

ATTORNEY PROFILE:

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I. EDUCATION

University of Illinois at Urbana-Champaign, B.A., 1996
University of Iowa College of Law, J.D., *with distinction*, 1999
National Institute of Trial Advocacy, Completed ten-day *Building Trial Skills* Program,
New Orleans, LA, 2003

II. LEGAL BACKGROUND

Lane & Waterman LLP, 1999-present
Primary practice areas: Civil Litigation, including Commercial, Personal Injury Defense
and Workers' Compensation 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 Central and Northern
Districts of Illinois, and the Eighth Circuit Court of Appeals
2001 Volunteer Attorney of the Year Award, Presented by the Pro Bono Program of
HELP Legal Assistance and the Scott County Bar Association
2001 Volunteer Lawyers Project Pro Bono Award, Presented by the Iowa State Bar
Association
BV Peer Review Rating by LexisNexis Martindale–Hubbell
Listed in 2017 through 2022 *Great Plains Super Lawyers* for Workers' Compensation
Listed in 2016 through 2023 Editions of *The Best Lawyers in America* for Litigation-
Labor and Employment

III. PROFESSIONAL ASSOCIATIONS

Fellow, Iowa Academy of Trial Lawyers
Member, American Bar Association
Member, Illinois and Iowa State Bar Associations
Member, Rock Island and Scott County Bar Associations
Iowa Defense Counsel Association
Defense Research Institute
Dillon Inn of Court
March of Dimes Iowa Mississippi Valley Division Board Member
Iowa Law School Foundation, Class of 1999 Agent

IV. REPRESENTATIVE CASES

A. APPELLATE

Tisor v. Hollerauer, et al., 2020 WL 5943994 (Iowa App. 2020)(affirming summary judgment dismissing wrongful death co-employee gross negligence claim against clients defendants)

United Suppliers, Inc. v. Hanson, et al., 876 N.W.2d 765 (Iowa 2016)(reversing summary judgment dismissal of client defendant driver holding on issue of first impression that Iowa's anti-indemnification statute, Iowa Code section 325B.1, is not applicable but also holding the anti-subrogation rule limits potential recovery because client defendant driver is an insured under plaintiff's insurance policy)

Hammes v. JCLB Properties, Inc., 764 N.W.2d 552 (Iowa App. 2008)(completely reversing verdict against clients plaintiffs homeowners in fraudulent non-disclosure case, holding that reliance is not required to prove Iowa real estate disclosure act claim on issue of first impression and remanding for award of compensatory damages in favor of clients and determination of punitive damages)(application for further review to Iowa Supreme Court denied)

Hlubek v. Pelecky, 701 N.W.2d 93 (Iowa 2005)(addressing issue of first impression and holding clients defendants area education agency administrators were statutorily immune from plaintiff former driver's education instructor's claims)

Haney v. Kitchen, 690 N.W.2d 675 (Iowa 2005)(addressing issue of first impression and holding client defendant executor of will did not have a duty to file an amended inheritance tax return requesting a refund)

Langfeldt v. Genesis Medical Center, 2000 WL 1289098 (Iowa App. 2000)(holding district court properly dismissed case in favor of client defendant hospital where plaintiff did not timely serve petition)

B. TRIAL

Wagler v. The Farmers & Merchants Mutual Telephone Company of Wayland, Iowa, Iowa District Court for Henry County, Law No. LALA011955 (March 2018)(obtained jury defense verdict for client defendant cable company in property damage case brought by former customer where jurors were allowed to and did submit numerous questions to be asked of the witnesses)

American Bank v. Leyden and Gennarelli, Iowa District Court for Scott County, Law No. 116240 (October 2012)(obtained jury verdict awarding damages to client bank on its claims against former employees defendants for breach of restrictive covenants, breach of fiduciary duty and civil conspiracy and jury verdict for client bank and against former employee Gennarelli on Gennarelli's counterclaim seeking hundreds of thousands of dollars from client bank for allegedly owed commissions)(affirmed on appeal)

Blatter v. Faith Lutheran Church of Andover, Iowa, Iowa District Court for Clinton County, Law No. LA37433 (October 2011)(obtained jury defense verdict for client defendant church in premises liability negligent entryway design case brought by elderly female plaintiff that sustained facial fractures in fall at defendant church)

