







## William M. Hart

### Of Counsel

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### Overview

Bill Hart focuses his practice on appellate law, with an emphasis on appeals of insurance coverage and general litigation matters. He has handled close to 400 appeals in Minnesota courts, as well as in the state and federal appeals courts across the country.

Because of his reputation in the area of appellate law, Bill is regularly selected by his peers to the Minnesota *Super Lawyers*® list. He is named by The *Best Lawyers*® in America as its 2023 Minneapolis Appellate Practice “Lawyer of the Year.” Bill is also a Leading Attorney in a statewide survey conducted by American Research Corporation.

“Many of the cases I handle on appeal are cases that the firm handled at the trial court level. Unlike many other law firms, we are able to offer our clients in-house continuity of expertise, from discovery and trial through appeal, for their important cases.”

Bill is also sought out to handle the appeal of cases that were originally tried by another law firm. He also consults with outside trial counsel and represents civic, business, and trade groups by writing and filing amicus curiae briefs. For many years, he has served as the chair of the Minnesota Defense Lawyers Association amicus curiae committee.

Bill is a frequent lecturer on appellate practice and procedure. He teaches appellate advocacy at the University of St. Thomas School of Law, where he is also a mentor. He has contributed to leading legal publications, including Black’s Law Dictionary and the Minnesota Civil Jury Instruction Guides.

Bill sits on the board of the Minnesota Supreme Court Historical Society, as well as the board of the Minnesota Loan Repayment Assistance Program—a non-profit organization that helps make it possible for competent legal counsel to represent low-income and disadvantaged populations.

### Services

- ◆ Appellate
- ◆ Insurance
  - ◇ Insurance - Bad Faith
  - ◇ Insurance Coverage
  - ◇ Insurance - Reinsurance

### State Bar Admissions

- ◆ Minnesota, 1983

### Federal Court Admissions

- ◆ United States Court of Appeals, First Circuit, 2010
- ◆ United States Court of Appeals, Third Circuit, 1997
- ◆ United States Court of Appeals, Sixth Circuit, 1989
- ◆ United States Court of Appeals, Seventh Circuit, 1992
- ◆ United States Court of Appeals, Eighth Circuit, 1986
- ◆ United States Court of Appeals, Ninth Circuit, 1996
- ◆ United States Court of Appeals, Tenth Circuit, 1992
- ◆ United States Court of Appeals, Eleventh Circuit, 1996
- ◆ United States District Court, District of Minnesota, 1985

Outside the office, Bill is a big fan of the Minnesota Twins baseball team. Along with a colleague, he filed an amicus curiae brief in the case that kept the Twins in Minnesota. He enjoys professional basketball, and sits on the appeals committee of the Minnesota Youth Soccer Association. He has also been a troop and expedition leader for the Boy Scouts of America.

## Education

- ◆ University of Minnesota Law School, J.D., *cum laude*, 1983
- ◆ University of Minnesota, B.A., 1980



