

## Patrick Nolan

### PARTNER

Milwaukee

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## About Patrick

### Creative, tireless and resourceful litigator

Patrick Nolan is an experienced litigator and trial lawyer who has represented companies and individuals throughout the United States and Canada. Advising clients on all phases of the litigation process, from initial claim and fact investigation to civil discovery, trial and appeal, Patrick focuses on litigation claims involving:

- **Product liability**, including personal injury, premises liability and toxic tort matters
- **Insurance coverage**
- **Indemnity agreements**
- **UCC Article 2 sales and warranty claims**
- **Professional liability**

Patrick provides strategic recommendations to his clients in the early stages of a claim, delivering and implementing a broad strategy for resolving a matter in keeping with their legal and business objectives. His clients know him to be an aggressive advocate for their interests, working with experts in a variety of disciplines to make thoughtful and persuasive arguments before judges and juries.

### Experience in Action

- **Defending product manufacturers against catastrophic personal injury and wrongful death claims**, including manufacturers of farm, aerial lift, crane, construction and aviation components and equipment, dental products and pharmaceuticals.

### Education and Honors

University of Notre Dame, Mendoza College of Business (Certificate of Executive Management, 2013)

Marquette University Law School (J.D., 1997)

- Managing Editor, Marquette Law Review, 1996-1997

Boston College (B.S., 1993)

- Honors Economics Program

The London School of Economics and Political Science (1992)

- General Course

### Bar Admissions

Wisconsin

### Court Admissions

U.S. Court of Appeals, 8th Circuit, 2012

U.S. Court of Appeals, 11th Circuit, 2012

U.S. District Court, Eastern District of Michigan, 2010

U.S. District Court, Northern District of Alabama, 2006





- **Advising clients on product recalls and related regulatory questions** that may arise before the Consumer Product Safety Commission (CPSC) and other regulatory agencies.
- **Litigating insurance coverage issues** arising from general liability, directors and officers, errors and omissions, employment practices and property-casualty insurance policies.

## Recent Success

- Resolved personal injury and product liability claims and related indemnification issues for a large national brewer.
- Defended pharmaceutical and medical device manufacturers, including obtaining summary judgment in favor of a drug manufacturer on a claim that its biologic pharmaceutical caused plaintiff's multiple sclerosis and other permanent ailments.
- Represented a medical device manufacturer on a claim that its oximetry probe failed to detect low blood oxygen levels, causing patient serious hypoxic injuries.
- Obtained summary judgment and affirmance on appeal for a dental amalgam manufacturer on claims that its amalgams caused mercury poisoning.
- Represented a large chemical manufacturer in complex toxic tort and environmental claims throughout the nation.
- Obtained substantial insurance recoveries, including both indemnity and defense costs for clients under directors and officers (D&O), employment practices liability (EPL), media liability and other claims made and professional liability policies.
- Obtained significant multi-million-dollar insurance recoveries for clients facing environmental contamination, asbestos and other long tail exposure claims.

U.S. District Court, Northern Mariana Islands, 2006

U.S. Court of Appeals, 6th Circuit, 2004

U.S. District Court, Northern District of Illinois, 2004

U.S. Court of Appeals, 7th Circuit, 1999

U.S. District Court, Eastern District of Wisconsin, 1997

U.S. District Court, Western District of Wisconsin, 1997

U.S. District Court, Southern District of Illinois, 2016

U.S. District Court, District of Colorado, 2021

U.S. Court of Appeals, 5th Circuit, 2022

## Capabilities

Insurance Coverage Litigation

Financial Institutions Litigation

Product Liability

## Professional Recognitions

- Listed in *Best Lawyers in America*<sup>®</sup> (2020-present: Product Liability Litigation - Defendants)
- Selected for inclusion in Wisconsin Super Lawyers<sup>®</sup>-Rising Stars Editions 2007-2011 (Personal Injury Defense: Products)
- Martindale-Hubbell AV<sup>®</sup> Peer Review Rated





