



## Charles E. Spevacek

### Partner

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### Overview

Chuck has over 30 years of experience litigating complex commercial cases, with particular emphasis on the trial and appeal of insurance coverage disputes, including breach of contract, declaratory judgment and bad faith actions. Chuck was named in both 2021 and 2016 by The Best Lawyers in America as its Minneapolis Mass Tort Litigation/Class Action – Defendants “Lawyer of the Year.” He was also named as its 2019 and 2014 Minneapolis Insurance Law “Lawyer of the Year.” He has twice been recognized by *Minnesota Lawyer* as an “Attorney of the Year,” in 2013 and in 2006. He was chosen as one of Minnesota’s 10 best appellate lawyers and has been recognized since 2003 as a Minnesota Super Lawyer, earning Top 100 distinction in fifteen of those years. Since 2013, he has been identified by Chambers USA as one of America’s Leading Litigation Lawyers for Business.

Chuck is one of 695 insurance and reinsurance lawyers from forty-seven countries recognized in the 2021 Edition of *Who’s Who Legal: Insurance & Reinsurance*, and one of three nominated in Minnesota. Nominees are selected based on comprehensive, independent survey work with both general counsel and private practitioners worldwide. According to the Editors, all whose nominations are accepted are listed without charge, noting: “It is impossible to buy entry into *WWL: Insurance & Reinsurance*.”

Chuck has served as a national coordinating coverage counsel for several of his clients, including on matters involving environmental losses, cyber-liability, TPCA claims and, most recently, COVID-19 claims. He has shared his expertise on insurance issues in testimony before the Minnesota Legislature. Chuck serves on the Board of Directors of Ridgeview Hospital Foundation, and is a Past-Chair. He has served on the Board of Directors of The Purdue Alumni Association and of Center of the American Experiment.

Representative clients include American Financial Group, AIG, Bituminous Insurance Company, Certain Underwriters at Lloyds of London, Chubb Limited, CNA Insurance Companies, Constellation Insurance Companies, Federated Mutual Group,

### Services

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

### State Bar Admissions

- ◆ Minnesota, 1981

### Federal Court Admissions

- ◆ United States Supreme Court, 1989
- ◆ United States Court of Appeals, First Circuit, 2009
- ◆ United States Court of Appeals, Second Circuit, 2015
- ◆ United States Court of Appeals, Third Circuit, 2006
- ◆ United States Court of Appeals, Fourth Circuit, 1997
- ◆ United States Court of Appeals, Sixth Circuit, 2010
- ◆ United States Court of Appeals, Seventh Circuit, 2005
- ◆ United States Court of Appeals, Eighth Circuit, 1981
- ◆ United States Court of Appeals, Ninth Circuit, 1993
- ◆ United States Court of Appeals, Tenth Circuit, 1999
- ◆ United States Court of Appeals, Eleventh Circuit, 2014
- ◆ United States District Court, Eastern District of California, 1995
- ◆ United States District Court, Central District of Illinois, 1994

The Guilford Specialty Group, Hartford Casualty Insurance Company, Hudson Insurance Company, Liberty Mutual Insurance Companies, OneBeacon Insurance Group, Ltd., Riverstone Claims Management Services, Inc., Swiss Re Reinsurance Company, The Travelers Companies, Inc., and Westfield Insurance Companies.

Chuck's experience includes work on several major cases whose decisions have been cited as significant precedent in over 300 published opinions and scholarly papers.

## Education

- ◆ Indiana University Robert H. McKinney School of Law, J.D., 1980
- ◆ Purdue University, B.S., 1977



## Experience

### Major Cases

- ◆ *Great American Alliance Ins. Co. v. Windermere Baptist Conf. Center, Inc.*, 931 F.3d 771 (8th Cir. 2019)
- ◆ *Rarick v. Federated Serv. Ins. Co.*, 852 F.3d 223 (3d Cir. 2017) (in a case of first impression in the Third Circuit, adopted the "independent claim test" for determining whether the federal courts have discretion to exercise jurisdiction over actions in diversity seeking both legal and declaratory relief)
- ◆ *Land O' Lakes v. Employers Ins. Co. of Wausau*, 2013 WL 4559813 (8th Cir., Aug. 29, 2013) (no coverage for cleanup of contaminated refinery)
- ◆ *Engineering & Construction Innovations, Inc. v. L. H. Bolduc Co., Inc.*, 825 N.W.2d 695 (Minn. 2013) (additional insured coverage applies only to vicarious liability)
- ◆ *Cynosure, Inc. v. St. Paul Fire & Marine Ins. Co.*, 645 F.3d 1 (1st Cir. 2011) (no coverage for TCPA claims under MA law)
- ◆ *Cargill, Inc. v. ACE American Ins. Co.*, 784 N.W.2d 341 (Minn. 2010) (recognizing an equitable right to contribution for defense costs paid by a defending insurer against a non-defending insurer)