## Experience

### Representative Cases and *Amicus Curiae* appearances

#### Cases

- ◆ *Harkins v. Grant Park Ass’n*, No. A20-0937 (Minn. Apr. 6, 2022) (rejecting lower court holding that a common interest association must disclose to members all records it maintains, and restricting disclosure to documents from categories listed in Minn. Stat. § 515B.3-118).
- ◆ *Simmons v. Cudd Pressure Control, Inc. and Murex Petroleum Co.*, 2022 ND 20 (reversing multi-million dollar award for defense and indemnity costs and ordering judgment for Murex).
- ◆ *Musta v. Mendota Heights Dental Ctr.*, 965 N.W.2d 312 (Minn. 2021) (holding that federal law preempts state court order requiring workers’ compensation carrier to pay for employee’s medical cannabis), *cert. denied*, No. 21-676 (June 21, 2022).
- ◆ *Tile Shop Holdings, Inc. v. Allied World Nat’l Assur. Co.*, 981 F.3d 655 (8th Cir. 2020) (affirming favorable order for summary judgment based on the “prior-acts” exclusion, in eight-figure coverage dispute).
- ◆ *Aegis Ins. Svcs, Ltd., et al. v. General Electric Co., et al.*, Case No. A19-0640 (Minn. App. Feb. 10, 2020), *review denied* (Minn. Apr. 28, 2020) (affirming favorable judgement and orders denying JMOL or a new trial following jury verdict in nine-figure dispute over liability for explosion of a steam-powered generator).
- ◆ *Great Am. Alliance Ins. Co. v. Windermere Baptist Conf. Ctr., Inc.*, 931 F.3d 771 (8th Cir. 2019) (reversing adverse order for summary judgment and remanding for judgment of dismissal in eight-figure dispute over “additional-insured” coverage).
- ◆ *Rarick v. Federated Service Ins. Co.*, 852 F.3d 223 (3rd Cir. 2017) (reversing adverse order for remand to state court and establishing test in Third Circuit for a federal court’s discretion to refuse jurisdiction over a claim for declaratory relief, in class-action coverage dispute).
- ◆ *Linda E. Walsh, v. Warren C. Anderson, et al.*, 2016 WL 7439087 (Minn. Ct. App. Dec. 27, 2016), *review denied* (Minn. March 14, 2017) (affirming favorable order dismissing legal malpractice action based on the inadequacy of plaintiff’s expert affidavit under Minnesota Statutes Chapter 544).

- ◆ *MDC Acquisition Co. v. Traveler’s Prop. Cas. Co. of Am.*, \_\_ Fed. App’x. \_\_, No. 12-4340, 2013 WL 5811962 (6th Cir. Oct. 30, 2013) (affirming favorable order for summary judgment based on the “unsolicited-communications” exclusion and rejecting contention that renewal notice adding the exclusion was inadequate, in eight-figure dispute over coverage for underlying TCPA class action).
- ◆ *Engineering & Constr. Innovations, Inc. v. L.H. Bolduc Co.*, 825 N.W.2d 695 (Minn. 2013) (reversing adverse appellate decision and ordering judgment of dismissal in coverage dispute over “additional-insured” coverage for an underlying construction claim).
- ◆ *Butts ex rel. Iverson v. Evangelical Lutheran Good Samaritan Soc.*, 802 N.W.2d 839 (Minn. App. 2011), *review denied* (Minn. Oct. 26, 2011) (reversing adverse order permitting voluntary dismissal of action and ordering judgment of dismissal with prejudice based on the abatement of claims as a matter of law due to death from unrelated causes).
- ◆ *Cynosure, Inc. v. St. Paul Fire & Marine Ins. Co.*, 645 F.3d 1 (1st Cir. 2011) (reversing adverse order for summary judgment and remanding for entry of judgment of dismissal because the underling eight-figure TCPA class-action did not allege a claim within policy coverage).
- ◆ *W3i Mobile, LLC v. Westchester Fire Ins. Co.*, 632 F.3d 432 (8th Cir. 2011) (affirming favorable order for summary judgment based on “good-or-products” exclusion in D&O policy, in dispute over coverage for an underlying class action).
- ◆ *Kingsley v. Pinto*, No. A10-1197, 2011 WL 1743840 (Minn. App. May 9, 2011) (affirming favorable order denying new trial following verdict in a medical-malpractice action and agreeing that a claim for negligent nondisclosure did not apply).
- ◆ *Keely v. Gernscheid*, 2010 WL 2265682 (Minn. App. June 8, 2010) (affirming favorable order denying new trial following verdict in a medical-malpractice action and agreeing that a claim for negligent nondisclosure did not apply).
- ◆ *Glumak v. Duluth Clinic, Ltd.*, 2010 WL 87881 (Minn. App. January 12, 2010) (affirming favorable order dismissing medical-malpractice action based on the inadequacy of the affidavit required under Minn. Stat. § 145.682).
- ◆ *Master Blaster, Inc. v. Dammann*, 781 N.W.2d 19 (Minn. App. 2010) (affirming favorable order for summary judgment requiring common-law indemnity because a timely common-law tender of defense bound the Minnesota indemnitor to the outcome of a South Dakota jury trial).
- ◆ *Mertz v. 999 Quebec, Inc.*, 780 N.W.2d 446 (N.D. 2010) (splitting 2-2-1 on question of when a survival cause of action accrues under North Dakota law).
- ◆ *West Bend Mut. Ins. Co. v. U.S. Fidelity and Guar. Co.*, 598 F.3d 918 (7th Cir. 2010) (affirming favorable summary judgment because the “pollution exclusion” in both a primary and an umbrella policy precluded coverage for an underlying class-action suit alleging that the insured’s gas station contaminated the groundwater in a residential neighborhood).
- ◆ *Juetten v. LCA-Vision, Inc.*, 777 N.W.2d 772 (Minn. App. 2010) (affirming favorable order dismissing medical-malpractice action under Minn. Stat. § 145.682 and ruling that formally adding an agent as a party does not avoid dismissal when the statute requires dismissal of the principal).
- ◆ *Haag v. Fairview Health Services*, 2009 WL 1684459 (Minn. App. June 16, 2009)
- ◆ *Hautala v. ALZA Corp.*, 2009 WL 1515444 (Minn. App. June 2, 2009)
- ◆ *St. Paul Fire and Marine Ins. Co. v. Brother Intern. Corp.*, 319 Fed. Appx. 121 (3rd Cir. 2009)
- ◆ *Glanzer v. Reed*, 757 N.W.2d 417 (S.D. 2008)
- ◆ *Whole Enchilada, Inc. v. Travelers Property Cas. Co. of America*, 581 F.Supp.2d 677 (W.D. Pa. 2008)
- ◆ *Delgado v. Neurosurgical Associates, Ltd.*, 2008 WL 1867936 (Minn. App. April 29, 2008)
- ◆ *Lindsay v. St. Olaf College*, 2008 WL 223661 (Minn. App. January 29, 2008)
- ◆ *Melrose Hotel Co. v. St. Paul Fire and Marine Ins. Co.*, 503 F.3d 339 (3rd Cir. 2007)

