

**ATTORNEY PROFILE:**

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**I. EDUCATION**

Creighton University, B.A., *cum laude*, 1995  
Creighton University School of Law, J.D., *magna cum laude*, 1998  
Creighton Law Review, Lead Articles Editor 1997-98

**II. LEGAL BACKGROUND**

Lane & Waterman LLP, 1998-present  
Primary practice areas: Civil Litigation, including Commercial, Construction, Products Liability, Insurance Coverage, Medical Malpractice and Personal Injury Defense  
Licensed and admitted in Iowa and Illinois state courts, the United States District Courts for the Northern and Southern Districts of Iowa and the Northern and Central Districts of Illinois, and the Seventh and Eighth Circuit Court of Appeals

**III. PROFESSIONAL ASSOCIATIONS**

American College of Trial Lawyers  
Iowa Academy of Trial Lawyers  
American Board of Trial Advocates  
Super Lawyers  
Best Lawyers in America, listing in the 22nd Edition for the field of Construction Law  
Defense Research Institute  
Iowa Defense Counsel Association  
Illinois Association of Defense Counsel  
Member, Iowa and Illinois State Bar Associations  
Member, Scott and Rock Island County Bar Associations

#### IV. JURY AND SIGNIFICANT BENCH TRIAL EXPERIENCE

1. *Chicago Architectural Metals, Inc.; and CAM-BUSH 8(a) Joint Venture LLC v. Bush Construction Company, Inc.*, in the Circuit Court for Cook County, Illinois, Law No. 2015 CH 15082. **Breach of contract/breach of fiduciary duty case.** Bench trial July 29, 2019 – August 1, 2019. Represented Defendant Bush Construction. Plaintiff and Bush entered into an 8(a) joint venture related to a construction project at Scott Air Force Base. Plaintiff alleged Bush breached the contract and its fiduciary duties and sought over \$3 million in damages. The Court entered a direct finding in Bush’s favor on two of the counts at the close of Plaintiff’s case and subsequently entered judgment in Bush’s favor on the remaining counts.
2. *Gary & Elizabeth Adrian v. Honkamp Krueger & Co.*, 7<sup>th</sup> Judicial District, Scott County, Iowa, Law No. 125516. **Accounting malpractice/negligent misrepresentation case.** Jury trial, October 2017. Represented Plaintiffs who relied upon erroneous audit performed by Defendant accounting firm. Obtained Plaintiffs’ verdict in the amount of \$2,800,000 plus interest and costs.
3. *Randy & Ruth Erdman vs. CJM Restoration LLC, et al*, 5th Judicial District, Madison County, Iowa, Law No. LACV 033731. **Breach of contract/conversion/negligence/alleged construction defect case.** Jury trial, Sept. 2015. Represented Defendant restoration companies. Defendant CJM Restoration performed work on Plaintiffs’ home to repair damage caused by a fire. Plaintiffs alleged the work was poorly performed, that CJM caused additional damage to property and that its employees stole certain items of personal property. Plaintiffs also attempted to pierce the corporate veil. Defense verdict.
4. *Dale Cox as Administrator of the Estate of Donald Breed vs. Kalona Sales Barn, Inc., et al*, U.S. District Court for the Southern District of Iowa, Case No. 3:13-cv-00051. **Wrongful death / vicarious liability case.** Jury trial, May 2015. Represented Defendant auction facility where a pedestrian-motor vehicle accident occurred during a livestock/personal property auction when the driver suffered a sudden medical emergency. Plaintiff alleged the driver of the vehicle should have known he was physically impaired and further alleged the condition and manner in which the auction was held presented an unsafe condition. Defense verdict.
5. *Patrick & Karen Allen vs. Duvel Construction Company, Inc., et al*, 6th Judicial District, Linn County, Iowa, Law No. LACV 071440. **Breach of contract/alleged construction defect case.** Jury trial, Sept. 2014. Represented Defendant construction company and owner who built the residential property at issue. Plaintiffs alleged defective construction, negligence, breach of contract, and breach of implied warranty to subsequent purchasers. Defense verdict.
6. *Donna Canavan vs. Joe W. Conlan, et al*, 6th Judicial District, Linn County, Iowa, Law No. LACV 62891. **Breach of contract/alleged construction defect case.** Jury trial, Sept. 2013. Represented Defendant construction company and

owners who built the residential property at issue. Plaintiff alleged breach of written warranty, defective construction, fraudulent misrepresentation and negligence and sought compensatory and punitive damages. Defense verdict.

