



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 business torts, contract disputes, shareholder litigation, consumer class action and products defense, and insurance coverage advising and litigation.

Pat regularly advises policyholders from a variety of industries such as banking and financial services, railroad, agriculture, medical device and consumer products on insurance coverage matters involving commercial general liability (CGL), professional liability/errors and omissions (E&O), directors and officers (D&O) and fiduciary liability policies, among others.

Representative Matters

- 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.
- 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 dismissals of multiple consumer fraud class actions venued in federal courts throughout the country involving design and manufacturing defect claims against window, plumbing and bed manufacturers and distributors.
- 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.
- 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.

- 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 senior associate at Oppenheimer Wolff & Donnelly LLP.

During law school, Pat was a staff member and assistant editor with the *William Mitchell Law Review*. Prior to law school, he was an Executive Compensation & Benefits Intern at Target Corp.'s headquarters in Minneapolis.

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.

Honors & Awards

- Named an "Up & Coming Attorney" by *Minnesota Lawyer* (2018)
- Named a Minnesota "Rising Star" by *Super Lawyers Magazine* (2016-2018)
- Noted as a "North Star Lawyer" by the Minnesota State Bar Association for pro bono work (2013)
- Recipient, Oppenheimer Pro Bono Award (2008)
- Recipient of five CALI Awards for Highest Grade in Course

Practice Areas

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

Bar Admissions

- Minnesota

Court Admissions

- 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*, 2008)
- University of Colorado–Boulder (B.A., 2005)

Memberships



- Federal Bar Association
- Minnesota State Bar Association

Board of Directors

- Neighborhood Roots

Publications

2015

Tortious Interference

Business Disputes: Claims and Remedies Deskbook

2009

Tortious Interference

Minnesota Business Torts Deskbook Update