

## **ATTORNEY PROFILE:**

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## **I. EDUCATION**

- Northwestern University, B.A., 1978
- University of Iowa College of Law, J.D., 1981; Managing Editor, Iowa Law Review, 1980-81

## **II. LEGAL BACKGROUND/PROFESSIONAL RATINGS**

- Lane & Waterman LLP, 1981- present (Managing Partner, 2017 through 2020)
- Primary practice areas: Civil Litigation, including Commercial, Professional Malpractice, Insurance Coverage and Product Liability
- Licensed and admitted in Iowa and Illinois state courts, the United States District Courts for the Northern and Southern Districts of Iowa, Central District of Illinois, Northern District of Ohio, Eighth Circuit Court of Appeals, and Federal Circuit Court of Appeals
- Martindale Hubbell AV rating (since 1996)
- Chambers USA America's Leading Business Lawyers "Band 1" rating for Litigation: General Commercial (since 2003)
- The Best Lawyers in America (Commercial Litigation, Legal Malpractice Law and Medical Malpractice Law, and Bet-the-Company Litigation)
- Iowa Super Lawyers Top 10 List for 2011-2024

## **III. PROFESSIONAL POSITIONS/ASSOCIATIONS (legal)**

- Member, Iowa State Bar Association (President, 2011 – 2012)
- Fellow, American College of Trial Lawyers since 2000 (Fellowship limited to 1% of lawyers practicing in state); and Chair, State Committee (2008 – 2010)
- Fellow, Iowa Academy of Trial Lawyers since 1994 (President 2025-26; Director, 2015 – present) (Fellowship limited to 250 Iowa trial lawyers)
- Fellow, Iowa State Bar Foundation (Director, 2006 – 2018)
- Member, American Bar Association, Scott County Bar Association (President 2001-2002) and Rock Island County Bar Association
- Advocate, American Board of Trial Advocates
- Member, Iowa Defense Counsel Association (Director, 2005 – 2008)
- Past Chair, Grievance Commission of the Supreme Court of Iowa (2005-2008)
- Past Iowa Seventh Judicial District Court Nominating Commission, (1999-2005)

#### IV. PROFESSIONAL POSITIONS/COMMUNITY ASSOCIATIONS (non-legal)

- Trustee, Hubbell-Waterman Foundation (Chair, 2023-2025)
- Member, Board of Directors, United Way of Q.C. (Vice Chair 2023-2025)
- Member, Board of Directors, Iowa Legal Aid Foundation
- Member, Board of Directors, Friendly House of Davenport (President 1990 – 1992)
- Member, Investment Committee, Trinity Episcopal Cathedral
- Past Member, Board of Directors, Genesis VNA Professional Advisory Board
- Past Member, Board of Directors, Brenton Bank
- Past Member, Board of Directors, Genesis Visiting Nurses' Association
- Past Senior Warden, Trinity Episcopal Cathedral Vestry (1996)
- Past President, The Davenport Club

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

1. *Davis*, Iowa District Court for Scott County, Law No. LACE127285; **defamation**; plaintiff's counsel asked the jury to award more than \$4.3 million; plaintiff's counsel: Michael Sellers; defense verdict.

2. *Reimers*, Iowa District Court for Scott County, Law No. LACE133597; **premises liability**; Plaintiff's counsel: Eric S. Mail; defense verdict.

3. *Stover*, Iowa District Court for Dubuque County, Law No. LACV107386; **chiropractic malpractice**; plaintiff's counsel asked the jury to award more than \$430,000; plaintiff counsel: Doug Henry and Jenny Weiss; defense verdict.

4. *Estate of Franklin*, Iowa District Court for Scott County, Law No. LACE129614; **medical malpractice**; plaintiff's counsel asked the jury to award \$3 million; plaintiff's counsel: Brian Galligan; defense verdict.

5. *Milnes*, Circuit Court 14th Judicial District Whiteside County, Illinois, No. 2013L55ST; **medical malpractice**; plaintiff's counsel: Jim Mertes; plaintiff's verdict.

6. *Eisenhauer*, Iowa District Court for Henry County, Law No. LALA 011871; **medical malpractice birth injury**; plaintiff's counsel asked the jury to award over \$2 million; plaintiff's counsel: Jeffrey Goodman and Michael Moreland; defense verdict.

7. *Adrian*, Iowa District Court for Scott County, Law No. 125516; **accounting malpractice**; defense counsel: Les Reddick and Todd Stevenson; plaintiffs' verdict.

8. *Pellock*, Iowa District Court for Dubuque County, Case No. LACV103756; **medical malpractice**; plaintiffs' counsel: Nicholas Rowley, Dominic Pechota, Matt Reilly; client co-defendant surgeon voluntarily dismissed without settlement after second day of trial; plaintiffs' verdict against remaining defendant of \$10 million.

9. *Sherrick*, Iowa District Court for Scott County, Case No. 07821 LACE 126591; **medical malpractice**; plaintiff's counsel: James K. Weston II; defense verdict.

