

MARGO S. BROWNELL

Senior Counsel

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OVERVIEW

Margo Brownell aggressively represents top-tier corporate clients, as well as individuals, religious institutions, and nonprofit organizations. She is often retained by Fortune 100 and 500 companies to pursue coverage for class action/MDL/mass tort/product liability claims, most recently involving PFAS products, medical devices, plumbing products, pharmaceuticals, shareholder claims, and clergy abuse claims. Her advocacy has resulted in high-stakes insurance recoveries through litigation, arbitration, and negotiation in the United States and abroad.

Margo was recognized as a 2023 Attorney of the Year for her work as part of a team that provided pro bono counsel to environmental organizations in several related and complex challenges to a copper-sulfide mine project proposed to be built near the Boundary Waters. She also was awarded Attorney of the Year in 2018 for her work in helping to secure almost $200M in insurance proceeds for the settlement of the clergy abuse claims brought against the Archdiocese of Saint Paul and Minneapolis.

In addition to extensive mass tort and product liability work, Margo's broad expertise includes a wide range of insurance products and coverage areas, spanning directors' and officers' (D&O) and professional liability, antitrust and securities liabilities, employment practices liability, asbestos and other toxic torts claims, environmental liability, cyber liability, intellectual property liability, and corporate-owned life insurance (COLI) used for funding executive benefit plans, as well as other life insurance products.

In addition, Margo litigates commercial property claims, such as those arising from major catastrophic events like the terrorist attacks of 9/11 and Hurricane Katrina, as well as claims under financial institution bonds and commercial crime policies. Most recently, she has pursued COVID-19 business interruption claims and property claims arising from damage occurring in the aftermath of the George Floyd killing.

AREAS OF PRACTICE

Litigation
- Business Litigation
- Insurance Recovery
- Tort & Product Liability

Corporate & Securities
- Insurance Coverage Counseling

BAR ADMISSIONS

Minnesota

U.S. District Court
- Minnesota
- District of Columbia
- Michigan, W.D.

U.S. Court of Appeals
- Eighth Circuit
- Ninth Circuit

EDUCATION

University of Michigan Law School
J.D., *cum laude*, 2000

Barnard College, Columbia University
B.A., *cum laude*, 1984
Religion

Margo is also dedicated to helping her clients proactively minimize their commercial risks. She assists in the review, procurement, structuring, and negotiation of complex insurance programs, and advises on company-wide exposures and potential liabilities. In the mergers and acquisitions context, she advises clients on issues of long-tail liabilities, legacy insurance programs, litigation assessment, and reps and warranties coverage.

Margo is engaged with advancing both the profession and the community. Of particular note, she served as an adjunct professor of law at the University of Minnesota Law School, where she taught insurance law and founded the Insurance Law Clinic, which provides student-led representation for individuals and small businesses with insurance claims and/or coverage disputes, often on a pro bono basis for low-income individuals.

Prior to becoming a lawyer, Margo was a freelance journalist for *Newsweek International*, *The Nation*, and *The New York Observer*, among other publications. She also had the privilege of serving as a U.S. Peace Corps volunteer in Marrakech, Morocco.

SELECTED EXPERIENCE

- Represents Fortune 100 company pursuing coverage for mass tort/product liability claims relating to PFAS products.
- Lead coverage counsel for Fortune 5 company in recovery of insurance proceeds for liability arising from opioid MDL litigation.
- Lead coverage counsel for top national health insurer seeking professional liability coverage arising from claims handling litigation.
- *Life Time, Inc. et al. v. Zurich American Insurance Company*, (Minn. Dist. Court/D. Minn. 2020). Represent nearly 150 health and fitness centers seeking insurance recovery of over $130 million for COVID-19 business interruption losses throughout the United States.
- Represented Fortune 100 company in coverage dispute to obtain millions of dollars in property damage losses to nationwide chain store locations arising from the civil unrest in the aftermath of the George Floyd killing.
- *Navigators Specialty Insurance Company v. Depomed, Inc. n/k/a/ Assertio Therapeutics, Inc.* (N. D. Cal. 2019). Lead coverage counsel for opioid manufacturer seeking coverage under life sciences product liability policies for hundreds of opioid lawsuits brought as part of the nationwide opioid litigation.
- Lead U.S. coverage counsel for Nordic manufacturing company in dispute brought in international arbitration against a European insurer over coverage for product liability under European Master Policy (2018 and current).
- Represented a Fortune 500 company in obtaining coverage under its multimillion-dollar tower of D&O insurance for the settlement of a securities class action lawsuit (2018).
- *Noetic Specialty Ins. Co. v. Medtronic plc* (E.D. VA. 2018). Counsel for Medtronic in dispute relating to coverage for Covidien vaginal mesh product liability litigation. Successfully resolved through settlement.
- *UnitedHealth Group Incorporated v. Executive Risk Specialty Insurance Company*, 870 F.3d 856 (8th Cir. 2017). Served as appellate counsel for UnitedHealth Group in insurance coverage dispute relating to allocation between covered and uncovered claims in underlying antitrust litigation.
- *In re: Archdiocese of Saint Paul and Minneapolis* (Bankr. D. Minn. 2015). Court-appointed Special Insurance Counsel for over 100 parishes sued in hundreds of clergy abuse lawsuits, as part of the Archdiocese Chapter 11 reorganization. Obtained tens of millions of dollars in insurance coverage settlements under missing insurance policies, which settlements were part of the $210 million settlement of Archdiocese and Parish clergy abuse claims, and represented the largest settlement by a diocese in bankruptcy to date in the United States.
- *States Self-Insurers Risk Retention Group, Inc. v. City of Waukegan, et al.*, No. 1:2017cv01028 (N.D. Ill. 2018). Lead counsel for States RRG in coverage litigation regarding Waukegan's claim for $15 million in insurance coverage for its liability to compensate a man who was falsely imprisoned for 20 years and then released after being exonerated by DNA evidence. Obtained dismissal of Waukegan's claim through an early motion for judgment on the pleadings.

