

ATTORNEY PROFILE:

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I. EDUCATION

- Western Illinois University, B.S., *cum laude*, 2002
- Drake University Law School, J.D., *high honors*, 2006; *Research Editor*, Drake Law Review, 2005-2006

II. LEGAL BACKGROUND

- Lane & Waterman LLP, 2006-present
- Primary practice areas: Civil Litigation, including Medical Malpractice Defense, Construction, Professional Malpractice, Commercial Litigation, Products Liability, Insurance Coverage, 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 Northern and Central Districts of Illinois, and the Eighth Circuit Court of Appeals
- Best Lawyers in America, 2023 (construction law)
- Fellow, *Iowa Academy of Trial Lawyers*, 2022-present
- *Iowa Super Lawyers*, 2021-present
- *Super Lawyers, Rising Stars*, 2014-2019

III. PROFESSIONAL ASSOCIATIONS

- Iowa Defense Counsel Association
- Illinois Association of Defense Counsel
- Member, American, Iowa and Illinois State Bar Associations
- Member, Scott and Rock Island County Bar Associations

IV. JURY AND SIGNIFICANT BENCH TRIAL/ARBITRATION EXPERIENCE

1. *Gernant v. Genesis Health System et al.*, 7th Judicial District, Scott County, Iowa, Law No. LACE132924. **Medical malpractice.** Jury trial, November 2022 (first chair). Represented defendant hospital and visiting nurse organization against allegations that nurses failed to appropriately assess and treat surgical wound, leading to infection. Plaintiff requested approximately \$1 million in damages. Jury returned a defense verdict.
2. *Sargent Electric v. Williams Brothers Construction*, American Arbitration Association, Batavia, Illinois. Case No. 01-21-001-9708. **Construction dispute.** Arbitration, March 2022. Represented general contractor against claims by a subcontractor totaling approximately \$2.5 million. Arbitrator awarded contract balance and interest but rejected approximately \$1.5 million in additional damages claims.
3. *Thumann v. Kishiue, M.D. and Genesis Health Group*, 7th Judicial District, Scott County, Iowa, Law No. LACE 127647. **Medical malpractice.** Jury trial, March 2021 (first chair). Represented Defendant OB/GYN physician and practice group against allegations that he left behind a gauze during a surgical procedure. Plaintiff claimed significant damages and requested \$1.6 Million at trial. Jury returned a defense verdict.
4. *Estate of Franklin v. Cardiovascular Medicine, P.C.*, 7th Judicial District, Scott County, Iowa, Law No. LACE 129614. **Medical malpractice/wrongful death.** Jury trial, October 2019 (second chair). Represented cardiologists and practice group, second chair, against allegations that cardiologists failed to timely diagnose and treat a complication following a cardiac procedure. Plaintiff sought \$3 million in damages for wrongful death. Jury returned a defense verdict.
5. *Michigan Millers Mutual Insurance Company v. Asoyia, Inc.*, U.S. District Court, Southern District of Iowa, Case No. 3:11-cv-00006. **Declaratory judgment/insurance coverage.** Jury trial, December 2013 (second chair). Represented Plaintiff insurance company in coverage dispute. Plaintiff claimed it was not obligated to provide liability coverage under its policy due to late notice of the claim that prejudiced its ability to investigate fire damage. Defense verdict.

6. *Clark v. Hy-Vee, Inc.*, 7th Judicial District, Scott County, Iowa, Law No. 115150. **Premises liability.** Jury trial, February 2011 (first chair). Represented local grocery store in slip-and-fall premises liability claim involving snowy/icy parking lot. Jury returned defense verdict.
7. *McAlister v. Hy-Vee, Inc.*, 7th Judicial District, Scott County, Iowa, Law No. LACV112833. **Premises liability.** Jury trial, August 2010 (first chair). Represented local grocery store in slip-and-fall premises liability claim involving snowy/icy parking lot. Jury returned defense verdict.
8. *ESCP Corp. v. Allbaugh*, U.S. District Court, Southern District of Iowa (Hon. John Jarvey), Case No. 3:07-cv-98. **Commercial litigation.** Jury trial, June 2009 (first chair). Represented former employee against claims of misappropriation of trade secrets and intentional interference with prospective business relations. Jury returned defense verdict.
9. *Hurlbut v. Unity Health System*, 7th Judicial District, Muscatine County, Iowa, Law No. LACV017198. **Medical malpractice/wrongful death.** Jury trial, November 2008 (second chair). Represented surgeon and hospital against allegations that surgeons negligently performed gallbladder surgery, causing a bowel perforation that was not timely recognized and treated. Jury returned a defense verdict.
10. *Deevers v. Genesis Health System*, 7th Judicial District, Scott County, Iowa, Law No. LACV107573. **Premises liability.** Jury Trial, February 2008 (second chair). Defended hospital against premises liability claim brought by Plaintiff who had tripped in parking ramp. Defense verdict.
11. *Clausen v. Farm Bureau*, 7th Judicial District, Scott County, Iowa, Law No. 105383. **Motor vehicle accident.** Jury trial, September 2007 (second chair). Represented plaintiff. Jury returned a plaintiff's verdict. Verdict was increased by court following post-trial motions.