10. *Phillips*, Iowa District Court for Washington County, No. LALA 0022399; **medical malpractice birth injury**; plaintiffs' counsel Fred W. James and Kenneth Suggs; plaintiffs' verdict.

11. *Rosekopf*, Iowa District Court for Scott County, Law No. 123607; **medical malpractice birth injury**; plaintiff's counsel asked the jury to award over \$4.1 million; plaintiff's counsel Brian Galligan; defense verdict.
12. *Willenborg*, Iowa District Court for Dubuque County, Law No. 01311 TRPR 027914/01311 ESPR 044243 (Business Court); **legal malpractice**; plaintiffs sought over \$1.5 million; plaintiff's counsel: Dave Dutton and Cheryl Weber; judgment for defense.
13. *Dossett*, Iowa District Court for Henry County, Law No. LALA011723; **tort & breach of contract**; plaintiff's counsel: Roger Huddle; plaintiff's verdict.
14. *Beadle*, Iowa district Court for Scott County, Law No. LACE122615; **medical malpractice**; plaintiff's counsel: Fred James; defense verdict.
15. *Kirchner*, Iowa District Court for Scott County, Law No. 119431; **medical malpractice**; plaintiff's counsel: Max Kirk; defense verdict.
16. *Carver*, Illinois District Court for Rock Island County, Law No. 12 L 8; **medical malpractice**; plaintiff's counsel: Michael Warner; defense verdict.
17. *Mead*, Iowa District Court for Henry County, Law No. LALA 011674; **chiropractic malpractice**; plaintiff's counsel asked the jury to award \$352,000; plaintiff's counsel: Paul Lundberg; defense verdict.
18. *City of Clinton*, Iowa District Court for Scott County, Law No. LACE 123660; **legal malpractice** case in which City of Clinton sought \$4.67 million for the alleged legal malpractice in handling an underlying False Claim Act (Qui Tam); plaintiff's counsel: Mike Hannafan, Blake Hannafan, Stacey Vucko, John Gosma; defense verdict after a 3-week jury trial.
19. *Herman*, Iowa District Court for Scott County, Law No. 115040; **chiropractic malpractice**; plaintiff's counsel; Pressley Henningsen; plaintiff's verdict.
20. *Winegard Company v. Electronic Controlled Systems, Inc., d/b/a King Controls*, Case 3:09-cv-00138-CRW-CFB; **patent infringement**; King Controls sought more than \$5 million plus future royalties for Winegard's alleged infringement of two patents; which Winegard contended were invalid as obvious; King Control's counsel: Randall Skaar; verdict and judgment of invalidity for Winegard; affirmed U.S. Court of Appeals for the Federal Circuit, No. 2012-1282.
21. *Leep Hyundai, L.L.C. v. Green Family Hyundai, Inc.*, Case 3:11-cv-0081/-CRW-RAW; **conspiracy to violate Iowa Code Ch 322A and tortious interference with contract**; plaintiff's counsel: James Aronson, James Radigard, Harry Zanville; judgment for defendant.
22. *Hughes*, Iowa District Court for Scott County, Law No. 113840; **medical malpractice**; plaintiff's counsel: Marc Humphrey; defense verdict.
23. *Nemmers v. Ford Motor Company*, U.S. District Ct. Southern District of Iowa, Law No. 3:09-cv-00014-CRW-CFB; **product liability**; Plaintiff sought more than \$27 million for her quadriplegia, claiming the restraint system in a Ford F250 Super Duty pickup truck was defectively designed and caused her injuries in a rollover accident; plaintiff's counsel: Richard Denny and Pressley Henningsen; defense verdict.

