



Appellate Litigation

Reinhart's Appellate Litigation Group leverages its depth of experience and carefully honed attention to detail to guide clients through the complex appeals process. Like our extensive team of litigation attorneys, our appellate lawyers know what it takes to win.

We approach all appeals with precision and efficiency, and we understand what matters to the appellate court and how appellate judges think. We know what we need to prove to win a case and combine that perspective with superior brief writing and oral argument skills to bolster our cases.

Many of our attorneys have clerked for state and federal appellate court judges and regularly bring appeals in state, federal and specialty appellate courts around the country. We are particularly proud of the firm's long history of appellate advocacy at the state and federal level, and we leverage that institutional knowledge to help us either preserve or secure a win for our clients.

Our appellate litigators bring skill and experience to the process of examining a case at the crossroads of an appeal, analyzing it with a fresh set of eyes and navigating the complexity of issues that are raised on appeal. Over our years of trying appeals, we have been honored to create new case law. At every step along the way, we persistently work every angle of a case.

While we are capable of taking the lead in the appellate stage, our role can take many forms:

- Assisting in framing issues for appeal
- Reviewing, revising, drafting briefs and petitions for review
- Consulting on all aspects of the appeal process
- Organizing and/or participating in moot court sessions

Reinhart's Appellate Litigation Group represents clients in virtually every type of litigation, at both the state and federal level. We support the depth of the firm's practices by offering appellate litigation in nearly every practice area, with particular experience in employment law, tax, intellectual property, and product liability matters.

We also have experience trying cases before specialized, industry-specific tribunals and organizations, including the:

- U.S. Court of Appeals for the Federal Circuit
- Trademark Trial and Appeal Board (TTAB) of the U.S. Patent and Trademark Office (USPTO)
- Patent Trial and Appeal Board (PTAB) of the USPTO

- Equal Opportunity Employment Commission (EEOC)
- Securities and Exchange Commission (SEC)
- National Labor Relations Board (NLRB)
- Labor and Industry Review Commission (LIRC)
- Federal, state and local tax tribunals

Matters

- *MK International LLC v. Crown Products & Services, Inc.*, 812 Fed. Appx. 740 (10th Cir. 2020) (successfully argued to the Tenth Circuit Court of Appeals that client did not breach confidentiality agreement or the implied covenant of good faith and fair dealing in business contract).
- *Kieninger v. Crown Equipment Corp.*, 2019 WI 27, 386 Wis. 2d 1, 924 N.W.2d 172 (successfully argued to the Wisconsin Court of Appeals that state statute and regulations do not require employers to pay employees for the time they spend driving a company-provided vehicle between home and work).
- *Liebhart v. SPX Corp.*, 917 F.3d 952 (7th Cir. 2019) (successfully argued to the Seventh Circuit Court of Appeals that it should overturn the district court's interpretation of federal environmental contamination statutes).
- *Cargotec Corp. v. Logan Indus.*, 2018 WL 6695806, Case No. 14-17-00213-CV (Tex. Ct. App. Dec. 20, 2018) (successfully argued to the Texas Court of Appeals that it should reverse a \$12.7 million jury verdict on the grounds that the evidence was legally insufficient to show any amount of reasonably certain lost profits or business value caused by the defendant's alleged misuse of confidential information).
- *SD3 II LLC v. Black & Decker (U.S.) Inc.*, 888 F.3d 98 (4th Cir. 2018) (successfully argued to the Fourth Circuit Court of Appeals that plaintiff could not prevail on its fraudulent concealment claim and that the plaintiff's complaint was barred by the statute of limitations in an antitrust matter).
- *Emirat AG v. High Point Printing, LLC*, 900 F.3d 969 (7th Cir. 2018) (successfully argued to the Seventh Circuit Court of Appeals that the plaintiff was not entitled to \$700,000 in damages for an alleged breach of contract claim).
- *Bukstein v. Dean Health Sys., Inc.*, 2017 WI App 54, 377 Wis. 2d 688, 903 N.W.2d 130 (successfully argued to the Wisconsin Court of Appeals that it should reverse a \$3 million jury verdict and hold that an internal management policy did not alter the express, written at-will relationship with the plaintiff).
- *SD3, LLC v. Black & Decker (U.S.) Inc.*, 801 F.3d 412 (4th Cir. 2015) (successfully argued to the Fourth Circuit Court of Appeals that trial court properly dismissed on the pleadings numerous claims brought under the Sherman Antitrust Act).
- *Renard v. Ameriprise Fin. Servs., Inc.*, 778 F.3d 563 (7th Cir. 2015) (successfully obtained judgment in favor of a financial services firm enforcing an arbitration award).