7. *Curry's Transportation Services, Inc. vs. Mike Dotson, et al*, 7th Judicial District, Muscatine County, Iowa, Law No. LACV 021480. **Non-compete/tortious interference with contract case**. Bench trial, July 2013. Represented Defendant trucking company, owners, and employees who left Plaintiff's employment and formed their own trucking company. Plaintiff alleged breach of contract, intentional interference with business relationships and conspiracy. Defense verdict. Affirmed by the Supreme Court of Iowa.
8. *Jessica Lynn Nail, et al vs. David Maxwell, et al*, 8th Judicial District, Poweshiek County, Iowa, Law No. LALA 001889. **Automobile accident case**. Jury trial, May 2012. Represented Defendant tiling company and owner who was involved in an automobile accident. Defendants admitted fault and submitted an Offer to Confess Judgment. Plaintiff did not accept the Offer and the case proceeded to trial. The Court entered judgment for the Plaintiff for an amount that equaled roughly 60% of the pre-trial Offer to Confess Judgment.
9. *Pekin Insurance Company vs. Illinois Casualty Company as Subrogee of Crabby's Bar & Grill*, 14th Judicial Circuit, Rock Island County, Illinois, Law No. 2006 MR 686. **Insurance coverage case**. Bench trial, April 2012. Represented insurer of business wherein property damage occurred arising from a fire caused by a contractor (Plaintiff's insured). The Plaintiff refused to provide insurance coverage, claiming their insured supplied false information on its insurance application and that policy exclusions allowed Plaintiff to deny coverage. Defense verdict.
10. *Heartland Clinic, LLC v. Linda J. Tong, M.D.*, 14<sup>th</sup> Judicial Circuit, Rock Island County, Illinois, Law No. 2011 MR 536. **Declaratory judgment action**. Bench trial, December 2011. Represented physician who left Plaintiff's medical practice. Plaintiff attempted to enforce non-competition agreement. Defense verdict.
11. *Brian J. Wegerer, et al v. Michael and Chae Hee Porubcin*, 14<sup>th</sup> Judicial Circuit, Henry County, Illinois, Law No. 10 CH 106. **Declaratory judgment action**. Bench trial, August 2011. Represented Defendant homeowners who were sued by neighbors that alleged Defendants' construction of tennis courts in their back yard violated restrictive covenants. Defense verdict. Affirmed by The Third Judicial Circuit Appellate Court of Illinois.
12. *David B. Dunning, et al v. Lawrence P. Bush, et al*, U.S. District Court for the Southern District of Iowa, Case No. 3:05-CV-00050. **Breach of contract case**. Bench trial, January 2009. Represented Defendants with Robert V.P. Waterman, Jr. Plaintiffs' Petition was premised on allegations of fraud and breach of contract relating to an agreement Plaintiffs entered into with Defendants to sell Plaintiffs' interest in a business they co-owned. The District Court entered judgment in

Defendants' favor on all claims. Plaintiffs appealed to the United States Court of Appeals for the Eighth Circuit, which affirmed the District Court.