Hucker v. Outback Steakhouse of Florida, Inc., Iowa District Court for Linn County, Law No. LACV056412 (January 2008)(obtained jury defense verdict for client defendant restaurant owner in wrongful death negligent entryway design case)

McRell v. Quad City Prosthetics, Inc., In the Circuit Court of the Fourteenth Judicial Circuit, Rock Island County, Illinois, Case No. 05 MR 397 (January 2006)(obtained verdict for client plaintiff former employee in declaratory judgment bench trial invalidating non-compete agreement)

Estate of Boles v. Clark, Iowa District Court for Clinton County, Law No. LA 29748 (July 2005)(with co-counsel Rand Wonio obtained directed verdict dismissal for client defendant co-employee in wrongful death explosion case)(reversed for new trial on appeal and settled prior to retrial)

Westchester Surplus Lines Ins. Co. v. Field Service Network, Inc., United States District Court for the Southern District of Iowa, Case No. 3:03-cv-30044-RAW (October 2004)(obtained jury defense verdict for client defendant satellite installer in property damage case)

Andrishok v. Minneapolis Rag Stock Company, Iowa District Court for Johnson County, Law No. LACV062358 (June 2003)(obtained jury defense verdict for client defendant store owner in slip and fall case)

Gesme v. Outback Steakhouse of Florida, Inc., Iowa District Court for Scott County, Law No. 96544 (June 2002)(obtained jury defense verdict for client defendant restaurant owner in slip and fall case)

Miller v. Westwood Terrace, In the Circuit Court of the Fourteenth Judicial Circuit, Rock Island County, Illinois, Case No. 2001 L 54 (April 2002)(obtained directed verdict dismissal for client defendant senior living facility owner in slip and fall case)

C. WORKERS' COMPENSATION

Gittings v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 21007468.01 (August 2022)(“Claimant shall take nothing” decision obtained for client employer where it was determined “claimant has not met his burden to prove that his bilateral carpal tunnel syndrome arose out of and in the course of his employment”)

Clark v. Arconic, Inc. and Indemnity Ins. Co. of N. America, Iowa Workers' Compensation Commission, File No. 5061553.01 (June 2022)(favorable intra-agency Appeal Decision obtained for clients employer and insurance carrier where Commissioner modified and reversed the Arbitration Decision finding: 1) as a matter of first impression and reconciling a conflict between Iowa Code section 85.34(2)(x) and the AMA Guides to the Evaluation of Permanent Impairment, Fifth Edition, the extent of functional loss or impairment under the AMA Guides from a work-related mental disorder can be determined by the agency despite Iowa Code section 85.34(2)(x) stating "agency expertise shall not be utilized in determining loss or percentage of impairment...when determining functional disability"; 2) clients' IME expert more credible than claimant's IME expert and therefore reducing claimant's functional impairment from her work-related PTSD from 100% to 30%; 3) PPD benefits did not commence until well over two years after the work injury thus significantly reducing clients' exposure for PPD interest; and 4) claimant's recoverable costs related to claimant's IME expert were limited to claimant's IME expert's fees incurred for drafting her report)

Elliott v. Arconic, Inc. and Indemnity Ins. Co. of N. America, Iowa Workers' Compensation Commission, File No. 5064006.01 (March 2022)(Claimant "shall take nothing" decision obtained for clients employer and workers' compensation insurance carrier where it was determined claimant "failed to meet his burden of proof on entitlement to temporary disability or healing period benefits and permanent partial disability benefits" and "failed to prove by a preponderance of the evidence that the medical expenses listed in Claimant's Exhibit 1 are related to [Claimant's] temporary work injury and not his pre-existing lumbar spondylosis or arthritis, L3-L4 disc herniation, or lower extremity radiculopathy")

Davis v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 20700989.01 (February 2022)("Claimant shall taking nothing" decision obtained for client employer where it was determined claimant "failed to prove by a preponderance of the evidence that his bilateral carpal tunnel conditions arose out of and in the course of his employment")(affirmed by Commissioner on intra-agency appeal)

Berzins v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 20700941.01 (January 2022)(decision obtained for client employer denying claimant any weekly benefits where it was determined claimant failed to prove: 1) any alleged mental injury, including depression, was causally related to the accepted work injury; 2) his complex regional pain syndrome was permanent; and 3) the accepted work injury caused any permanent impairment)