- ◆ United States District Court, Northern District of Illinois, 2007
- ◆ United States District Court, Northern District of Indiana, 2009
- ◆ United States District Court, Southern District of Indiana, 2007
- ◆ United States District Court, District of Minnesota, 1981
- ◆ United States District Court, District of Nebraska, 1996

- ◆ *West Bend Mut. Ins. Co. v. Federated Mut. Ins. Co.*, 598 F.3d 918 (7th Cir. 2010) (holding insurer's absolute pollution exclusion valid under Indiana law)
- ◆ *Anderson v. Minnesota Insurance Guaranty Association et. al.*, 534 N.W.2d 706 (Minn. 1995), reh'g denied (Sept. 20, 1995) (rejecting "regulatory estoppel" as a means of invalidating the "sudden and accidental" pollution exclusion)
- ◆ *Northern States Power Co. v. Fidelity and Casualty Co.*, 523 N.W.2d 657 (Minn. 1994) (announcing a pro-rata by time on the risk rule for allocation of indemnity amongst consecutively triggered insurance policies)
- ◆ *Federated Mutual Insurance Company v. Concrete Units Inc.*, 363 N.W.2d 751 (Minn. 1985) reh'g denied (March 29, 1985) (establishing that the term "property damage" as defined in the standard general liability policy did not include "diminution in value")

## Professional Affiliations

- ◆ Charter Member, Insurance Litigation Institute of America
- ◆ Defense Research Institute
- ◆ Minnesota State Bar Association
- ◆ Hennepin County Bar Association
- ◆ Minnesota Defense Lawyers Association
- ◆ Board of Directors and Past-Chair, Ridgeview Hospital Foundation
- ◆ Senior Fellow, Litigation Counsel of America
  - ◇ Member, Trial Law Institute
  - ◇ Member, Diversity Law Institute
  - ◇ Barrister, Order of Juris
- ◆ Past Board of Directors and Past-Chair, Center of the American Experiment
- ◆ Past Board of Directors, The Purdue Alumni Association

## Notable

### Accolades

- ◆ Fellow, American College of Coverage Counsel (Established in 2012, the ACCC is composed of preeminent coverage counsel in the United States and Canada, representing the interests of both insurers and policyholders. Membership is limited, and is by invitation only)
- ◆ Chambers USA: America's Leading Lawyers for Business: Litigation & Appellate, Commercial Litigation, 2013-2021
- ◆ Senior Fellow, Litigation Counsel of America (A trial lawyer honorary society, with membership limited to one-half of one percent of American lawyers, and by invitation only)
- ◆ Fellow, American Bar Foundation (Membership is limited to one percent of the lawyers admitted to practice in each jurisdiction of the United States, by invitation only)
- ◆ Named by America's Top 100 Attorneys® a Lifetime Achievement Member for his legal achievements, professional experience and community involvement. (Selection as a lifetime achievement member is based on a broad array of criteria, including professional experience, lifetime achievements, significant case results, peer reputation, and community impact.)

The result is a careful screening process through third-party research and statistical analysis in which less than one-half percent (.5%) of active attorneys in the United States will receive this honor.)

- ◆ Named a “Minnesota ICON,” Finance & Commerce and Minnesota Lawyer, 2021
- ◆ Minnesota Lawyer's Attorney of the Year (AOTY) in 2006 and 2013
- ◆ The Best Lawyers in America® 2021 Minneapolis Mass Tort Litigation/Class Action-Defendants "Lawyer of the Year"
- ◆ The Best Lawyers in America® Minneapolis Insurance Law Lawyer of the Year in 2014 and 2019
- ◆ The Best Lawyers in America® 2016 Minneapolis Mass Tort Litigation/Class Action-Defendants "Lawyer of the Year"
- ◆ Recognized since 2003 in the Minnesota Super Lawyers® list
- ◆ 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)
- ◆ Recognized by *Who's Who* Legal in the area of Insurance & Reinsurance: Global Leader, 2021
- ◆ Recognized by *Who's Who* Legal in the area of Insurance & Reinsurance: Thought Leader, 2019 and 2020