

## John A. Rothstein

### Retired Partner

John Rothstein focused his practice on corporate disputes, product liability, probate, and real estate matters. He represented businesses and individuals on a national and regional basis, serving as both trial and appellate counsel. Trial experience included federal and state jury trials, class actions, administrative cases, equity actions, arbitrations, and mediations. His representations included prosecution and defense of business fraud disputes, internal investigations, family business cases, construction disputes, personal injuries, wrongful death cases, and mergers and acquisitions. He has also prosecuted state and federal injunction hearings involving covenants not to compete, trade secrets, water rights, easement rights, and intellectual property disputes.

He has 20 years of insurance experience litigating coverages in: liability, director and officer coverage, errors and omissions, title, property, casualty, life, institutional crime bonds, insurance liquidations, and investor surety bonds. His product liability practice has involved significant issues of scientific engineering and related disciplines including epidemiology, immunology, medical issues, and engineering and manufacturing issues. His product liability representations have included DPT immunizations, Fen-Phen, medical nitroglycerin, Bendectin, breast implants, anesthesia machines, medical protective gloves, surgical heating equipment, medical ice chemical packs, and a host of industrial products.

### Representative Cases

- *In re Koss Shareholder Derivative Litigation*, Case No. 2010-CV-2422 (internal investigation, \$30 million embezzlement).
- *John Doe 1 v. Archdiocese of Milwaukee*, 303 Wis.2d 34, 734 N.W.2d 827 (Sup. Ct. 2007) (fraud exposure for personal injuries).
- *Hornback v. Archdiocese of Milwaukee*, 313 Wis.2d 294, 752 N.W.2d 862 (Sup. Ct. 2008) (employer liability for post-employment wrongs by ex-employee).
- *Teel v. Circuit Court for Waukesha County*, 2008 AP 272 (Wis. Ct. App. 2005) (control of family business dispute in probate/trust setting).
- *Read v. Read* (Milw. Cir. Ct.) (shareholder derivative claim in family corporation).
- *Trust of Rene von Schleinitz v. Maclay*, 2008 AP 677, 766 N.W.2d 242 (Ct. App. 2009) (interpretation of trust created by will).
- *Nowacki v. Federated Realty Group, Inc., et al.*, 36 F. Supp. 2d 1099 (E.D. Wis. 1999) (federal class action; RESPA; E&O insurance).
- *Sentry Corp. v. Harris*, 802 F.2d 229 (7th Cir. 1986) (federal securities



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- fraud; environmental discharge).
- *Stoleson v. United States*, 629 F.2d 1265 (7th Cir. 1980) (Federal Torts Claim Act).
- *Northwestern Nat'l Ins. Co. v. Donovan*, 916 F.2d 372 (7th Cir. 1990) (investor surety bond insurance).
- *Nalco Chemical Co. v. Hydro Technologies, Inc.*, 984 F.2d 801 (7th Cir. 1993) (trade secrets; covenants not to compete).
- *Prudential Ins. Co. v. Spencer's Kenosha Bowl, Inc.*, 137 Wis. 2d 313, 404 N.W.2d 109 (1986) (economic and physical waste to secured properties).

### Education and Honors

- Marquette University Law School (J.D., 1979)
  - Alpha Sigma Nu Society (Member, 1979); Alpha Sigma Nu (Inductee and Member)
  - Marquette Law Review (Lead Article Editor)
  - West Publishing Company Award (Torts and Uniform Commercial Code); American Jurisprudence Award (Insurance; Bankruptcy)
  - Class Valedictorian; Academic Scholar to the Defense Research Institute (1977–1979)
- Marquette University (B.A., 1976)

### Court Admissions


- U.S. Court of Appeals, 8th Circuit, 2003
- U.S. District Court, Northern District of Indiana, 2002
- U.S. Supreme Court, 1987
- U.S. Court of Appeals, 7th Circuit, 1980
- U.S. District Court, Western District of Wisconsin, 1979
- U.S. District Court, Eastern District of Wisconsin, 1979
- Wisconsin Supreme Court and Trial Courts, 1979

### Professional and Civic Activities

- State Bar of Wisconsin (Member, Litigation Section)
- American Bar Association (Member, Litigation Section)
- Milwaukee Bar Association (Member)

### Professional Recognition

- Recognized as *Best Lawyers*® 2018 Milwaukee Litigation - Trusts and Estates "Lawyer of the Year"
- Selected as a "2013 Leader in the Law" by the Wisconsin Law Journal
- Listed in *Best Lawyers*® (2005–present: Commercial Litigation; Litigation – Real Estate; Litigation – Trusts and Estates)

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- Selected for inclusion in the 2005–present Wisconsin Super Lawyers® lists (Business Litigation)
  - Listed in Chambers USA® (2006–present: Litigation)
  - Martindale-Hubbell AV® Peer Review Rated