Teel v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5067847 (July 2021)(decision obtained for client employer concluding: 1) claimant's bilateral cubital tunnel syndrome did not arise out of and was not caused by claimant's employment; 2) claimant's bilateral carpal tunnel syndrome did not cause any permanent disability; and 3) claimant is not entitled to penalty benefits)

Clopton v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 20700048.01 (April 2021)("Claimant takes nothing" decision obtained for client employer denying claimant any additional benefits where it was determined claimant failed to prove his left wrist condition and resulting surgery were causally related to or materially aggravated by the stipulated July 12, 2018 work injury and further determined that claimant failed to prove his alleged left carpal tunnel syndrome was causally related to the stipulated July 12, 2018 work injury)

Trujillo v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 19700625.01 (March 2021)(decision obtained for client employer denying claimant any additional benefits where it was determined claimant failed to prove her alleged neck injury arose out of and in the course of her employment, claimant was not entitled to any additional PPD benefits for her scheduled member right shoulder injury rejecting the opinion of claimant's IME physician, claimant was not entitled to any additional mileage and claimant was not entitled to any costs)(affirmed by Commissioner on intra-agency appeal and affirmed by District Court on judicial review)

Hernandez v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5067924 (May 2020)("Claimant shall take nothing" decision obtained for client employer where it was determined claimant failed to prove his alleged right shoulder injury arose out of and in the course of his employment)(affirmed by Commissioner on intra-agency appeal)

Ardapple v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5049457 (March 2020)("claimant shall take nothing" review-reopening decision obtained for client employer where it was determined claimant failed to prove he: 1) has cubital tunnel syndrome related to his work at client employer; 2) sustained a permanent impairment regarding his bilateral carpal tunnel syndrome previously found compensable; 3) sustained a physical change in condition as required to receive any benefits on review-reopening; 4) is entitled to IME reimbursement under Iowa Code section 85.39; 5) is due reimbursement for mileage or lost wages for attending medical appointments; and 6) is entitled to any costs)

Trainor v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5064939 (January 2020)("Claimant shall take nothing" decision obtained for client employer where it was determined claimant failed to prove that his alleged left shoulder injury, the treatment for his left shoulder and any resulting disability were causally related to, arose out of or were materially aggravated or accelerated by the work incident)

White v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5058673 (November 2019)(While claimant was awarded industrial disability for accepted right shoulder, right elbow and right wrist injuries, obtained decision for client employer where it was determined: 1) claimant failed to prove her left shoulder condition was either causally related to or substantially aggravated by the alleged work injury or a result of a work-related cumulative trauma; 2) claimant failed to establish entitlement to number of exemptions sought; 3) client employer was entitled to substantial credit for overpaid temporary disability benefits to be applied toward industrial disability award; and 4) claimant was not entitled to her vocational expert's costs as the vocational expert's opinions were clearly overstated and not helpful)

Marnier v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5052510 (July 2019)(While claimant was awarded substantial industrial disability on review-reopening, obtained decision for client employer where it was determined: 1) claimant failed to prove any of his alleged mental symptoms were causally related to the previously accepted work injury; 2) claimant failed to prove he is permanently, totally disabled; 3) claimant was not entitled to the requested penalty benefits as employer "had a reasonable basis for the denial of benefits" and "the claim was fairly debatable"; and 4) claimant was entitled to only a fraction of his requested costs)

Sanchez v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File Nos. 5065197 and 5065198 (January 2019)("Claimant takes nothing" decision obtained for client employer where it was determined claimant failed to prove both her left shoulder and left arm injuries, with separate injury dates, arose out of and in the course of her employment)

Moenck v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5057569 (November 2018)(favorable intra-agency Appeal Decision obtained for client employer where Commissioner modified and reversed the Arbitration Decision by finding the permanent impairment rating of the treating orthopedic physician more persuasive than the permanent impairment rating of claimant's IME physician and reducing the permanency award for claimant's scheduled member right arm from 30% to 15%, reducing the amount of penalty benefits awarded and finding claimant is not entitled to any costs for claimant's IME)

Farrell v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5063179 (July 2018)("Claimant shall take nothing" decision obtained for client employer where it was determined claimant failed to prove his right arm injury arose out of and in the course of his employment)

Hooks v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File Nos. 5054678 and 5054679 (February 2018)("Claimant shall take nothing" decision obtained for client employer where it was determined claimant failed to prove both his left arm and right arm injuries, with separate injury dates, arose out of his employment)