13. *Dallas Laman v. Northwest Mechanical, Inc. and LRC Developers, Inc.*, 14<sup>th</sup> Judicial Circuit, Rock Island County, Illinois, 05 L 34. **Industrial accident case.** Jury trial, September 2008. Represented Northwest Mechanical. Plaintiff filed suit after he was injured in an industrial accident at the Quad City Industrial Center. Plaintiff's verdict, with 20% fault assigned to Plaintiff, 50% to Northwest, and 30% to LRC.
14. *The Estate of Mary Delores McDermott, Deceased, John R. McDermott, Executor, John R. McDermott, Individually, Rick McDermott, Randy McDermott, Jim McDermott, Jodi Butlett, and Lori Kelchen v. Medical Associates Realty, L.P.*, Iowa District Court for Dubuque County, Law No. 054315. **Premises liability/wrongful death case.** Jury trial, January 2008. Represented Defendant. The Estate filed suit after Mrs. McDermott was struck and killed by a vehicle being operated by an employee of Medical Associates Clinic P.C. on Medical Associates Realty's property. Case settled after one day of trial on terms favorable to my client.
15. *Deborah Markham Jones v. Menard, Inc.*, Iowa District Court for Scott County, Law No. 102371. **Premises liability case.** Jury trial, December 2007. Represented Defendant. Plaintiff claimed she sustained a sprained ankle at Menards and incurred reflex sympathetic dystrophy/complex regional pain syndrome (RSD/CRPS) as a result. Plaintiff demanded \$520,000 before trial and asked jury to award \$465,000. After a week-long trial, jury awarded Plaintiff \$1,000 which was reduced to \$500 for Plaintiff's comparative fault.
16. *Crabill v. First State Bank of Western Illinois*, Ninth Judicial Circuit, McDonough County, Illinois, Law No. 03 L 16. **Slander of title case.** Jury trial, April 2007. Represented Defendant. Plaintiff's counsel: Carissa Haning, Londrigan, Potter & Randle, P.C. Defense verdict.
17. *Mississippi Medical Plaza, L.C., et al. v. Robert W. Benson, M.D., Erling Larson, III, M.D., David S. Pratt, M.D., William Davidson, III, M.D.*, Iowa District Court for Scott County, Law No. 103327. **Breach of contract case.** Jury trial, November 2006. Represented Defendants, second chair. Plaintiffs' counsel: Ralph W. Heninger, Heninger & Heninger, P.C., and Stanley J. Thompson, Davis, Brown, Koehn, Shors & Roberts, P.C. Defense verdict on Plaintiffs' claims seeking \$11.5 million and verdict of \$140,000 for Defendants on Defendants' counterclaim.
18. *Ward & Morse v. MidAmerican Energy Company*, 14<sup>th</sup> Judicial Circuit, Rock Island County, Illinois, Law No. 97 L 77. **Double death drowning case.** Jury trial, February 2006. Represented Defendant. Plaintiffs' counsel: Edmund J. Scanlan, Law Offices of Edmund J. Scanlan Ltd.; settlement demand from plaintiffs during trial was \$900,000. Jury awarded \$5,000 to each plaintiff.

19. *DDH Management, Inc. v. David DeDoncker, et al*, 14<sup>th</sup> Judicial Circuit, Rock Island County, Illinois, Law No. 05 CH 0196. **Declaratory judgment and breach of contract case.** Bench trial, October 2005. Represented Defendants. Plaintiff sued Defendants seeking to preclude Defendants from terminating Plaintiff's management contract. Defense verdict.
20. *Ramold Estate v. McFadden*, 15<sup>th</sup> Judicial Circuit, Lee County, Illinois, Law No. 2001 L 38. **Wrongful death/automobile accident case.** Jury trial, August 2003. Represented Defendant. Plaintiff's counsel: John A. Guzzardo, Ward, Murray, Pace & Johnson, P.C. Defense verdict.
21. *Wascher v. Payne*, Iowa District Court for Clinton County, Law No. LA 27047. **Automobile accident case.** Jury trial, May 2002. Represented Defendant who rear-ended plaintiff in motor vehicle accident. Plaintiffs' counsel: James D. Bruhn, Farwell & Bruhn. Defense verdict.
22. *The Eldred Corporation, d/b/a/ Fol-Da-Tank Company, v. Binks-Sames Corporation, f/n/a Binks Manufacturing Company, et al.*, 14<sup>th</sup> Judicial Circuit, Rock Island County, Illinois, Law No. 97-L-86. **Products liability subrogation case.** Jury trial, November 1999. Represented Plaintiff with Craig M. Antas and Michael W. Basil, Clausen Miller P.C., Defense counsel: Steven Polick, Polick & Lulich, Martha Shaff, Betty, Neuman & McMahon and Robert J. Noe, Bozeman, Neighbour, Patton & Noe. Defense verdict.
23. *Beamer v. Langdon*, Circuit Court, 14<sup>th</sup> Judicial Circuit, Rock Island County, Illinois, Law No. 98 LM 587. **Automobile accident case.** Jury trial, December 1999. Represented defendant. Plaintiff's counsel: Raymond J. Conklin, Robertson & Conklin; demand before trial: \$15,000. Plaintiff's verdict for \$5,000.
24. *Story v. Volkswagen*, U.S. District Court for the Northern District of Iowa (Cedar Rapids), No. C95-2005. **Product liability case.** Jury trial, July 1999. Represented Defendant, second chair. Plaintiffs' counsel: John Riccolo and Timothy Semelroth. Defense verdict.
25. *Shirk v. Ralph R. Tyner, M.D.*, Iowa District Court for Scott County, No. 90314. **Medical malpractice case.** Jury trial, May 1999. Represented Defendant, second chair. Plaintiff's counsel: James Hayes and Karen Lorenzen. Defense verdict.

