, (Minn. Ct. App. 2018)
- *The Shaw Group, Inc. v. Zurich Am. Ins. Co.,* 2014 WL 6610010 (M.D. La. Nov. 20, 2014)
- *Reed v. Insituform Tech., Inc.*, 2014 WL 359333 (D. Minn. Feb. 3, 2014)
- *TheMLSonline.com, Inc. v. Regional Multiple Listing Service of Minnesota, Inc.*, 840 F. Supp. 2d 1019 (D. Minn. 2010)
- *State v. Lombardo Bros. Mason Contractors, Inc.*, 90 A.2d 983 (Conn. Super. 2009)
- *CFMOTO Powersports, Inc. v. NNR Global Logistics USA, Inc.*, 2009 WL 4730330 (D. Minn. Dec. 4, 2009)
- *In re Buckmaster*, 755 N.W.2d 570 (Minn. Ct. App. 2008)
- *Dingxi Longhai Dairy, Ltd. v. Becwood Tech. Group, LLC*, 2008 WL 2690287 (D. Minn. July 1, 2008)
- *Aaron v. Crooks*, 2006 WL 91454 (Minn. Ct. App. Jan. 17, 2006)
- *Afremov v. Amplatz*, 2004 WL 77851 (Minn. Ct. App. Jan. 13, 2004)
- *State v. Windish*, 2003 WL 22952735 (Minn. Ct. App. Dec. 16, 2003)
- *Watkins, Inc. v. Lewis*, 346 F.3d 841 (8th Cir. 2003)
- *In re Foley Trust*, 671 N.W.2d 206 (Minn. Ct. App. 2003)
- *United States v. Ellis*, 57 M.J. 375 (C.A.A.F. 2002)
- *United States v. Oliver*, 57 M.J. 170 (C.A.A.F. 2002)
- *United States v. Williams*, 57 M.J. 1 (C.A.A.F. 2002)
- *United States v. Smith*, 56 M.J. 271 (C.A.A.F. 2001)
- *United States v. Adams*, 65 M.J. 552 (N.M.Ct.Crim.App. 2006)
- *United States v. Bell*, 60 M.J. 682 (N.M.Ct.Crim.App. 2004)
- *United States v. Starling*, 58 M.J. 620 (N.M.Ct.Crim.App. 2003)
- *United States v. Dezotell*, 58 M.J. 517 (N.M.Ct.Crim.App. 2003)
- *United States v. Quiroz*, 57 M.J. 583 (N.M.Ct.Crim.App. 2002)
- *United States v. Lilyblad*, 56 M.J. 636 (N.M.Ct.Crim.App. 2001)
- *United States v. Santiago*, 56 M.J. 610 (N.M.Ct.Crim.App. 2001)

LEADERSHIP & COMMUNITY

- American Bar Association: Forum on Construction Law

- National Association of Railroad Trial Counsel
- Federal Bar Association – Minnesota Chapter
- Minnesota State Bar Association: Construction Law Section
- Hennepin County Bar Association
- Hennepin County Bar Foundation: Board Member 2019-2025
- Maslon LLP: Governance Committee Member 2017-2019
- Minnesota State Bar Association: Military Pro Bono Program, Volunteer Attorney
- Minnesota Land Trust: Pro Bono Attorney Volunteer
- Assistant to the State Public Defender: Appeals, Pro Bono Attorney Volunteer
- Hamline University: Alumni Board, Past Member; Mentor