V. APPELLATE EXPERIENCE

1. *Kelly v. Bettendorf Community School District*, Iowa Court of Appeals. Case No. 11-1898. (Decision October 31, 2012). **Employment.** Represented local school district against claim by employee of an independent contractor that was performing

construction work at school. The district court granted summary judgment in favor of school district, holding that employee of independent contractor could not recover from school district under negligent hiring theory. The Court of Appeals affirmed.

2. *Wilson v. Isle of Capri Casino*, Iowa Court of Appeals. Case No. 09-0278. (Decision September. 2, 2009). **Workers' Compensation.** Represented Island of Capri Casino. Wilson obtained an award of workers' compensation benefits, which was appealed to the district court on the basis that the workers' compensation commission lacked jurisdiction because the claim was instead governed by the federal Jones Act. The district court agreed and set aside the award of benefits. The Court of Appeals affirmed. (Non-oral).
3. *Wilson v. Isle of Capri Casino*, Iowa Court of Appeals. Case No. 08-1264. (Decision March 26, 2009). **Workers' Compensation.** Represented Isle of Capri Casino. Wilson obtained an award of benefits and Isle of Capri petitioned for judicial review. Wilson moved to enforce the award and Isle of Capri resisted and moved for a temporary stay of enforcement pending judicial review. The district court denied the stay and entered judgment on the award. The Court of Appeals reversed, finding that the district court abused its discretion in denying the stay. (Non-oral).
4. *Day v. Menard, Inc.*, The Appellate Court of Illinois for the Third Judicial District. Law No. 03-07-0730. (Decision 12/02/2008). **Premises liability.** Represented Defendant Menard, Inc. Plaintiff Day filed suit in Circuit Court asserting negligence and alleging that Menard was liable for injuries she sustained in its lumberyard while attempting to load landscaping materials into her truck. The Circuit Court granted Menard's Motion for Summary Judgment. The Appellate Court affirmed. (Non-oral).

VI. SELECT PRESENTATIONS AND PUBLICATIONS

- Author, *Langwith v. American National General Ins. Co. – A Test for Determining the Scope of Duty of Insurance Agents*, Defense Update, Winter 2011 (quarterly publication of Iowa Defense Counsel Association)
- Co-Author, *Organizing Corporations*, 3 Iowa Practice – Methods of Practice, Chapter 56, 2009-2010
- Presenter, *Mechanic's Liens in Iowa*, Iowa State Bar Association, Construction Law Seminar, March 2020

- Author and Presenter, *2009 Iowa Case Law Update*, Scott County Bar Association, Last Chance Seminar, December 2009
- Author and Presenter, *2008 Iowa Case Law Update*, Scott County Bar Association, Last Chance Seminar, December 2008
- Co-Author, *Bituminous Casualty Corp. v. Sand Livestock Systems – The Absolute Pollution Exclusion and the Reasonable Expectations Doctrine*, Defense Update, Fall 2008
- Author, *Spyware: Covertly Infringing On Your Internet Privacy While Circumventing the Federal Legislation Radar*, 54 Drake L. Rev. 233 (2005)

VII. COMMUNITY INVOLVEMENT

- Member, Board of Directors, River Bend Food Bank (2016 - present)
- Member, Board of Directors, Child Abuse Council (2012 - 2016)

Last Updated: November 2023