24. Neas, Iowa District Court for Clinton County, Law No. 33513; **medical malpractice**; plaintiff's counsel: Michael K. Bush; plaintiff's verdict.
25. *Kellenberger*, Iowa District Court for Scott County, Law No. 111054; **medical malpractice**; plaintiff's counsel: Michael J. Warner; defense verdict.
26. *Dunning*, U.S. Dist. Ct. Southern District of Iowa, Law No. 3:05-CV-00050; plaintiffs sought more than \$5 million for claims alleging **breach of fiduciary duty, insider trading and breach of contract**; plaintiffs' counsel: Thomas D. Hanson and Fred Beaver; following a 5-day trial, Judge John Jarvey ruled in favor of defendants on all claims.
27. *Weber*, Iowa District Court for Clinton County, Law No. LA 32169; **medical malpractice**; plaintiff's counsel: Karen Lorenzen; plaintiff's verdict.
28. *Estate of Hurlbut*, Iowa District Court for Muscatine County, Case No. LACV 017198; **medical malpractice**; plaintiffs' counsel: Mark E. Liabo; defense verdict.
29. *Estate of Toffanelli*, Iowa district Court for Scott County, Law No. 107007; **medical malpractice**; plaintiff's counsel: Michael J. Warner; defense verdict.
30. *Mississippi Medical Plaza, L.C.*, Iowa District Court for Scott County, Law No. 103327; **breach of contract**; 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.
31. *Bingham*, Iowa District Court for Scott County, No. 101154; **medical malpractice birth injury**; plaintiffs' counsel: James Hayes and Karen Lorenzen; defense verdict.
32. *Goodrich Corp.*, Ohio Comm. Pl., Summit Co., CV-02-0410; **environmental insurance coverage**; I was lead defense counsel in this 6-week jury trial that started with 14 defendant insurers after which 12 settled during trial, leaving the Commercial Union and London Market defendants who were defended through verdict; plaintiff's counsel: Paul Rose and Sallie Conley Lux of Brouse McDowell in Akron, OH., and Andrew Reidy and Cathy Serafin of Howrey, LLP in Washington, D.C.; plaintiff's verdict.
33. *Blessing*, Iowa District Court for Scott County, No. 98717; **medical malpractice**; plaintiffs' counsel: James Hayes and Karen Lorenzen; defense verdict.
34. *Story v. Volkswagen*, U.S. District Court for the Northern District of Iowa (Cedar Rapids), No. C95-2005; **product liability**; plaintiffs' counsel: John Riccolo and Timothy Semelroth; defense verdict.
35. *Estate of Haiduck*, Iowa District Court for Scott County, No. 95538; **medical malpractice**; plaintiff's counsel: Michael Warner and Michael Bush; defense verdict.
36. *Iowa Comprehensive Petroleum Underground Storage Tank Fund Board v. Mobil Oil Corporation*, Iowa District Court for Scott County, No. 88760; **leaking UST**; plaintiff's counsel: Roger Stone and Webb Wasmer; defense verdict.
37. *Saul*, Iowa District Court for Scott County, No. 94146; **medical malpractice**; plaintiffs' counsel: Arthur L. Buzzell; defense verdict.

38. *Kelley*, Iowa District Court for Dubuque County, No. LACV0515006; **medical malpractice**; plaintiff's counsel: C. J. Knippel and Ron L. Luehrsman; defense verdict.
39. *Schlicher*, Iowa District Court for Lee County, No. LALA 003909; **medical malpractice**; plaintiffs' counsel: Richard Fehseke, Jr. and Richard Fehseke, III; plaintiffs' verdict.
40. *Shirk*, Iowa District Court for Scott County, No. 90314; **medical malpractice**; plaintiff's counsel: James Hayes and Karen Lorenzen; defense verdict.
41. *Dee*, Iowa District Court for Scott County, No. 89237; **medical malpractice**; plaintiffs' counsel: James Hayes; defense verdict.
42. *Petersen*, Iowa District Court for Scott County, No. 87078; **medical malpractice**; plaintiffs' counsel: James Hayes; defense verdict.
43. *Fireman's Fund Ins. Co. v. ACC Chemical Company, et al.*, Iowa District Court for Clinton County, No. CL-14219; **environmental insurance coverage**; I was one of three lead defense counsel in this 9-week jury trial; plaintiff's trial counsel: Daniel Williams and John Hendricks; plaintiff's verdict (reversed on appeal).
44. *Bennett*, Iowa District Court for Scott County, No. 77542; **medical malpractice**; plaintiff's counsel: Trent Marquis; defense verdict.
45. *Hayman*, Iowa District Court for Scott County, No. 77303; **medical malpractice**; plaintiffs' counsel: William Walker and William Laird; defense verdict.
46. *Lund*, Iowa District Court for Scott County, No. 77386; **medical malpractice**; plaintiffs' counsel: Stuart Lefstein and John Doak; defense verdict.
47. *Stender*, Iowa District Court for Scott County, No. 75175; **medical malpractice**; plaintiff's counsel: David McManus; defense verdict.
48. *Welte*, Iowa District Court for Scott County, No. 75148; **medical malpractice**; plaintiffs' counsel: John Carlin; defense verdict.
49. *Ross*, Iowa District Court for Muscatine County, No. C4028-187; **medical/pharmacist malpractice**; plaintiff's counsel: James Hayes; defense verdict for our pharmacist client.
50. *Schoenfeld*, Iowa District Court for Clinton County, No. CL-9740; **medical malpractice**; plaintiff's counsel: W. Swain Perkins and Patrick Driscoll; defense verdict.
51. *Smith*, Circuit Court, 14th Judicial Circuit, Rock Island County, Illinois, No. 84-L14; **medical malpractice**; plaintiff's counsel: Paul O'Malley; defense verdict.
52. *Mathis v. Mack Trucks, Inc.*, U.S. District Court, Southern District of Iowa (Davenport), No. 85-158-D-2; **product liability**; plaintiffs' counsel: Fred Berger; defense verdict.
53. *Boerjan v. Ford Motor Co., et al.*, Iowa District Court for Cedar County, No. 28888, **product liability**; plaintiffs' counsel: Bruce D. Goddard; defense verdict.
54. *Petrak v. Gerber Products Co.*, U.S. District Court, Northern District of Iowa, No. C 862053; **product liability**; plaintiffs' counsel: Tom Riley and Sarah Riley Brown; plaintiffs' verdict.