SELECTED HONORS

- **Ranked in *Chambers USA: America's Leading Lawyers for Business***, Construction, Minnesota, 2016-2026
- **Recognized as Thomson Reuters® Stand-Out Lawyer,** 2024-2026 (*Based on Thomson Reuters® survey of more than 2,000 senior in-house counsel for client satisfaction, client advocacy, and legal skills.*)
- **Legal 250**, Construction Law, *Minnesota Lawyer*, 2026
- **Recognized on Minnesota Super Lawyers® list**, 2015-2026 (*Minnesota Super Lawyers® is a designation given to only 5% of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*)
- **Selected for inclusion in *The Best Lawyers in America*®**, 2021-2027
- **North Star Lawyer**, Minnesota State Bar Association, 2015 *(North Star Lawyer is a designation that recognizes members who provide 50 hours or more of pro bono legal services in a calendar year.)*
- **Recognized on Minnesota Rising Stars list as part of the Super Lawyers® selection process**, 2006-2009, 2011-2012 (*Minnesota Rising Stars is a designation given to only 2.5% of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*)
- **Recognized as a Top Lawyer**, *Minnesota Monthly*, 2022-2023 (The research for the Top Lawyers list, created by Professional Research Services, is based on an online peer-review survey sent to all attorneys in Minnesota.)
- **Named JAG of the Quarter by the Navy Judge Advocate General and JAG of the Year for the region by the Commanding Officer of the Naval Legal Service Office Central**, 2001
- **Corpus Juris Secundum Award**, Civil Procedure, 1996

SELECTED PRESENTATIONS

- "Lessons Learned from Design-Build Disputes," Fall Breakfast Series, Design-Build Institute of America Minnesota Chapter, 2026
- "Raids, Rights, and Repercussions: Lessons from Operation Metro Surge," moderator, Spring Litigation Program, The Trial Network, 2026
- "AI Tools for Litigation," co-presenter, Federal Bar Association, 2025
- "The Growing Risk Posed by Public Interest Litigation," moderator, The Trial Network Top Gun Litigation Program, 2024
- "Preservationists Gone Mad: A Case Study of the Bismarck Rail Bridge," American Railway Development Association Annual Meeting, 2024
- "Becoming a Sommelier of Insurance Claims," moderator, Napa Litigation SuperCourse, The Trial Network, 2023
- David Suchar, Steve Schleicher, Jason Lien, and Stephanie Laws Present at Trial Network Litigation SuperCourse
- "Issues Involving Minnesota's Construction Materials Special Permit," Aggregate & Ready Mix Association of Minnesota Convention, 2022

- "More Money, More Problems? The Use of Litigation Finance in Complex Litigation," Mission: Possible - Winning Strategies for Litigation Management, Network of Trial Law Firms, 2019
- "Charting a Course Into the Future Practice of Law," moderator, Litigation Management: Overcoming the Ocean of Complaints, Trials and Motions – A Concentrated Curriculum for In House Counsel Managing Litigation, The Network of Trial Law Firms, 2018
- "ESI Discovery and Delivering on the Promise of Proportionality," Litigation Management: New Trends and Techniques, The Network of Trial Law Firms, 2017
- "Legal Responsibilities in Concrete Production," Aggregate & Ready Mix Association of Minnesota Convention, 2016
- "10 Mistakes When Making Performance and Payment Bond Claims," moderator, webinar, ABA Forum on Construction Law, 2016
- "Operational and Legal Issues Arising From Electrical System Failures in Data Centers," Data Center World Global 2016, AFCOM, 2016
- "Tying Up the Loose Threads: The Significant Roles that Third Party Administrators Play in Today's Insurance Programs and the Legal and Practical Questions Their Activities Can Raise," 2016 Conference on Surety Bonding and Construction Risk Management, Associated General Contractors of America, 2016
- "Introduction to Concrete Construction Liability – It's about Risk Management," 2016 Annual Convention and Tech Day, North Dakota Ready Mix & Concrete Products Association, 2016
- "Anatomy of a Bad-Faith Case: Litigating Multi-District, Multi-Defendant, Large-Scale Construction-Related Insurance Coverage and Insurer Bad-Faith Cases," Construction SuperConference, 2015
- "Legal Issues Arising in the Design, Construction and Operation of Data Centers," Association for Computer Operations Management's Minneapolis Symposium, 2015
- "Anatomy of a Bad Faith Case: Litigating Multi-District, Multi-Defendant, Large Scale Cases," Insurance Law Institute, Minnesota CLE, 2015
- "Firm Foundations: Insurance Coverage for Construction Technology Risks—Is Your Client Covered," Traveling the Mysteries: Building a Better Construction Lawyer Through Best Practices and Technology, ABA Forum on the Construction Industry, 2014
- "The CFO Playbook on Cloud: The Legal Issues CFOs Must Know About," panel member, webcast, CFO.com, 2013
- "After the Fall: The Legacy of the I-35W Bridge Collapse Litigation and What It Means to the Design & Construction Industry in Minnesota," Maslon Speaker Series, 2013
- "Sharpen Your Pencils: What Every Owner Needs to Know About Contracting with Designers and Constructors," Maslon Speaker Series, 2007

