



## Bradley J. Lindeman

### Partner

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### Overview

Brad is Chair of the firm's Employment Practice and Corporate/Business Services practice groups. His practice focuses on defending commercial litigation claims, including employment discrimination claims, contractual disputes, and product liability claims. His work includes the defense of single plaintiff claims, complex multi-plaintiff claims, and class-based allegations. Brad is also one of the firm's leaders, serving as a member of its Management Committee. He has been recognized in the list of Minnesota Rising Stars or *Super Lawyers*® each year since 2001 and he has been Selected for inclusion in *The Best Lawyers in America*® in the area of Litigation – Labor and Employment.

In the area of employment litigation, Brad defends employers against claims of workplace discrimination, harassment, and wrongful termination. He has successfully defended, through settlement, dismissal, or trial, claims brought in both state and federal court. Brad also defends companies in business litigation matters, including claims involving defamation, breach of contract, invasion of privacy, and a number of business torts.

In addition to employment litigation, Brad defends companies in cases involving general commercial litigation and product liability, including claims involving pharmaceutical products, medical devices, durable medical goods, explosive cases, complex machinery, and vehicles.

Brad has served as Minnesota counsel for several national and international companies, including entities in the medical, pharmaceutical, telecommunications, and software development industries. In addition, Brad has been admitted as counsel pro hac vice in numerous states throughout the country.

Brad holds a Master of Arts in industrial/organizational psychology. His graduate studies focused on the application of statistical principles and scientific models to practical, business settings. Following law school, Brad served as a law clerk to the Honorable Roger L. Wollman, United States Court of Appeals for the Eighth Circuit.

### Services

- ◆ Commercial Litigation
- ◆ Employment
- ◆ Life Sciences
- ◆ Mass Tort/Toxic Tort
- ◆ Corporate / Business Services
- ◆ Products Liability
- ◆ Catastrophic Loss
- ◆ Safety, Toxic Tort & Environmental

### State Bar Admissions

- ◆ Minnesota, 1999
- ◆ South Dakota, 1998

### Federal Court Admissions

- ◆ United States Court of Appeals, Eighth Circuit, 1999
- ◆ United States District Court, District of Minnesota, 2000
- ◆ United States District Court, District of North Dakota, 2013

## Education

- ◆ University of South Dakota School of Law, J.D., 1998
- ◆ Central Michigan University, M.A., 1995
- ◆ Buena Vista University, B.A., 1993



## Experience

### Reported Opinions/Recent Cases

- ◆ *McKee v. St. Paul Eye Clinic, P.A., et al.*, No. A14-0681, 2015 WL 1757833 (Minn. Ct. App. Apr. 20, 2015), review denied (affirming summary judgment dismissing claims for breach of fiduciary duty, shareholder oppression, and age discrimination)
- ◆ *Fimbres v. Elkhorn Construction, LLC*, No. 4:13-cv-027 (D.N.D. March 21, 2014) (granting motion to dismiss sexual harassment claims brought by female oilfield driver due to improper and insufficient service pursuant to Federal Rule of Civil Procedure 4)
- ◆ *Rosmond v. Minneapolis Pipe Fitters Joint Apprenticeship Training Committee (JATC), et al.*, No. 12-0200 (D. Minn. October 30, 2013) (approving class-based settlement arising from allegations of disparate impact based on race involving the use of paper and pencil tests measuring cognitive ability for the selection of apprentice pipefitters into training program)
- ◆ *Pittel, et al., v. Ward, et al.*, (Minn. Dist. Ct. 2013) (granting summary judgment on claims of breach of fiduciary duty against non-profit board members, trial award in favor of board members and homeowners association against plaintiff on defamation counterclaim)
- ◆ *Pariseau v. Equity Bank, et al.*, No. 27-cv-11-25079 (Minn. Dist. Ct. May 23, 2012) (granting motion to dismiss whistleblower claims and several common law claims following termination of former bank president based on insufficient pleading and statute of limitations defenses)
- ◆ *Pioneer Industries v. Hartford Fire Ins. Co.*, 639 F.3d 461 (8th Cir. 2011) (rescission of commercial crime policy based on representations contained within policy application)
- ◆ *Pliva, Inc. v. Mensing*, 131 S. Ct. 2567 (2011) (finding state law failure to warn claims alleged against generic pharmaceutical manufacturers were preempted under federal law)
- ◆ *Kidwell v. Sybaritic, Inc.*, 784 N.W.2d 220 (Minn. 2010) (claims of retaliation arising under Minnesota Whistleblower Act alleged by former general counsel)
- ◆ *Alford v. r4 Vascular, Inc.*, No. 2:10-cv-00331 (N.D. Ala. Oct. 20, 2010) (promissory estoppel based on employment negotiations pre-dating written employment contract)
- ◆ *Weissman v. Clean Response, Inc.*, No. 27-cv-08-28192 (Henn. Ct. Dist. Ct. April 1, 2010) (dismissal of allegations that toddler's exposure to biocide caused permanent respiratory impairment)
- ◆ *Montes v. Greater Twin Cities Youth Symphonies*, 540 F.3d. 852 (8th Cir. 2008) (allegations of race and national origin discrimination)
- ◆ *Kidwell v. Sybaritic, Inc.*, 749 N.W.2d 855 (Minn. Ct. App. 2008) (allegations arising under the Minnesota Whistleblower Act)
- ◆ *Johnson v. Quality Manufacturing, Inc.*, 2007 WL 1388192 (D. Minn. 2007) (allegations of sexual harassment, gender

discrimination, retaliation)