## V. APPELLATE EXPERIENCE

1. *Cory Sessler v. City of Davenport, Iowa et al.*, United States Court of Appeals for the 8<sup>th</sup> Circuit. (Appeal pending). **First Amendment Case.** Represented City of Davenport and three police officers. Plaintiff alleged officers violated his First Amendment rights by removing him from Bix Street Fest after complaints by organizers and festival goers. The District Court denied Plaintiff's Motion for Injunctive Relief, and Plaintiff appealed. On appeal, the Court of Appeals affirmed the decision in favor of the City and the three officers.

2. *Juan Shelton v. Scott Lansing et al.*, United States Court of Appeals for the 8<sup>th</sup> Circuit. Case No. 18-3379. (Decision pending). **42 U.S.C. 1983 case.** Represented City of Davenport Police Officers. Plaintiff alleged Davenport police officers used excessive force while arresting him. The District Court granted summary judgment and dismissed the claims against four of the officers but denied summary judgment for a fifth. We appealed the denial, arguing that fifth officer was entitled to qualified immunity. On appeal, the Court of Appeals reversed the District Court's decision, held that the officer was entitled to qualified immunity and directed the District Court to enter judgment in the officer's favor.
3. *Allen Diercks & Patricia Lane vs. The City of Davenport, et. al.*, The Iowa Court of Appeals, No. 15-0609 (Decision 12/21/16). **Open records case.** Represented the City of Davenport on an appeal of the District Court's ruling in the City's favor in which Plaintiffs alleged the City violated Iowa Code Chapter 22 by not producing certain documents in response to an open records request. The District Court ruled in The City's favor on all four categories of documents that were not produced. On appeal, the Iowa Court of Appeals partially affirmed that decision and partially reversed it and remanded the case for further proceedings.
4. *Todd Thoeming, et al vs. The City of Davenport, et al*, The Iowa Court of Appeals, No. 15-1113. (Decision 6/15/16). Appeal from the Scott County District Court, Iowa. **Sewer backup case.** Represented the City of Davenport on an appeal of the District Court's ruling dismissing nuisance claims filed by certain homeowners who experienced sewer backups into their homes. The District Court previously granted the City's summary judgment motion, dismissing the nuisance claims. The homeowners' negligence claims proceed to trial, and the jury returned a verdict in favor of the City. Thereafter, the homeowners appealed only the decision dismissing their nuisance claims. The Iowa Court of Appeals heard oral arguments in Davenport, Iowa on May 4, 2016, and subsequently issued an opinion affirming the District Court's decision.
5. *Moline School District No. 40 Board of Education vs. The Hon. Pat Quinn, et al*, The Appellate Court of Illinois Third Judicial District, No. 3-14-0535, appeal from the Circuit Court of Rock Island County, Illinois. **Property tax exemption case.** Represented Elliott Aviation who is a lessee of airport property and subject to tax exemption under Illinois Public Act 97-1161. Plaintiff School District filed suit against the State alleging the Act was unconstitutional. Plaintiff and Elliott both filed motions for summary judgment and the Circuit Court for Rock Island County ruled in favor of Elliott, holding that the Act is constitutional. Thereafter, Plaintiff appealed to the Appellate Court which reversed the circuit court's decision and ruled that the Act violates the Special Legislation Clause of the Illinois Constitution. The case is currently on appeal to The Supreme Court of Illinois.
6. *Donna Canavan vs. Joe W. Conlan, et al*, The Supreme Court of Iowa, No. 14-0165. (Decision 7/9/15). Appeal from the District Court for Linn County, Iowa.