Contreras v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5054035 (February 2018)("Claimant takes nothing" decision obtained for client employer where it was determined claimant failed to prove his bilateral arms injuries arose out of and were caused by his employment)(affirmed by Commissioner on intra-agency appeal)

Winger v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5057539 (January 2018)("claimant shall take nothing further" decision obtained for client employer where it was determined claimant was not entitled to any additional permanency benefits on accepted scheduled member right arm injury)

Meek v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5029817 (July 2017)(denying claimant's petition for partial commutation of permanent, total disability benefits as the deputy commissioner concluded the requested commutation is not in claimant's best interest)(affirmed by Commissioner on intra-agency appeal)

Marquette v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5055018 (February 2017)("Claimant shall take nothing" decision obtained for client employer where it was determined that claimant failed to prove her neck, right shoulder and bilateral arms injuries arose out of her employment)(affirmed by Commissioner on intra-agency appeal)

Hall v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5052764 (December 2016)("claimant take nothing" decision obtained for client employer where it was determined that claimant failed to prove his bilateral shoulders injury arose out of his employment)

Sullivan v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5053776 (September 2016)(ruling granting summary judgment and dismissing claimant's petition alleging back and bilateral carpal tunnel syndrome injuries obtained for client employer where it was determined that claimant's petition was not timely filed based on the applicable statute of limitations)

Pressley v. John Deere Harvester Works, Iowa Workers' Compensation Commission, File No. 5050446 (August 2016)(“claimant shall take nothing” decision obtained for client employer where it was determined that claimant failed to prove his total left knee replacement was causally related to his accepted left knee injury)(affirmed by Commissioner on intra-agency appeal and affirmed by District Court on judicial review)

Nedic v. John Deere Cylinder Works, Iowa Workers' Compensation Commission, File No. 5052517 (May 2016)(claimant “takes nothing” decision obtained for client employer where it was determined that claimant failed to prove her alleged knee injury arose out of her employment and failed to prove her back strain caused any temporary or permanent disability)

Sweeney v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5050662 (May 2016)(claimant “shall take nothing from these proceedings by way of indemnity benefits” decision obtained for client employer where it was determined that claimant failed to prove her bilateral carpal tunnel syndrome was caused by her work)(affirmed by Commissioner on intra-agency appeal)

Cunningham v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File Nos. 5040048, 5040049 and 5047427 (April 2016)(represented employer in stipulated work injuries where several arguments for penalty benefits were rejected)

Theppanya v. Alter Trading Corporation, Iowa Workers' Compensation Commission, File No. 5046632 (March 2016)(represented employer in stipulated work injury where injury and award were limited to scheduled member and industrial disability and permanent total disability arguments were rejected)

Vesey v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File Nos. 5046996, 5046997 and 5046998 (September 2015)(claimant “takes nothing” decision obtained for client employer on alleged scheduled member bilateral carpal tunnel syndrome claim)(affirmed by Commissioner on intra-agency appeal)

Sanders v. Alter Trading Corporation, Iowa Workers' Compensation Commission, File No. 5046910 (August 2015)(represented employer in stipulated work injury where causation of migraine headaches was rejected and claimant was awarded “extremely small” industrial disability despite “massive” rating from claimant’s IME physician)

Watkins v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File No. 5041118 (March 2015)(claimant “takes nothing” decision obtained for client employer on alleged scheduled member left arm injury)

Montgomery v. Alter Scrap Processing, Iowa Workers' Compensation Commission, File No. 5031234 (September 2012)(claimant "takes nothing further" decision obtained for client employer on review-reopening petition)

Flynn v. John Deere Davenport Works, Iowa Workers' Compensation Commission, File Nos. 5030928 and 5030940 (December 2010)("claimant takes nothing" decision obtained for client employer on both file numbers and industrial disability claims)(affirmed on appeal to the Iowa Workers' Compensation Commissioner with exception of IME reimbursement)

Fowler v. Alter Scrap Processing, Iowa Workers' Compensation Commission, File No. 5028326 (January 2010)(obtained finding that "claimant has sustained no permanent impairment" as a result of work-related leg injury for client employer)

Buckallew v. Alter Trading Corporation, Iowa Workers' Compensation Commission, File No. 5023107 (August 2008)(claimant awarded no weekly benefits from client employer in industrial disability exposure case)