- ◆ *Green v. Franklin Nat'l Bank of Minneapolis*, 459 F.3d 903 (8th Cir. 2006) (allegations of race-based hostile work environment, retaliation)
- ◆ *Sguiri v. Independent Sch. Distr. 112, et al.*, 2006 WL 1425876 (D. Minn. 2006) (allegations of national origin discrimination)
- ◆ *Beckman v. KGP Telecommunications, Inc.*, 128 Fed. Appx. 554 (8th Cir. 2005) (allegations of age discrimination)
- ◆ *Enpath Medical, Inc. v. NeuroControl Corporation*, 2005 WL 1025368 (D. Minn. 2005) (commercial contract)
- ◆ *Wells Dairy, Inc. v. American Industrial Refrigeration, Inc.*, 690 N.W.2d 38 (Iowa 2004) (application of work product doctrine, self-critical analysis privilege)
- ◆ *Ostrowski v. Hulcher Services, Inc., et al.*, (Minn. Ct. App. 2003) (common enterprise under Minnesota Workers Compensation Act)
- ◆ *Wright Electric, Inc. v. Minnesota State Bd. Of Electricity, et al.*, 322 F.3d 1025 (8th Cir. 2003) (ERISA preemption)
- ◆ *Alexander v. Northland Inn*, 321 F.3d 723 (8th Cir. 2003) (allegations of disability discrimination)
- ◆ *Bailey v. Augustine Medical, Inc.*, (D. Minn. 2003) (race discrimination, Family and Medical Leave Act, retaliation)
- ◆ *Adam v. First Contact, Inc.* (D. Minn. 2002) (race & national origin discrimination, retaliation, hostile work environment, failure to promote)
- ◆ *Minnesota Energy, Inc. v. Ronning Eng'r Co., Inc., et al.*, no. 01-1058 (D. Minn. 2002) (statute of limitation applied to Minnesota statute relating to damages to real property)
- ◆ *Cierzan v. Hamline University* (Minn. Ct. App. 2002) (gender and pregnancy discrimination)
- ◆ *Blackman v. The Talmud Torah of Minneapolis* (D. Minn. 2001) (age discrimination and defamation)
- ◆ *Helleloid v. Independent School District No. 169* (D. Minn. 2001) (substantive due process for interference with parent-child relationship and fraud)

## Professional Affiliations

- ◆ Minnesota State Bar Association
  - ◇ Labor & Employment Law Section
- ◆ Hennepin County Bar Association
- ◆ State Bar of South Dakota
- ◆ Defense Research Institute (DRI)
  - ◇ Drug and Medical Device Committee
  - ◇ Employment Law Committee
  - ◇ Governmental Liability Committee
- ◆ Minnesota Defense Lawyers Association

## Notable

### Accolades

- ◆ Selected for inclusion in The Best Lawyers in America® in the area of Litigation - Labor and Employment, 2021-2023
- ◆ Selected for inclusion in the Minnesota Super Lawyers® list in the area of Employment Litigation: Defense, Thomson Reuters, (only five percent of lawyers in the state were selected), 2010-2022
- ◆ Selected for inclusion in the Minnesota Rising Stars™ list, 2001-2009

### Speaking Engagement & Published Articles

- ◆ Faculty, "Utilizing Employer Testing of Knowledge, Skills, Ability, and Other Characteristics (KSAOs)," Minnesota CLE Hiring Seminar, (March 18, 2020)
- ◆ Co-presenter (with Hannah Bellanger), "Corporations: Limited Liability, Piercing the Corporate Veil, Reverse Piercing, Entity by Estoppel, and Successor Liability," Minnesota CLE Webcast (August 14, 2019)
- ◆ Co-author (with Jacalyn Chinander) of the chapter, "Employer Testing of Knowledge, Skills, Ability, and Other Characteristics," in the Hiring Handbook 2nd Edition, published by Minnesota Continuing Legal Education (May 2019)
- ◆ Co-presenter (with Molly Ryan and Debra Weiss), "Challenges and Solutions for Employers in this New Era of Workplace Harassment: #MeToo or #NotUs?," MRA Employment Law Update (March 14, 2019)
- ◆ Author, "Hiring New Employees? Be Aware That Selection Procedures Can Unintentionally Discriminate," MRA HR Digest (November 20, 2018)
- ◆ Faculty, "Employer Testing of Knowledge, Skills, Ability, and Other Characteristics," Minnesota CLE Job Applicant Screening Seminar, (January 7, 2015)
- ◆ Presenter, "Who is an Employer, Who is an Employee v. Independent Contractor," Minnesota State Bar Association (August 6, 2014)
- ◆ Co-author (with Jacalyn Chinander) of the chapter, "Employer Testing of Knowledge, Skills, Ability, and Other Characteristics," in the book Job Applicant Screening, A Practice Guide, 1st Edition, published by Minnesota Continuing Legal Education (May 2014)
- ◆ Faculty, "Job Applicant Screening Crash Course," Minnesota CLE Upper Midwest Employment Law Institute (May 2014)
- ◆ Faculty, "Disparate Impact: Understanding and Evaluating Theories of Unintentional Discrimination," MSBA Labor & Employment Law Section Investigator Training (June 2013)
- ◆ Comment, "Diversifying the Workplace: Affirmative Action in the Private Sector After 1991" 42 S.D.L. Rev. 434 (1997)