55. *Howard, et al. v. Campbell Soup Company*, Iowa District Court for Scott County, No. 66059; **product liability**; plaintiffs' counsel: Don Frank; defense verdict.
56. *Hall v. Union Oil Company, et al.*, Iowa District Court for Scott County, No. 75322; **premises liability**; plaintiffs' counsel: Fred Berger and Stuart Kritzer; defense verdict.
57. *Esplin v. Nucor Corporation*, Iowa District Court for Henry County, No. CL840-0285; **personal injury**; plaintiffs' counsel: Thomas Vilsack; plaintiffs' verdict.
58. *Johnson*, Iowa District Court for Clinton County, No. CL-9420; **premises liability**; plaintiffs' counsel: James Bruhn; plaintiffs' verdict.
59. *Kirkwood v. Moline Management, Inc., et al.*, Circuit Court, 14th Judicial Circuit, Rock Island County, Illinois, No. 85-L-188; **premises liability**; plaintiffs' counsel: Chad Cox and Gary McKenrick; defense verdict.
60. *Beck*, Iowa District Court for Scott County, No. 72561; **personal injury MVA**; plaintiffs' counsel: Mark Gebo; plaintiffs' verdict.
61. *Fyfe*, Iowa District Court for Johnson County, No. 53646; **personal injury MVA**; plaintiff's counsel: Robert Swanson and Diane Reinsch; plaintiff's verdict (admitted liability).
62. *Malahy*, Iowa District Court for Clinton County, No. 21952; **personal injury MVA**; plaintiffs' counsel: William Bush and James Carlin; plaintiffs' verdict (admitted liability).
63. *Miller*, Iowa District Court for Scott County; **personal injury MVA**; plaintiff's counsel: Michael Bennett; plaintiff's verdict.
64. *Beck*, Iowa District Court for Scott County, No. 64951; **medical malpractice**; plaintiffs' counsel: Arthur Buzzell; defense verdict.
65. *Sammons*, Iowa District Court for Des Moines County, No. 19637; **medical malpractice**; co-counsel: Robert Waterman, Sr.; plaintiffs' counsel: William Ball and Jay Nardini; defense verdict.
66. *Smith*, Iowa District Court for Des Moines County, No. CL 157-1280; **medical malpractice**; co-counsel: Robert Waterman, Sr.; plaintiffs' counsel: Lex Hawkins and Thomas Vilsack; defense verdict.
67. *Votroubek*, Iowa District Court for Scott County, No. 75152; **medical malpractice**; co-counsel: Robert Waterman, Sr.; plaintiffs' counsel: Patrick Roby and Mark Zaiger; plaintiffs' verdict.
68. *Jones*, Iowa District Court for Allamakee County, No. 21284; **medical malpractice**; co-counsel: Rand Wonio; opposing defense counsel: Edward Gallagher, Raymond Stefani, Sr. and Michael Figenshaw; defense verdict.
69. *McNeal*, Iowa District Court for Scott County; **personal injury MVA**; co-counsel: Rand Wonio; plaintiffs' counsel: Albert Stafne; plaintiffs' verdict.

## VI. APPELLATE EXPERIENCE

1. *Sherrick*, 924 N.W.2d.876 (Iowa App.2018), affirmed jury verdict and judgment for defense; plaintiff's counsel, Jim Weston II (**medical malpractice**)
2. *Ryan*, 919 N.W.2d.768 (Iowa App. 2010; affirmed partial summary judgment for defense; plaintiff counsel, Ken Munro; (**legal malpractice**).
3. *Fredericksen v. Olsen*, 888 N.W.2d 682 (Iowa App. 2016), reversed order granting summary judgment (**legal malpractice**).
4. *Vossoughi v. Polaschek*, 859 N.W.2d 643 (Iowa 2015), reversed order granting summary judgment (**legal malpractice**).
5. *Creative Calling Solutions v. LF Beauty Ltd.*, 799 F.3d 975 (8th Cir. 2015), reversed district court's dismissal for lack of jurisdiction (**breach of contract**).
6. *Travelers Property Cas. Co. v. Flexsteel Industries*, 847 N.W.2d 237(Iowa App 2014), reversed order granting summary judgment in favor of client Travelers (**environmental coverage insurance**).
7. *Winegard Company v. Electronic Controlled Systems, Inc., d/b/a King Controls*, No. 2012-1282 (U.S. Court of Appeals, Federal Circuit), affirmed jury verdict and judgment of invalidity of two King Controls patent (**patent invalidity**).
8. *Kristie Neas*, No. 10-1364 (Iowa App 2011), affirmed jury verdict and judgment for plaintiff, application for further review denied (Iowa 2012) (**medical malpractice**).
9. *Quad City Bank & Trust v. Kircher & Associates*, 804 N.W.2d 83 (Iowa 2011), vacated decision of court of appeals and affirmed jury verdict and judgment of the District Court of Dubuque County (**accountant malpractice**).
10. *Dunning*, No. 09-2812 (U.S. Court of Appeals, 8th Cir. September 21, 2010), affirmed District Court decision for Defendants, *Dunning*, 637 F. Supp. 2d 625 (S.D. Iowa 2009) (**breach of contract, fiduciary duties and insider trading**).
11. *Dunning*, 536 F3d 879 (8th Cir 2008), reversed summary judgment for Defendants (**breach of contract, fiduciary duties, insider trading and fraud**).
12. *Goodrich Corp. v. Commercial Union Ins. Co.*, 2008 WL 2581579 2008- Ohio-3200, Ohio App 9th District, June 30, 2008, reconsideration denied by 121 Ohio St. 3d 1411, 902 N.E.2nd 35, 2009 Ohio 805 (Ohio Mar 4, 2009) (**environmental insurance coverage**).
13. *PSI Energy, Inc. v. The Home Insurance Co.*, Indiana Court of Appeals, 801 N.E.2d 705 (Ind. Ct. App. 2004) (**environmental insurance coverage**).
14. *Nathan Lane Associates, L.L.P. v. Merchants Wholesale of Iowa, Inc.*, 690 N.W.2d 698 (Iowa App 2004), reversed in favor of client 698 N.W.2d 136 (Iowa 2005) (**breach of contract**).
15. *Credit Infonet, Inc. v. Radian Group, d/b/a Radianexpress.com Inc. f/k/a Expressclose.com Inc.*, 2003 WL 1969258 (Iowa App. 2003) (**injunction**).