- Breach of contract/alleged construction defect case.** Jury trial, Sept. 2013. Represented Defendant construction company and owners who built the residential property at issue. Plaintiff alleged breach of written warranty, defective construction, fraudulent misrepresentation and negligence and sought compensatory and punitive damages. Defense verdict after trial. Homeowner appealed, and the Iowa Court of Appeals affirmed the trial court's decision in favor of construction company and its owners.
7. *Curry's Transportation Services, Inc. vs. Mike Dotson, et al*, The Supreme Court of Iowa, Law No. 13-1555. (Decision 12/24/14). Appeal from the District Court for Muscatine County, Iowa. **Non-compete/tortious interference with contract case.** Represented Defendant trucking company, owners, and employees who left Plaintiff's employment and formed their own trucking company. Plaintiff alleged breach of contract, intentional interference with business relationships and conspiracy. Defense verdict after trial. The Iowa Court of Appeals affirmed the District Court's ruling.
  8. *Richard A. Primmer, et al v. John Langer, et al*, The Supreme Court of Iowa, Law No. 13-0930. (Decision 10/1/14). Appeal from the District Court for Benton County, Iowa. **Slander case.** Represented Defendant trucking company and its owner who hired Plaintiffs' former employee after he left Plaintiffs' employment. Plaintiffs alleged that Defendant slandered Plaintiff. The District Court granted Defendant's Motion for Summary Judgment. Plaintiffs appealed the decision. The Iowa Court of Appeals affirmed the summary judgment ruling.
  9. *Brian J. Wegerer, et al v. Michael and Chae Hee Porubcin*, The Appellate Court of Illinois Third Judicial District, Law No. 3-11-0671. (Decision 9/25/12). Appeal from the Circuit Court of the Fourteenth Judicial Circuit, Rock Island County. **Declaratory judgment action.** Represented Defendant homeowners who were sued by neighbors that alleged Defendants' construction of tennis courts in their back yard violated restrictive covenants. Defense verdict after trial. Affirmed by The Third Judicial Circuit Appellate Court of Illinois.
  10. *Bright Side Lighting, Inc., et al v. Consumers Energy, Inc.*, The Supreme Court of Iowa, Law No. 10-1608. (Submitted 5/24/11, Decision 11/9/11) Appeal from the District Court for Marshall County, Iowa. **Breach of contract case.** Represented Defendant-Appellee Consumers Energy Company on appeal. Other counsel represented Defendant at trial. The jury awarded Plaintiffs \$2.3 million. The trial court granted Defendant's Motion for Judgment Notwithstanding the Verdict and set aside the verdict. Plaintiffs appealed that decision. The Iowa Court of Appeals affirmed the trial court's decision, and the Supreme Court denied Plaintiffs' request for further review.
  11. *Peter B. Dunning, et al. v. Gregory J. Bush, et al.*, United States Court of Appeals for the Eighth Circuit, Law No. 07-2764. (Submitted 4/15/10; Decision 9/21/10) Appeal from the District Court for the Southern District of Iowa. **Breach of contract case.** Represented Defendants-Appellees. Plaintiffs' Complaint was premised on allegations of fraud and breach of contract relating to an agreement

Plaintiffs entered into with Defendants to sell Plaintiffs' interest in a business they co-owned. The District Court entered judgment in Defendants' favor on all claims. The Eighth Circuit affirmed that decision.