## Professional & Civic Activities

- State Bar of Wisconsin (Member)
- American Bar Association (Member, Tort Trial Insurance Practice Section)
- Civil Trial Counsel of Wisconsin (Member)
- Defense Research Institute (Member)
- Trial Attorneys of America (Member)

## Published Opinions

- *Toomey v. MillerCoors LLC*, 86 F.Supp.3d 202 (E.D.N.Y. 2015)(dismissing plaintiff's personal injury claim after excluding plaintiff's primary liability expert under *Daubert v. Merrell Dow Pharmaceuticals*).
- *Hansen v. Texas Roadhouse, Inc.*, 2013 WI App 2, 345 Wis.2d 669, 827 N.W.2d 99 (striking plaintiff's award for punitive damages and emotional distress damages as a remedy for a breach of contract claim).
- *Cook v. MillerCoors LLC*, 872 F.Supp.2d 1346 (M.D. Fla.2012)(granting motion to dismiss plaintiff's personal injury claim allegedly arising out of tortfeasor's consumption of caffeinated alcohol beverage product).
- *Estate of Grochowske v. Romey*, 2012 WI App 41, 340 Wis.2d 611, 813 N.W.2d 687 (affirming dismissal of product liability claim against aviation component manufacturer under GARA statute of repose for alleged inadequate instructions in product's accompanying operator's manual).
- *Bennett v. MillerCoors LLC*, 838 F.Supp.2d 470 (M.D. La. 2011)(granting summary judgment dismissal of plaintiff's product defect claim based upon his failure to identify any admissible evidence to support his claims).
- *Haney v. Eaton Electrical, Inc.*, 528 F.Supp.2d 1262 (N.D. Ala. 2007)(granting summary judgment dismissal of plaintiff's product liability claim after excluding plaintiff's sole liability expert under *Daubert v. Merrell Dow Pharmaceuticals*).
- *Johnson v. Manitowoc Boom Trucks, Inc.*, 484 F.3d 426 (6th Cir. 2007) (affirming dismissal of plaintiff's product defect claim after exclusion of plaintiff's primary liability expert under *Daubert v. Merrell Dow Pharmaceuticals*).
- *Cowley v. Abbott Laboratories, Inc.*, 476 F.Supp.2d 1053 (W.D. Wis. 2007) (granting summary judgment dismissal of plaintiff's failure to warn claim for pharmaceutical product based upon causation and learned intermediary grounds).
- *Miller Brewing Company v. ACE U.S. Holdings, Inc.*, 391 F.Supp.2d 735 (E.D. Wis. 2005)(defeating motion to dismiss insurance coverage claim filed by insurers based upon doctrines of abstention and forum non-conveniens).
- *Mikula v. Miller Brewing Co.*, 2005 WI App 92, 281 Wis.2d 712, 701 N.W. 2d 613 (finding coverage under various additional insured endorsements and indemnity agreements for serious personal injury lawsuit arising out of construction project on client's premises).
- *Barnes v. Kerr Corp.*, 418 F.3d 583 (6th Cir. 2005)(affirming summary judgment dismissal of plaintiff's toxic tort claim based upon absence of causation and further holding client's warnings were adequate as a matter of law).
- *Gasper v. Parbs*, 2001 WI App 259, 249 Wis.2d 106, 637 N.W.2d 399 (clarifying the required proof for a statutory double damages claim).





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- *Sybron Transition Corporation v. Security Insurance of Hartford*, 258 F.3d 595 (7th Cir. 2001) (determining proper allocation of insurance coverage under New York law for long tail asbestos exposure claim).
  - *Stauss v. Oconomowoc Residential Programs*, 2000 WI App. 269, 240 Wis. 2d 265, 621 N.W. 2d 917 (reversing multi-million dollar judgment against client based upon defective verdict question).
  - *Steffen v. Luecht*, 2000 WI App. 56, 233 Wis. 2d 475, 608 N.W. 2d 713 (affirming dismissal of wrongful death claim based upon public policy grounds).