Gardner v. Isle of Capri, Iowa Workers' Compensation Commission, File No. 5016178 (September 2006)(claimant's claim against client casino employer dismissed for lack of subject matter jurisdiction in industrial disability exposure case-claimant found to be a "seaman"; therefore, the Jones Act provides the claimant's exclusive remedy for his work-related injury)

Van Blaricome v. Alcoa, Iowa Workers' Compensation Commission, File No. 5000525 (November 2003)("claimant takes nothing" decision obtained for client employer in industrial disability high exposure case)

V. SEMINAR PRESENTATIONS AND ARTICLES

Employment Law: Litigating Restrictive Covenants, Iowa State Bar Association Annual Meeting, June 22, 2022, Des Moines, Iowa

Iowa Supreme Court Gives "Shoulder" a Functional Definition Under Iowa Code Section 85.34(2)(N), Iowa Defense Counsel Association Defense Update, Spring 2022, Vol. XXIV, No. 2

Employment Law—NonCompetes, 60th Annual Seminar of The Iowa Academy of Trial Lawyers, February 24, 2022, Des Moines, Iowa

Winning the Battle of Workers' Compensation Experts, Annual Workers' Compensation Conference of Lane & Waterman LLP client, July 17, 2019, Moline, Illinois

Examples of Successful Workers' Compensation Defenses Under Recent Illinois Case Law and What Management and Safety Can Do to Help, Professional Development Conference & Expo sponsored by the Iowa-Illinois Safety Council, April 11, 2019, Dubuque, Iowa

Changes to Iowa's Worker's Compensation Act, Business Law Seminar sponsored by the Iowa State Bar Association and the University of Iowa College of Law, November 3, 2017, Iowa City, Iowa

The Overlap of Workers' Compensation and the ADA, Seminar for clients of Lane & Waterman LLP, October 19, 2017, Bettendorf, Iowa

Appellate Case Law Update, 55th Annual Iowa Workers' Compensation Symposium sponsored by the Iowa Workers' Compensation Advisory Committee, June 16, 2017, Des Moines, Iowa

Ethical and Professional Behavior: Some Ethical and Professional Behavior Issues that "Arise Out of" a Worker's Compensation Practice, Workers' Compensation Law and Practice Seminar sponsored by Sterling Education Services, Inc., July 22, 2015, Cedar Rapids, Iowa

Legislative and Case Law Update, Workers' Compensation Law and Practice Seminar sponsored by Sterling Education Services, Inc., July 22, 2015, Cedar Rapids, Iowa

Covenants Not to Compete in Iowa and Illinois, Scott County Bar Association Last Chance Seminar, December 18, 2009, Davenport, Iowa

Covenants Not to Compete in Iowa and Illinois, Patricia Rhodes Cepican CLE Series Sponsored by the Scott County Bar Association for the benefit of Help Legal Assistance, January 19, 2009, Davenport, Iowa

Case Management: Keeping Your Case "On Track" from Petition to Trial, Nuts & Bolts Seminar sponsored by the Iowa State Bar Association, October 6, 2005, Cedar Rapids, Iowa

Iowa Appellate Court Update: Negligence, Other Torts & Indemnity, 41st Annual Meeting & Seminar sponsored by the Iowa Defense Counsel Association, September 22, 2005, Des Moines, Iowa

Non-compete and Confidentiality Agreements, Seminar for clients of Lane & Waterman LLP, February 17, 2005, Bettendorf, Iowa

Case Management: Keeping Your Case "On Track" from Petition to Trial, Nuts & Bolts Seminar sponsored by the Iowa State Bar Association, October 22, 2004, Iowa City, Iowa

Iowa Appellate Court Update (Negligence, Other Torts & Indemnity), 2004 Annual Meeting & Seminar sponsored by the Iowa Defense Counsel Association, September 22, 2004, Des Moines, Iowa

Iowa Caselaw Update, Quad Cities Claims Association 2004 Spring Seminar, April 22, 2004

Ethics, Nuts & Bolts Seminar sponsored by the Iowa State Bar Association's Young Lawyers Division Professional Development Committee, September 27, 2002, Iowa City, Iowa

VI. PERSONAL

Married to Kasi with three wonderful daughters: Ella (19), Brie (17) and Abby (14)