16. *The B.F. Goodrich Company v. Commercial Union Ins. Co.*, 2001 WL 1692410 (Ohio Com. Pl., Dec. 19, 2001) (No. 1999 02 0410) judgment reversed, 2002 WL 31114948, 2002-Ohio-5033 (Ohio App.9 Dist. 2002) (**environmental insurance coverage**).
17. *Iowa Comprehensive Petroleum Underground Storage Tank Fund Board v. Mobil Oil Corporation*, 606 N.W.2d 367 (Iowa 2000) (**leaking UST**).
18. *Iowa Comprehensive Petroleum Underground Storage Tank Fund Board v. Mobil Oil Corporation*, 606 N.W.2d 359 (Iowa 2000) (**leaking UST**).
19. *Bazel*, 1999 WL 668592 (Iowa App. 1999) (**Medical Malpractice**).
20. *Tecumseh Products Co. v. American Employers Ins. Co.*, 1998 WL 63179, 217 Wis.2d 289, 577 N.W.2d 386 (Wis. App. 1998), petition for review denied, 217 Wis.2d 520, 580 N.W.2d 690 (1998) (**environmental insurance coverage**).
21. *Bazel*, 576 N.W.2d 385 (Iowa App. 1998) (**medical malpractice**).
22. *Fireman's Fund Ins. Co. v. ACC Chemical Co.*, 538 N.W.2d 259 (Iowa 1995) (**environmental insurance coverage**).
23. *Lund*, 495 N.W.2d 730 (Iowa 1993) (**medical malpractice**).
24. *Welte*, 482 N.W.2d 437 (Iowa 1992) (**medical malpractice**).
25. *Central Trust and Sav. Bank v. Toppert*, 554 N.E.2d 820; 198 Ill. App. 3d 562 (1990) (**personal injury**).
26. *Poehls v. Guaranty Nat. Ins. Co.*, 436 N.W.2d 62 (Iowa 1989) (**insurance coverage**).
27. *McNichols*, 523 N.E.2d 1172; 169 Ill. App. 3d 791 (1988) (**medical malpractice**).
28. *Aetna Life Insurance Company v. Elaine Powers Figure Salons, Inc.*, 409 N.W. 2d 717 (Iowa App. 1987) (**breach of contract**).
29. *Estate of Smith*, 387 N.W.2d 576 (Iowa 1986) (**medical malpractice**).
30. *Spivey v. Brown*, 502 N.E.2d 23 (Ill. App. 3d Dist. 1986) (**fire damage**).
31. *Smith*, 496 N.E.2d 358 (Ill. App. 3d Dist. 1986) (**medical malpractice**).
32. *Beck*, 376 N.W.2d 594 (Iowa 1985) (medical malpractice).
33. *Sammons*, 353 N.W.2d 380 (Iowa 1984) (**medical malpractice**).

## VII. ADMISSIONS PRO HAC VICE IN 13 OTHER STATES

1. *Elliott Aviation v. Negus*, District Court of Douglas County, **Nebraska**, Case ID: CI 12 2769; action for contribution.
2. *Insured Aircraft Title Service v. RSE Company of Delaware, Inc., et al.*, District Court of Oklahoma County, State of **Oklahoma**, Case No. CJ-2010-7894; action for breach of contract and breach of warranty, negligence, misrepresentation and fraud.