- ◆ *ACS Systems, Inc. v. St. Paul Fire & Marine Ins. Co.*, 53 Cal. Rptr. 3d 786, 794 (Cal. App. 2007)
- ◆ *Carlson v. SALA Architects*, 732 N.W.2d 324 (Minn. Ct. App. 2007)
- ◆ *Hypoguard, et al. v. St. Paul Fire*, 2007 WL 4236427 (Minn. App. Dec. 4, 2007)
- ◆ *Innsbruck Village Ass'n v. Stock Roofing, Inc.*, 2006 WL 3772286 (Minn. App. December 26, 2006)
- ◆ *Seren Innovations, Inc. v. Transcontinental Ins. Co.*, 2006 WL 1390262 (Minn. App. May 23, 2006)
- ◆ *Urban v. American Legion, Dept. of Minnesota*, 723 N.W.2d 1 (Minn. 2006)
- ◆ *Barradas v. State Farm Mut. Auto Ins. Co.*, 2006 WL 852102 (Minn. App. April 4, 2006)
- ◆ *Resource Bankshares Corp. v. St. Paul Mercury Ins. Co.*, 407 F.3d 631 (4th Cir. 2005)
- ◆ *City of Elkhorn v. 211 Centralia Street Corp.*, 685 N.W.2d 874 (Wis. Ct. App. 2004)
- ◆ *Compaq Computer v. St. Paul Fire*, 2003 WL 22039551 (Minn. Ct. App. Sept. 2, 2003)
- ◆ *Metropolitan Property & Cas. Co. v. Miller*, 589 N.W.2d 297 (Minn. 1999)
- ◆ *Anderson v. Minnesota Insurance Guaranty Ass’n, et. al.*, 534 N.W.2d 706 (Minn. 1995), reh’g denied (Sept. 20, 1995)
- ◆ *Midwest Federal Savings v. American Casualty Co.*, 10 F.3d 568 (8th Cir. 1993)

