

OVERVIEW

Cliff is a seasoned employment and business counselor and employment and commercial litigator who has worked with a diverse array of large and small business clients, as well as many executives and individuals with employment and business problems. He has delivered consistently excellent results over the course of a legal career that started in 1992. A two year federal trial court clerkship in the Eastern District of Wisconsin followed by a 15 year tenure at Dorsey & Whitney provided an excellent foundation for his success as a sound and thoughtful counselor and effective litigator.

Cliff emphasizes a proactive, not reactive, decision-making and problem-solving approach to ensure clients avoid unnecessary litigation while preparing them to be well-positioned to achieve outstanding results should litigation ensue. This approach helps his clients save money both at the front end, when first confronting a legal problem, and down the road, all the while keeping them positioned for an excellent result no matter what challenges arise.

In employment-related matters, Cliff represents both employers and individuals. He has successfully prosecuted and defended:

- Claims brought pursuant to federal civil rights statutes such as Title VII and 42 U.S.C. § 1981, and the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Minnesota Human Rights Act;
- Claims of misappropriation of trade secrets and proprietary and confidential information including those pursuant to the Uniform Trade Secrets Act, and violation and enforcement of non-competition and non-solicitation agreements;
- Claims pursuant to Minn. Stat. § 181.01 *et seq.* that sets forth the key employment-related statutes under Minnesota law; and
- Claims of retaliation, constructive discharge, sexual harassment, intentional infliction of emotional distress, breach of contract and intentional interference with contract, among others.

In addition, he counsels clients on all facets of employment law, including hiring, employee leaves, discipline and termination of employees. As needs dictate, he drafts and reviews employment agreements and separation agreements, providing guidance on compliance with the myriad federal and state statutes that affect the employer-employee relationship.

In complex business and commercial litigation, Cliff brings his expertise in cases involving a variety of contract, business tort and statutory claims, including those that arise from minority shareholder disputes. He has litigated claims involving a wide range of federal and state statutes, breach of contract, corporate raiding, breach of fiduciary duty, negligent representation, fraud, defamation, product disparagement, unfair competition, unjust enrichment, and other similar claims.

Cliff has represented corporate clients in enforcing provisions of the federal Lanham Act and comparable state statutes. In two such lawsuits, Cliff's clients achieved outstanding jury victories with awards in excess of \$4.5 million, while the opposing party's respective substantial claims were dismissed either pre-trial by summary judgment motion or following the jury's verdict. He also has significant experience working with large defense teams, including one that successfully defended a \$1.3 billion suit principally alleging usurpation of corporate opportunity, breach of contract and breach of fiduciary duty, among other claims.



EXPERIENCE

Employment Litigation

- *Reeves et al. v. National Appeal of Central Texas et al.* (Lead defense counsel in FLSA wage and hour case; case settled favorably).
- *Langerud v. BioQuiddity, Inc.* (Lead defense counsel in breach of contract, promissory estoppel and fraud action; case settled favorably).
- *America's TPA v. Kyle Dean Johnson, et al.* (Lead counsel for defendants in case alleging trade secret misappropriation, breach of confidentiality agreements, and related claims; plaintiff's motion for temporary restraining order and temporary injunction denied; case subsequently settled).
- *Todd K. Anderson v. Eagle Community Bank* (Lead counsel for plaintiff and counter-defendant Todd Anderson in minority shareholder and termination suit involving claims of breach of contract, fraud, breach of fiduciary duty and valuation issues pursuant to Minn. Stat. § 302A.751; suit settled after close of substantial deposition discovery).
- *Johnson v. Loram Maintenance of Way, Inc.* (Counsel for defendant in ADA and MHRA discrimination suit; case dismissed on summary judgment).
- *Dexter, Evers, Dupay v. Alliant Techsystems Inc.* (Key member of defense counsel's team in a series of age discrimination actions brought pursuant to the ADEA and MHRA; cases dismissed on summary judgment and affirmed on appeal by the Eighth Circuit Court of Appeals).
- *Atkins v. Northwest Airlines, Inc.* (Counsel for defendant in Title VII and MHRA race and retaliation discrimination suit dismissed on summary judgment).
- *Zubeldia v. John Ryan Company* (Counsel for defendant in suit with former Spanish employee over commissions and bonuses; case dismissed for *forum non conveniens*).