3. *THE National Bank v. First Premier Capital LLC*, Case No: 0:10-cv- 00903-ADM-JJK, U.S. District Court, District of **Minnesota**; action for breach of contract, implied covenants of good faith and fraudulent misrepresentation.
4. *Goodrich Corporation v. A.G. Securitas, et al.*, Court of Common Pleas for the State of **Ohio**, County of Summit, No. 2008-08-5847, action against 46 defendant insurers for insurance coverage for asbestos claims.
5. *B.F. Goodrich Company v. Commercial Union Insurance Company et al.*, Court of Common Pleas for the State of **Ohio**, County of Summit, No. CV 99 020410, action for insurance coverage over environmental liability at site in Calvert City, Kentucky.
6. *Goodrich Corporation v. Affiliated FM Insurance Co., et al.*, **Ohio** Summit County Court of Common Pleas, CV-2002-11-6854; action for insurance coverage over environmental liability; plaintiff's counsel: Howrey, LLP and Brouse McDowell; 30 defendants in an action involving a contaminated site in California.
7. *Multi-Line Leasing, Inc., a Canadian Corporation v. Elliott Aviation of Minneapolis, Inc.*, d/b/a Elliott Aviation Aircraft Sales, Inc., **Minnesota** Fourth Judicial District Court for Hennepin County, No. 02-7165; action for breach of contract.
8. *Ingram Barge Company v. Superior Minerals Company*, Minnesota District Court for the District of **Minnesota**, No. 02-586; action for breach of contract.
9. *Ingram Barge Company v. Superior Minerals Company*, **Tennessee** Middle District Court, Nashville Division, No. 3:01-1594; action for breach of contract.
10. *Four Star Oil & Gas Company, et al. v. Allianz Insurance Company, et al.*, **California** Superior Court for Los Angeles County, No. BC036944; action for insurance coverage over environmental liability; plaintiff's lead counsel: Howrey & Simon; 81 named parties involving more than 2,000 sites throughout the United States contaminated with petroleum products and byproducts.
11. *Pacific Hide & Fur Depot v. Great American Surplus Lines Insurance Company, et al.*, **Montana** Eighth Judicial District Court, Cascade County, No. CDV-85-221; action for insurance coverage over environmental liability; plaintiff's lead counsel: Dorsey & Whitney; six named parties involving a commercial landfill located in Pocatello, Idaho, contaminated with PCBs.
12. *Marathon Oil Company v. Hartford Accident and Indemnity Company, et al.*, **Oklahoma** District Court for Oklahoma County, No. CJ 93 5770 [64]; action for insurance coverage over environmental liability; plaintiff's lead counsel: Andrews, Davis, Legg, Bixler, Milsten & Price; 13 named parties in suit involving contamination from an oil field.
13. *Morrison Enterprises v. Aetna Casualty and Surety Company, et al.*, **Nebraska** District Court for Adams County, No. 94128; action for insurance coverage over environmental liability; plaintiff's counsel: The Session Law Firm; four named parties in suit involving a grain processing site contaminated with pesticides.
14. *J. R. Simplot Company v. Aetna Casualty and Surety Co., et al.*, **Idaho** District Court of the Sixth Judicial District for Bannock County, No. 42069A; action for insurance coverage over environmental liability; plaintiff's counsel: Cosho, Humphrey, Greener & Welsh; 54

named parties involving 31 sites in six states contaminated from phosphate mining, fertilizer and pesticide manufacture and distribution.

15. *Tecumseh Products Company v. The Travelers Indemnity Company, et al.*, **Wisconsin** Circuit Court, Branch I, for Sheboygan County, No. 90 CV 0415; action for insurance coverage over environmental liability; plaintiff's lead counsel: Anderson, Kill, Olick & Oshinsky; 17 named parties in suit involving an aluminum die cast plant site contaminated with PCBs.

16. *Wisconsin Gas Company v. Aetna Casualty & Surety Company, et al.*, United States District Court for the Western District of **Wisconsin**, No. 94-C- 0087-S; action for insurance coverage over environmental liability; plaintiff's lead counsel: Howrey & Simon; 15 named parties in action involving two contaminated Manufactured Gas Plant ("MGP") sites.

17. *PSI Energy, Inc. v. The Home Insurance Company, et al.*, **Indiana** Superior Court No. 1 for Hendricks County, No. 32D01-9807-CP-230; action for insurance coverage over environmental liability; plaintiff's lead counsel: Howrey, Simon, Arnold & White; 16 named parties in action involving 26 contaminated MGP sites.

18. *Long Island Lighting Company v. Aetna Casualty & Surety Company, et al.*, United States District Court for the Southern District of **New York**, 96CIV9664; action for insurance coverage over environmental liability; plaintiff's counsel: Dickstein, Shapiro, Morin & Oshinsky, LLP.; 16 named parties in action involving five superfund sites and six contaminated MGP sites.

19. *Marathon Oil Company v. Hartford Accident and Indemnity Company, et al.*, District Court of Galveston County, **Texas**, 122nd Judicial District, No. 96CV0631; action for insurance coverage over environmental liability; plaintiff's lead counsel: Jane, Nenninger, Bland, Baker & Botts; 16 named parties in action involving eight contaminated sites in four states.