12. *Peter B. Dunning, et al. v. Gregory J. Bush, et al.*, United States Court of Appeals for the Eighth Circuit, Law No. 07-2764. (Submitted 3/13/08; Decision 8/5/08) Appeal from the District Court for the Southern District of Iowa. **Breach of contract case.** Represented Defendants-Appellees. Plaintiffs' Petition was premised on allegations of fraud and breach of contract relating to an agreement Plaintiffs entered into with Defendants to sell Plaintiffs' interest in a business they co-owned. The District Court entered summary judgment in Defendants' favor on all claims. The Eighth Circuit affirmed in part and reversed in part.
13. *Kimberly S. Franklin v. Edythe L. Batch*, The Appellate Court of Illinois Third Judicial District, Law No. 3-06-0828. (Submitted 3/22/07; Decision 6/15/07) Appeal from the Circuit Court of the Fourteenth Judicial Circuit, Rock Island County. **Breach of contract case.** Represented Defendant-Appellee. Plaintiff alleged Defendant concealed and failed to disclose termite damage found in the home she purchased from the Defendant. The Circuit Court granted the Defendant's Motion for Summary Judgment. The Appellate Court affirmed that decision.
14. *Millers First Insurance Companies v. Farm Bureau Mutual Insurance Companies*, The Appellate Court of Illinois Second Judicial District, Law No. 06-0370. (Submitted 8/16/06; Decision 6/15/07) Appeal from the Circuit Court of the Fifteenth Judicial Circuit for Jo Daviess County. **Insurance coverage case.** Represented Plaintiff-Appellant. Plaintiff filed an interpleader and third-party declaratory judgment action against Defendant. Both parties moved for summary judgment and the Circuit Court granted summary judgment to Plaintiff. The Appellate Court affirmed the Circuit Court's ruling.
15. *Continental Western Insurance Company vs. Jerry's Homes, Inc.*, The Supreme Court of Iowa, Law No. 04-1890. (Submitted 3/4/05; Decision 4/24/06) Appeal from the Iowa District Court for Polk County. **Insurance coverage dispute.** Represented Continental Western. Jerry's Homes was sued in an underlying action for alleged defective construction. We filed a Petition for Declaratory Judgment requesting that the Court hold Continental Western had no duty to defend or indemnify Jerry's. The District Court granted our Motion for Summary Judgment. The Iowa Court of Appeals affirmed that decision, and the Supreme Court denied further review of the case.
16. *Stephen Sapato v. MidAmerican Energy Co.*, The Appellate Court of Illinois for the Third Judicial District, Law No. 03-04-0810. (Submitted 3/15/05; Decision 10/28/05) Appeal from the Circuit Court of the Fourteenth Judicial Circuit for Rock Island County. **Property damage case.** Represented Defendant-Appellee MidAmerican Energy. Plaintiff sought damages for MidAmerican's alleged failure to provide electricity to a property owned by Plaintiff. The Circuit Court granted Defendant's Motion for Summary Judgment. The Appellate Court



affirmed the Circuit Court's ruling. *Lori R. Ward, as Special Administratrix of the Estate of Matthias E. Ward, Deceased; and Charmaine L. Morse, as Special Administratrix of the Estate of Steven C. Morse, Deceased v. MidAmerican Energy Company*, The Appellate Court of Illinois for the Third Judicial District, Law No. 03-03-1015. (Decision 1/18/05) **Wrongful death case.** Represented Defendant-Appellee MidAmerican Energy. Plaintiffs filed suit in Circuit Court asserting counts for negligence and willful and wanton misconduct alleging that Defendant was liable for the drownings of Plaintiffs' Decedents, which occurred downstream from MidAmerican's hydroelectric dam. The Circuit Court granted MidAmerican's Motion to Dismiss. The Appellate Court reversed that decision.

17. *Lori R. Ward, as Special Administratrix of the Estate of Matthias E. Ward, Deceased; and Charmaine L. Morse, as Special Administratrix of the Estate of Steven C. Morse, Deceased v. MidAmerican Energy Company*, The Appellate Court of Illinois for the Third Judicial District. **Wrongful death case.** Represented Defendant-Appellee MidAmerican Energy. Plaintiffs filed suit in Circuit Court asserting counts for negligence and willful and wanton misconduct alleging that Defendant was liable for the drownings of Plaintiffs' Decedents, which occurred downstream from MidAmerican's hydroelectric dam. After the case was remanded and discovery occurred, the Circuit Court granted MidAmerican's Motion for Summary Judgment. The Appellate Court affirmed in part and reversed in part and remanded the matter for trial on Plaintiffs' allegations of willful and wanton misconduct.

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