SELECTED PUBLICATIONS

- "Raids, Rights, and Repercussions: Lessons from Operation Metro Surge," co-author, Spring Litigation Program, The Trial Network, 2026
- Quoted in "White House ballroom fight shifts focus to contractor risk," *Construction Dive*, 2025
- "Becoming a Sommelier of Insurance Claims," co-author, The Trial Network, 2023
- "What Businesses, Landlords, and Real Estate Pros 'Partaking' in Minnesota Cannabis Industry Need to Know," co-author, *Finance & Commerce*, 2023
- "Three Considerations for Post-Pandemic Real Estate and Construction Litigation," co-author, *Finance & Commerce*, 2021
- "Court Green-Lights Third-Party Litigation Finance," co-author, *Minnesota Lawyer*, 2020
- *50-State Survey of Licensed Design Professional's Stamping and Sealing Obligations*, contributing author, ABA Forum on Construction Law – Division 3 - Design, 2018
- "Design-Build, Performance Specifications, and *Spearin*: How Modern Trends in Project Delivery Have Impacted a Contractor's Defenses," co-author, *The Construction Lawyer*, Vol. 37, No. 3, Summer 2017

- *50-state Survey of Firm Licensure Requirements for Architectural and Engineering Firms*, contributing author, ABA Forum on Construction Law – Division 3 – Design, 2015
- Chapter 17 "Litigation Issues for the Design Professional," co-author, *Green Building and the Construction Lawyer*, Forum on Construction Law, American Bar Association, 2014
- "Litigation: The hurdles of seeking discovery from non-parties based in China," co-author, *InsideCounsel.com*, October 10, 2013
- "Litigation: New ruling presumes prejudice for the destruction of ESI following an untimely litigation hold," co-author, *InsideCounsel.com*, September 26, 2013
- "Litigation: Carefully examine the layers of LLC citizenship for federal diversity jurisdiction," co-author, *InsideCounsel.com*, September 12, 2013
- "Litigation: Essential steps for navigating e-discovery in the cloud," co-author, *InsideCounsel.com*, August 29, 2013
- "Litigation: When discovery of social media makes sense in civil cases," co-author, *InsideCounsel.com*, August 15, 2013
- "Litigation: Just how enforceable are forum-selection clauses?", co-author, *InsideCounsel.com*, August 1, 2013
- "Forum-Selection Clauses in Construction Agreements: Strategic Considerations in Light of the Supreme Court's Pending Review of *Atlantic Marine*," *The Construction Lawyer*, Vol. 33, No. 3, Summer 2013
- "FDIC Receivership and Bank Litigation: What Litigators and Their Clients Need to Know," 6 *Pratt's J. Bky. L.* 593 (2010)
- "Hostile Takeover: The Impact of FDIC Receivership on Bank Litigation," co-author, *ON Litigation*, Vol. 2, Fall 2009
- "A brush with danger: the growing product liability risk imposed by Chinese imports," co-author, *ON Litigation*, Vol. 1, Spring 2009
- "Three Steps for Avoiding Bills for Tenant Upgrades," *Upsize Magazine*, February 2009
- "Avoiding the Unwanted: How to Prevent Owner Liability for Tenant Improvements," *MSCA Connection*, August 2008
- *The Patriot Act Summary Guide*, Minnesota CLE, 2005
- "The Failed Condemnation: May Property Owners Recover Compensation When the Government Changes its Mind?" Maslon Whitepaper, 2004