

## Joshua D. Maggard

*Partner / National Vice-Chair of Commercial Litigation & Dispute Resolution Group*

Joshua Maggard is a trial and appellate litigator, and serves as the National Vice-Chair of Quarles & Brady's Commercial Litigation and Dispute Resolution Practice Group. Josh's national commercial litigation practice focuses on class action defense of consumer protection, warranty, and RICO claims, primarily within the manufacturing and sales industries; and professional liability defense of tort, contract, and malpractice claims within the insurance broker, actuarial, and legal industries. These matters typically involve complex financial issues, and require an intricate knowledge of his clients' business operations and exposures. As Co-Chair of the firm's Class Action and Complex Litigation team, and past Chair of the Professional Liability Defense team, Josh was instrumental in developing best practices and client matter management tools for the practice group, and regularly counsels his clients on avoiding and efficiently resolving litigation. In 2019, Josh was appointed to be a Fellow of the American Bar Foundation, a global honorary society of lawyers, judges, law faculty and legal scholars who have demonstrated outstanding leadership in the profession and service to society. Membership is limited to one percent of the lawyers admitted to practice in the United States.

Josh's most recent litigation and appellate experience includes:

### **Recent Commercial Litigation Matters:**

- Defending international brewer in breach of contract action in Wisconsin state court. After nine-day jury trial, the parties resolved all claims amicably.
- Representing website in tort action involving application of Communications Decency Act in Wisconsin state court. Obtained dismissal at Trial Court level, and after reversal by Court of Appeals, obtained 5-1 decision by Wisconsin Supreme Court.

### **Class Action Defense:**

- Obtaining dismissal of RICO claims in a \$300 million proposed nationwide consumer class action against a multi-level marketing company, and resolving remaining claims on a class-wide basis for transactional costs in Nevada federal court.
- Resolving a proposed statewide consumer class action against a marketing company in a suit alleging consumer practice violations for nuisance value in Wisconsin state court.
- Defeating a motion for nationwide class certification in the proposed consumer class action alleging breach of warranty and



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consumer protection violations against lighting manufacturer in Wisconsin federal court.

- Defeating the proposed nationwide class allegations of consumer protection violations and warranty claims against a vehicle manufacturer in Ohio federal court.
- Obtaining withdrawal of all class allegations in the proposed nationwide consumer class action alleging consumer protection violations against a hardware manufacturer in New Jersey state court.
- Defeating a motion for nationwide class certification alleging breach of fiduciary duty and tort claims against a mutual life insurance company in Florida federal court.
- Successfully striking nationwide class claims alleging breach of fiduciary duty and tort claims against a mutual life insurance company in California state court.

#### **Professional Liability Defense:**

- Representing a leading insurance brokerage firm in a professional liability lawsuits in state and federal courts across the country, which involve nuanced insurance issues including Defense Base Act coverage and Contingent Time Element Coverage extensions.
- Representing individual lawyers and law firms in professional liability cases in Wisconsin state courts.
- Resolving professional liability claims seeking \$33 million against an insurance broker in Florida federal and state courts, after successful motion practice limiting exposure, for \$25,000.
- Obtaining summary judgment in a \$100 million professional liability case against an insurance broker in New Jersey state court, and then successfully defending the result before New Jersey appellate and supreme courts.
- Obtaining partial summary judgment and negotiating settlement for transactional costs in a \$25 million professional liability case against an insurance broker in Florida state court.
- Obtaining dismissal with prejudice of a professional liability case brought against an airline for allegedly improper removal of passenger in Wisconsin federal court.

#### **Legal Services**

- [Professional Liability](#)
- [Class Action Defense](#)
- [ERISA Litigation](#)
- [Appellate](#)
- [Litigation & Dispute Resolution](#)
- [Financial Institutions Litigation](#)

## Education and Honors

- Ohio State University–Moritz College of Law (J.D., *cum laude*, 2006)
  - Law Review (Managing Board, 2005–2006; Staff Member, 2004–2005)
- Taylor University (B.A., 2001)

## Bar Admissions

- Wisconsin

## Court Admissions

- U.S. District Court, Eastern District of Michigan, 2017
- U.S. District Court, Western District of Wisconsin, 2012
- U.S. Court of Appeals, 7th Circuit, 2007
- U.S. District Court, Eastern District of Wisconsin, 2006

## Professional and Civic Activities

- National Vice-Chair, Quarles & Brady Commercial Litigation & Dispute Resolution
- National Co-Chair, Quarles Class Action and Complex Litigation
- Eastern District of Wisconsin Bar Association: Board Member
- National Institute for Trial Advocacy: Advocate Designation
- Fellow, American Bar Foundation
- National Chair (former), Quarles Client Matter Management committee
- National Chair (former), Quarles Professional Liability
- Membership Co-Chair (former), American Bar Association Professional Liability Litigation Committee

## Publications and Presentations

07/03/18

### "Compelling and Staying Arbitration in Wisconsin"

*Thomson Reuters Practical Law Arbitration*

07/03/18

### "Enforcing Arbitration Awards in Wisconsin"

*Thomson Reuters Practical Law Arbitration*

02/01/18

### 50-State Survey of Accounting and Auditing Liability Issues - Nevada

*American Bar Association, Professional Liability Litigation*

02/01/18

### 50-State Survey of Accounting and Auditing Liability Issues - Alaska

*American Bar Association, Professional Liability Litigation*

11/16/17

**Teaching Your Team How Attorney-Client Privilege Works and Why They Should Care**

*Waukesha County Bar Association Annual Legal Ethics Seminar*

11/10/17

**Teaching Corporate Employees How Attorney-Client Privilege Works (and Doesn't Work), and Why They Should Care**

*Quarles & Brady Annual Legal Ethics Seminar*

05/19/17

**Engage(ment letters) with Your Clients**

*American Bar Association, Professional Liability Litigation*

05/19/17

**Controlling Your Client's Discovery Costs with Proportionality**

*American Bar Association, Professional Liability Litigation*

11/19/14

**NY Courts Clarify Continuous Representation in Legal Malpractice Actions**

*American Bar Association, Professional Services Liability*

11/19/14

**FL Jury Rejects Allegations of "Special Relationship" With Insurance Broker**

*American Bar Association, Professional Services Liability*

09/02/13

**Drafting an Enforceable Limitation-of-Liability Provision**

*American Bar Association, Professional Liability Litigation*

05/01/12

**Defending (and Avoiding) Class Actions: A Practical Approach**

*Quarles & Brady Business Law Training Seminar*

03/01/12

**Five Factors that Courts Consider when Deciding Whether to Enforce Limitation of Liability Provisions in Professional Service Agreements**

*Society of Actuaries, Risk Management*

11/11/11

**From FLSA to CAFA and SLUSA: The ABCs and Ethics in Defending Mass, Collective and Class Actions**

*Quarles & Brady Annual Legal Ethics Seminar*