General Business and Commercial Litigation

- *Fire Rated Product Specialties Corp. v. Douglas Mintz and Cubicles Plus Office Furnishings* (Lead Plaintiffs' counsel in closely held company shareholder dispute; case settled favorably following completion of discovery).
- *Stonegate Farm, Inc. and Property Resources Development Corporation v. City of Medina* (Plaintiffs' counsel in complex multi-million dollar land use case; case settled favorably).
- *In re Darkenwald Arbitration* (Lead counsel for Revocable Trusts in complex family business shareholder dispute involving multiple businesses; achieved outstanding result for client following two week arbitration).
- *USI Services Group, Inc. v. Pinnacle Capital and Nilfisk-Advance, Inc.* (Lead defense counsel for Nilfisk-Advance in \$15 million case alleging breach of contract, fraud, consumer fraud, misrepresentation, tortious interference and commercial disparagement and numerous counterclaims; brought successful replevin motion for return of \$600,000 in equipment and obtained favorable settlement in which plaintiff dismissed all claims and paid settlement monies to defendant).
- *Vascular Solutions, Inc. v. Marine Polymer* (Key member of team representing plaintiff and counter-defendant Vascular Solutions in winning \$4.5 million jury verdict on plaintiff's claims and resulting in defeat of \$40 million counterclaim in product disparagement and defamation case involving medical devices).
- *NeoNetworks, Inc. v. Mark Cree, Clint Jurgens, and Cisco Systems, Inc.* (Key member of defense counsel's team in \$1.3 billion suit principally alleging usurpation of corporate opportunity, breach of contract and breach of fiduciary

duty among other claims; case dismissed on defense motions following plaintiff's six week presentation of its case in bench trial).

- *Wildlife Research Center, Inc. v. Robinson Outdoors, Inc.* (Key counsel for plaintiff prosecuting Lanham Act false advertising case with parallel state law statutory and common law claims; cross summary judgment motions resulted in dismissal of all defendants' counterclaims; complete jury trial victory on all plaintiff's claims yielding \$4.8 million damage award by jury).
- *Republic Acceptance Corporation v. Stephen Whiting et al.* (Counsel for plaintiff in suit to enforce a guaranty following debtor's default on loan; prevailed on summary judgment leading to \$795,000 judgment for plaintiff).

EDUCATION

University of Wisconsin Law School, Madison, WI (J.D. 1992), *cum laude*,
Articles Editor, 1991 - 1992, Member, 1990 - 1991, *Wisconsin Law Review*

Carleton College, Northfield, MN (B.A., Economics with Distinction and Political Economy Concentration, 1987),
cum laude

ADMISSIONS

- Minnesota
- Wisconsin
- United States District Court - District of Minnesota, Eastern and Western Districts of Wisconsin and Eastern District of Michigan
- United States Courts of Appeals for the Sixth, Seventh, and Eighth Circuits
- United States Supreme Court
- Appeared and practiced *pro hac vice* in numerous other state and federal courts

HONORS, PROFESSIONAL AND CIVIC

Honors

- Minnesota Super Lawyer, Labor & Employment, 2014, 2015 and 2016
- Minnesota Advocates for Human Rights 2005 Volunteer Award

Professional

- Member, Minnesota State Bar Association
- Member, State Bar of Wisconsin

Civic

- Founder, Tonka United Soccer Association (1978)
- United States Soccer Federation State Grade 6 Referee
- NCAA/NISOA Certified College Soccer Referee
- The Family Partnership, Board Member (former 2007-2011)
- Edina Soccer Club, Board Member (former 2006-2009)