20. *Tyco International Ltd. v. Commercial Union Insurance Company*, **Indiana** Circuit Court for Jackson County, No. 36 C01 9706 CP 94; action for insurance coverage over environmental liability; plaintiff's lead counsel: Bingham, Dana & Gould LLP.; two named parties involving three commercial landfill sites contaminated with medical supply manufacturing byproducts.

21. *Pacific Gas and Electric Company v. Lexington Insurance Company, et al.*, **California** Superior Court for the City and County of San Francisco, No. 948209; action for insurance coverage over environmental liability; plaintiff's lead counsel: Heller, Ehrman, White & McAuliffe; 66 named parties in action involving 37 contaminated MGP sites and 25 additional contaminated waste sites.

22. *B.F. Goodrich Company v. Commercial Union Insurance Company*, United States District Court, Northern District of **Ohio**, Eastern Division, No. 5:97CV3326; action for insurance coverage over environmental liability; plaintiff's counsel: McKenna & Cuneo and Brouse & McDowell; 37 named parties in action involving a contaminated vinyl chloride manufacturing site.

23. *Commercial Union Insurance Company v. B. F. Goodrich Company, et al.*, United States District Court, Western District of **Kentucky**, Paducah Division, No. 5:98CV-007-J; action for insurance coverage over environmental liability; plaintiff's lead counsel: McKenna & Cuneo; 22 named parties in action involving a vinyl chloride manufacturing site in Calvert City, Kentucky.

24. *Long Island Lighting Company v. Aetna Casualty & Surety Company, et al.*, Supreme Court of the State of **New York** County of New York, No. 97-604715; action for insurance coverage over environmental liability; 17 named parties in action involving five superfund sites.

### **VIII. SELECTED SEMINAR PRESENTATIONS AND SPEECHES**

1. “Judicial Retention: Voting on the back of the Ballot,” held October 30, 2024, and available now on YouTube. Bob Waterman moderated this Iowa State Bar Association 60-minute CLE Webinar. The panelists were former Iowa Supreme Court Justice Michael Streit, ISBA Past President and Chair of the Independence of the Judiciary Committee, Guy Cook, President of Justice Not Politics, Connie Ryan, Des Moines Register Editorial Board Member, Rox Laird, and current ISBA President Melvin Shaw. The purpose of the Webinar was to clarify the judicial retention process and what a “yes” or “no” vote means, in advance of the November 5, 2024, election.
2. “Complexities of Chemplex,” a Study of Complex Litigation Issues of First Impression and Practicalities of Case Management,” presented to Dillon Inn of Court, April 18, 2018, The Davenport Country Club.
3. “Masters in Trial – A Trial Demonstration from Opening Statement through Jury Deliberation,” sponsored by ABOTA Foundation, May 19, 2017, Drake Legal Clinic, Des Moines, Iowa.
4. “The Art of Today’s Trial—Techniques to Switch Up Your Game,” panel discussion presented to ISBA Bench-Bar Conference, May 5, 2016, Davenport, Iowa.
5. “Medical Malpractice: Case Selection and Management (Defense),” presented to the Iowa Academy of Trial Lawyers Annual Seminar, February 25, 2016, Des Moines, Iowa.
6. “As Judges See It: Top Mistakes Attorneys Make in Civil Litigation,” presented as program moderator for judicial panel consisting of Judges Joel Barrows, Marlita Greve, Mark Lawson, Thomas Reidel, Nancy Tabor and John Wright, at an all-day seminar sponsored by the National Business Institute, Inc., December 11, 2014, Davenport, Iowa.
7. “Opening Statements and Closing Arguments,” presented at the Scott County Bar Association – 2014 Last Chance Seminar, December 19, 2014, Davenport, Iowa.
8. “Justice Not Politics: Lessons Learned from Iowa’s 2010 Judicial Retention Election,” presented at an American College of Trial Lawyers Regional Meeting, May 16, 2014, Rapid City, South Dakota.
9. “Economic Experts: Law in the New Economy,” presented at Iowa Academy of Trial Lawyers, February 27-28, 2014, Des Moines, Iowa.
10. “What Civil Court Judges Want You to Know,” presented as program moderator for judicial panel consisting of Judges Mark D. Cleve, Gary D. McKendrick, Thomas G. Reidel, and Marlita Greve, at an all-day seminar sponsored by National Business Institute, Inc., October 5, 2012, Davenport, Iowa.
11. “Trial of the Patent Case,” presented at the Iowa Academy of Trial Lawyers Annual Seminar, February 24, 2012, Des Moines, Iowa.