## ***Amicus Curiae*** appearances

- ◆ *Harkins v. Grant Park Ass’n*, No. A20-0937 (Minn. Apr. 6, 2022) (rejecting lower court holding that a common interest association must disclose to members all records it maintains, and restricting disclosure to documents from categories listed in Minn. Stat. § 515B.3-118)
- ◆ *Glorvigen v. Cirrus Design Corp.*, 816 N.W.2d 572 (Minn. 2012)
- ◆ *Glorvigen v. Cirrus Design Corp.*, 796 N.W.2d 541 (Minn. App. 2011)
- ◆ *Swanson v. Brewster*, 784 N.W.2d 264 (Minn. 2010)
- ◆ *In re Buckmaster*, 755 N.W.2d 570 (Minn. App. 2008)
- ◆ *MacRae v. Group Health Plan, Inc.*, 753 N.W.2d 711 (Minn. 2008)
- ◆ *Wakefield Pork, Inc. v. Ram. Mut. Ins. Co.*, 731 N.W.2d 154 (Minn. App. 2007)
- ◆ *Jerry’s Enterprises v. Larkin, Hoffman, Daly & Lindgren*, 711 N.W.2d 811 (Minn. 2006)
- ◆ *Rowe v. Munye*, 702 N.W.2d 729 (Minn. 2005)
- ◆ *Metropolitan Sports Facilities Comm’n v. Minnesota Twins Baseball Club*, (Minn. App. Jan. 16, 2002), *review denied* (Minn. Feb. 4, 2002)
- ◆ *Meadowbrook Inc. v. Tower Ins. Co.*, 559 N.W.2d 411 (Minn. 1997)

## Professional Affiliations

- ◆ Minnesota Defense Lawyers Association, Chair, Amicus Curiae Committee, 2001-2015
- ◆ Minnesota Supreme Court Historical Society, founding member, Secretary (2011), Vice-Chair (2012), Chair (2013), Publications Committee Co-chair (2008-2013)
- ◆ Hennepin County Bar Association

- ◆ Minnesota State Bar Association, Appellate Practice Section Governing Council, Member, 2008-2010
- ◆ University of St. Thomas School of Law, Adjunct Professor, Appellate Advocacy, 2005-2008

## Community Involvement

- ◆ Minnesota State Bar Association — North Star Lawyer Pro Bono Award, 2016-2021
- ◆ Minnesota Loan Repayment Assistance Program, Board of Directors, 2002-present
- ◆ University of St. Thomas School of Law Mentor Externship program, mentor, 2004-2014
- ◆ Expedition Leader, Boy Scouts of America, Philmont Scout Ranch, Cimarron, NM

## Notable

### Accolades

- ◆ Chambers USA: America's Leading Lawyers for Business, Litigation: Appellate, 2013-2023
- ◆ Named The Best Lawyers in America® Minneapolis Appellate Practice "Lawyer of the Year", 2023
- ◆ Selected for inclusion in The Best Lawyers of America® in the area of Appellate Practice, 2012-2024
- ◆ Named an Attorney of the Year, Minnesota Lawyer, 2011
- ◆ Selected for inclusion in the Minnesota Super Lawyers® list in the area of Appellate, Thomson Reuters, (only five percent of the lawyers in the state were selected), 2003-2023
- ◆ Recognized in the list of Top 100 Super Lawyers, 2001-2003, 2013, 2014
- ◆ Recognized in the list of Top 10 Appellate Super Lawyers, 2005
- ◆ Awarded the highest possible Martindale-Hubbell Peer Review Rating, AV® Preeminent™ (AV is a registered certification mark of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies)

### Publications

- ◆ "Orders and Judgments" Minnesota State District Court Civil Practice Deskbook (2009)
- ◆ Civil Jury Instruction Guide, Insurance Committee member (2005)
- ◆ Black's Law Dictionary, contributing editor, 8th Abridged Edition (2005)
- ◆ "Settlements with Fewer Than All Parties - Covenants Not to Sue and Pierringer Releases" Minnesota Defense Lawyers Association Release Deskbook, (3rd ed., 1993) (4th ed., 1998)
- ◆ "Testimony: Remembering Minnesota's Supreme Court Justices" Coordinating editor