



# Patrick M. Fenlon

Partner

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An experienced business litigator, Pat has tried complex commercial cases to juries and judges in state and federal courts across the country, obtaining verdicts and awards of tens of millions of dollars on behalf of his clients.

Pat's practice focuses on a broad range of business disputes, including insurance coverage, class actions, product liability, business torts, contract disputes and shareholder litigation.

## Services

- Litigation
- Insurance
- Class Actions
- Directors' & Officers' Liability & Corporate Governance

## Representative Matters

### Representative Insurance Coverage Litigation

- Regularly advises clients on a wide variety of insurance coverage matters involving commercial general liability (CGL), professional liability/errors and omissions (E&O), directors and officers (D&O) and fiduciary liability insurance policies, among others.
- Represented UnitedHealth Group in a \$25 million coverage dispute that was tried in Pennsylvania State Court to a court-appointed referee in the Reliance Liquidation, resulting in a recommended decision awarding client complete \$25 million recovery.
- Secured jury verdict, after prevailing in multiple rounds of summary judgement, in favor of Sleep Number Corporation in an insurance-coverage lawsuit against CGL insurer, resulting in recovery of unreimbursed underlying defense costs plus attorneys' fees and interest.
- Regularly handles insurance coverage disputes arising out of liability claims against policyholders alleging historic sex abuse of minors
- Handled a series of multimillion-dollar insurance coverage lawsuits venued in federal courts in Minnesota, North Dakota and Indiana arising out of underlying claims relating to the alleged defective design and construction of ethanol plants.

### Representative Class Action Litigation

- Defeated motion for class certification by a proposed class of Washington insureds who alleged that Esurance improperly considered whether an insured was at maximum medical improvement when adjusting claims for personal-injury-protection auto insurance benefits
- Defended major automobile insurer in statewide Washington class action challenging claims handling practices involving treatment of diminished-value claims
- Obtained dismissals of multiple consumer fraud class actions venued in federal courts throughout the country involving design and manufacturing defect claims against window, plumbing and mattress manufacturers and distributors.

### Other Representative Litigation

- Represented Twin City Fan Companies, Ltd., a closely held business in a lawsuit brought by a minority shareholder who was the subject of a special litigation committee investigation.
- Obtained ruling from the Minnesota Supreme Court in favor of the medical staff of Avera Marshall Regional Medical Center in a lawsuit against the hospital, setting a Minnesota law precedent that the medical staff bylaws were an enforceable contract and the medical staff had capacity to maintain the lawsuit as an unincorporated association under Minnesota Statutes Section 540.151.
- Obtained summary judgment on behalf of a Swiss medical device maker in a lawsuit brought by a licensee and domestic distributor of a device, obtaining with-prejudice dismissal of all of the licensee's claims and judgment in favor of the client on its counterclaim and affirmative defenses.

### Before Fox Rothschild

Prior to joining Fox as a partner, Pat was a partner at Oppenheimer Wolff & Donnelly LLP.

During law school, Pat was a staff member and assistant editor with the *William Mitchell Law Review*.

### Beyond Fox Rothschild

Pat served on the board of directors of Neighborhood Roots, an organization that provides the Fulton, Kingfield and Nokomis areas with farmers' markets that stock fresh, local food.

Pat is an author of the "Tortious Interference" chapter of *Business Disputes: Claims and Remedies Deskbook*, published in 2015 and updated in 2017.

### Bar Admissions

- Minnesota

### Court Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Minnesota
- U.S. District Court, Western District of Michigan
- U.S. District Court, District of North Dakota

### Education

- William Mitchell College of Law (J.D., *summa cum laude*)
- University of Colorado–Boulder (B.A.)

### Memberships

- Federal Bar Association
- Minnesota State Bar Association

## Board of Directors

- Neighborhood Roots

## Honors & Awards

- Named an "Up & Coming Attorney" by *Minnesota Lawyer* (2018)
- Named to the list of "Super Lawyers Rising Stars" for Business Litigation in Minnesota (2016-2023)\*
- Noted as a "North Star Lawyer" by the Minnesota State Bar Association for pro bono work (2013)
- Recipient, Oppenheimer Pro Bono Award (2008)

Honors & Awards page for \*Awards Methodology

## Publications

2015

### **Tortious Interference**

*Business Disputes: Claims and Remedies Deskbook*

2009

### **Tortious Interference**

*Minnesota Business Torts Deskbook Update*