12. "Update from the Iowa State Bar Association," presented to the Iowa Judges Association Membership Semi-Annual Meeting, June 15, 2011, Des Moines, Iowa.
13. "Judicial Retention in Iowa," co-presented with Chief Justice Marsha Ternus at the 4th Annual Corporate Counsel Forum, University of Iowa College of Law, Iowa Chapter of the Association of Corporate Counsel, October 1, 2010, Iowa City, Iowa.
14. "Case Management – Defense Perspective," presented at the Iowa Academy of Trial Lawyers Annual Seminar, February 25, 2010, Des Moines, Iowa.
15. "Winning the Business Case," presented at the Iowa Academy of Trial Lawyers Annual Seminar, February 26, 2009, Des Moines, Iowa.
16. "2007 Update: Preventing Legal Malpractice Claims and Ethics Complaints in Your Law Practice," presented as panelist for Minnesota Lawyers Mutual Insurance Company, May 3, 2007, Cedar Rapids, Iowa.
17. "Evidentiary Matters: Recent Decisions," presented at the Iowa Academy of Trial Lawyers Annual Seminar, March 3, 2006, Des Moines, Iowa.
18. "Use of Expert Testimony in a Bad Faith Case," presented at the 2003 Iowa Defense Counsel 39th Annual Meeting & Seminar, September 25, 2003, Des Moines, Iowa.
19. "Medical Malpractice in Iowa," presented at an all-day seminar sponsored by National Business Institute, Inc., May 21, 2003, Cedar Rapids, Iowa.
20. "Personal Injury Settlements in Iowa: Practical Methods for Perfecting the Settlement of a Claim," presented at an all-day seminar sponsored by National Business Institute, Inc., August 22, 2002, Cedar Rapids, Iowa.
21. "Trying the Wrongful Death Case in Iowa: Strategies in Preparation and Valuation," presented at an all-day seminar sponsored by National Business Institute, Inc., September 13, 2001, Cedar Rapids, Iowa.
22. "The Evolution of *Daubert v. Merrell Dow Pharmaceuticals, Inc.*," 509 U.S. 579 (1993)," presented at the Iowa Academy of Trial Lawyers Annual Seminar, February 16, 2001, Des Moines, Iowa.
23. "Top Ten Do's and Don'ts for Giving an Effective Opening Statement (A Defense Counsel's Perspective)," presented at The Iowa Academy of Trial Lawyers Annual Seminar, March 2, 2000, Des Moines, Iowa.
24. "Making Headlines," panel discussion presented for Iowa Law Month, February 3, 2000, University of Iowa Law School, Iowa City, Iowa, published in Iowa Advocate, The University of Iowa College of Law, Spring/Summer 2000.
25. "The Art of Jury Selection," presented at the Iowa Defense Counsel Association 1999 Annual Meeting and Seminar, September 24, 1999, Des Moines, Iowa.
26. "Using Video Depositions and Imaging Technology to Improve Your Effectiveness at Trial," presented at the Federal Practice Seminar, December 11, 1998, Des Moines, Iowa.

26. "Medical Malpractice in Iowa," presented at an all-day seminar sponsored by National Business Institute, Inc., September 27, 1996, Cedar Rapids, Iowa.
28. "Medical Malpractice in Iowa," presented at Risk Management Seminar for Physicians by The Medical Protective Company, August 7, 1996, Radisson Quad City Plaza, Davenport, Iowa.
29. "Expert Testimony After Daubert," presented at The Iowa Academy of Trial Lawyers Annual Seminar, February 17, 1995, Des Moines, Iowa.
30. "Annual Appellate Decisions Review," presented at the Iowa Defense Counsel Association Annual Meeting, September 17, 1983, Des Moines, Iowa.

## **IX. EXPERT WITNESS WORK**

1. *Kevin Flenker vs. IMT Insurance Company*, Iowa District Court, Scott County No. LACE 128379, authored expert report (5/22/2018) that IMT Insurance did not act in bad faith in its handling of claims arising out of a motor vehicle accident because those claims were fairly debatable.
2. *SH Development, LLC v. Israel*, Iowa District Court for Polk County, authored expert report (4/27/2017) for defense in legal malpractice action on issues relating to conflicts of interest in joint representation and the standard of care expected in various real estate transactions.
3. *DeLoach, et al., v. Pepsico, et al.*, USDC Northern District Iowa, Cedar Rapids Division, Case No. 1:10-cv-00104, retained by insurer post suit to evaluate and provide an expert report (6/8/2012) on the reasonableness and necessity of defense costs charged by two law firms in underlying case.
4. *Johnson v. American Family Ins. Co.*, Iowa District Court for Scott County, Law No. 93796, testified at trial as an expert witness for the defense on issues relating to plaintiff's third-party bad faith claims. The jury returned a defense verdict which was affirmed on appeal. *Johnson v. American Family Ins. Co.*, 674 N.W.2d 88 (Iowa 2004).
5. *Cooper v. Preferred Risk Ins. Co.*, Iowa District Court for Scott County, Law No. 95201, retained by plaintiffs to evaluate and prepare an expert report (8/25/2003) on defendant's coverage defenses and bad faith handling of underlying claim.

## **X. PUBLICATIONS**

"Iowa Environmental Coverage Law after the *FFIC v. ACC Chemical Co.* ("Chemplex") Late Notice Decision: The Answered and Unanswered Questions," by Robert V. P. Waterman, Jr., Thomas D. Waterman and John D. Telleen, *Mealey's Litigation Reports, Insurance*, Vol. 10 #2 (November 7, 1995).

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