- *Cent. States, Se. & Sw. Areas Pension Fund v. Wingra Stone Co.*, 550 F. App'x 332 (7th Cir. 2014) (successfully argued to the Seventh Circuit Court of Appeals that it should reverse the district court and hold that plaintiffs were not entitled to summary judgment on their claim for delinquent pension contributions).
- *SEC v. Bauer*, 723 F.3d 758 (7th Cir. 2013) (successfully upheld to the Seventh Circuit Court of Appeals the district court's ruling in favor of an investment company compliance officer in the first reported decisions involving allegations of insider trading in the shares of mutual funds).
- *Reliable Fire Equip. Co. v. Arredondo*, 2011 IL 111871, 965 N.E.2d 393 (successfully argued to the Supreme Court of Illinois that it should clarify the standard that Illinois courts must use when evaluating the enforceability of restrictive covenants between employers and employees).
- *Covenant Healthcare System Inc. v. City of Wauwatosa*, 2011 WI 80, 336 Wis. 2d 522, 800 N.W.2d 906 (in the course of securing an \$8.4 million refund, persuaded the Wisconsin Supreme Court that a decades-old property tax exemption applied to a modern off-campus hospital facility, permitting hospital systems to better meet the needs of patients in an evolving healthcare market while maintaining their property tax exempt status).
- *Grad v. Associated Bank, N.A.*, 336 Wis. 2d 474, 801 N.W.2d 349 (Wis. Ct. App. 2011) (successfully obtained dismissal of a \$10 million lawsuit against a financial institution alleging its negligence allowed a customer to defraud investors).
- *In re Mercury Interactive Securities Litigation*, 618 F.3d 988 (9th Cir. 2010) (successfully overturned a \$30 million attorney's fees award in the Ninth Circuit Court of Appeals, and establishing new law in class action procedure).
- *Solowicz, et al. v. Forward Geneva National*, 2010 WI 20, 323 Wis. 2d 556, 780 N.W.2d 111 (2010) (counsel for amicus curiae in significant case which determined the manner of governance for master planned communities in Wisconsin).
- *InfoCorp, LLC v. Hunt*, 2010 WI App 3, 323 Wis. 2d 45, 780 N.W.2d 178 (successfully argued to the Wisconsin Court of Appeal that under Wisconsin law, employees owe a duty of loyalty to their employers).
- *Walgreen Co. v. City of Madison*, 2008 WI 80, 311 Wis. 2d 158, 752 N.W.2d 687 (in a property tax case that was followed in many jurisdictions throughout the country, convinced the Wisconsin Supreme Court that any value added by financing leases, sale-lease backs and similar transactions should not be considered in assessing commercial property).
- *Bostco LLC v. Milwaukee Metro. Sewerage Dist.*, 2013 WI 78, 350 Wis. 2d 554, 835 N.W.2d 160 (successfully argued to the Wisconsin Supreme Court that MMSD was required to abate a private nuisance caused by its negligent maintenance of a sewage and stormwater tunnel, and that the statute placing a damages cap on municipal liability did not limit property owner's equitable relief in action to abate private nuisance).
- *First American Title Ins. Co. v. Dahlmann*, 2006 WI 65, 291 Wis. 2d 156, 715 N.W.2d 609 (successfully represented a title insurance company in a case that ruled that title insurance policy coverage is triggered by the encroachment of improvements into a neighboring street, if that encroachment is substantial, when the insurer has removed the so-called "survey" exceptions from the policy).
- *Orion Flight Services v. Basler Flight Service*, 2006 WI 51, 290 Wis. 2d 421, 714 N.W.2d 130 (successfully arguing to the Wisconsin Supreme Court that the minimum markup provision for motor vehicle fuel in the Wisconsin Unfair Sales Act does not include aviation fuel).

Key Contact



Robert S. Driscoll

rdriscoll@reinhartlaw.com

414.298.8272