- *Zurich American Ins. Co. v. Uponor North America, Inc. et al*, Case No. 19HA-CV-13-4791 (Dakota County Dist. Ct. 2013). Lead counsel for Uponor North America, Inc. in complex coverage action brought by Zurich against Uponor and its other primary insurers seeking a declaration of no coverage for liability claims brought against Uponor in class action litigation arising from alleged defects in Uponor's yellow brass plumbing fittings installed in homes and condominiums nationwide. Successfully resolved through mediation and settlement.
- *Avon State Bank v. BancInsure, Inc.*, 787 F.3d 952 (8th Cir. 2015). Lead counsel for Avon State Bank in successful federal district court case and Eighth Circuit appeal involving coverage dispute under a Fidelity Bond for the Bank's liability to third parties arising from an employee's misappropriation of Bank funds in furtherance of a Liberian advance-money scheme.
- *Charles Dugan, Jr. v. Supervalu, Inc. et al.*, Case No. 27-CV-13-1906 (Hennepin County Dist. Ct. 2013). Successfully represented Supervalu in dispute regarding rights to ownership and benefits under corporate-owned life insurance policies. Case settled prior to final adjudication.
- *National Union Fire Ins. Co. of Pittsburgh, P.A. v. Donaldson Company, Inc.*, Case No. 10-CV-4949 (D. Minn. 2010). Represented Donaldson Company, Inc. in suit by insurer seeking to recoup millions of dollars insurer contributed to settlement of underlying product liability litigation against Donaldson under a commercial general liability policy with a batch clause endorsement.
- *U.S. Bank National Association v. Federal Insurance Company*, 2010 WL 3928123 (W.D. Mo., Oct. 4, 2010). Lead coverage counsel for U.S. Bank in its capacity as trustee of creditors' trust in the Chapter 11 reorganization of Interstate Bakeries Corporation (IBC), in coverage action against Federal Ins. Co. and five excess insurers arising from the insurers' denial of coverage under IBC's directors and officers liability policy for alleged wrongful acts of IBC's former CFO.
- *OneBeacon American Ins. Co. v. Cortiva Midwest LLC, et. al,* Case No. 2:09-CV- 04950-SRC-MAS (D.N.J. 2010). Successfully represented New Jersey-based company that owns spas and massage schools nationwide in litigation arising from insurer's denial of coverage for class action lawsuit alleging Cortiva's violations of the Fair and Accurate Credit Transactions Act. Coverage action settled prior to final adjudication.
- *Premier Pet Products, LLC v. Travelers Property Cas. Co. of America*, 678 F. Supp. 2d 409 (E.D. Va. 2010). Represented company that manufactures dog-training collars in insurance dispute over whether its trademark infringement liability was covered under the Advertising Injury provisions of its commercial general liability policy. Case ultimately settled prior to final adjudication.
- *General Cas. Co. of Wisconsin v. Wozniak Travel, Inc.*, 762 N.W.2d 572 (Minn. 2009). Successfully represented group of Minnesota commercial policyholders as amicus curiae in a case certified to the Minnesota Supreme Court on the question of whether the advertising injury coverage of Wozniak Travel Inc.'s commercial general liability policy covered trademark infringement liability.
- *State Farm Fire and Cas. Co. v. Universal Recovery Systems, et al.*, Case No. 62-CV-08-2253 (Hennepin County Dist. Ct. 2008). Successfully represented Minnesota company in dispute against State Farm for coverage under a commercial general liability policy for a lawsuit alleging tortious interference with contract. Case settled favorably for client prior to final adjudication.
- *Bourgeois v. American Family Mut. Ins. Co.*, Case No. 27-CV-07-3134 (Hennepin County Dist. Ct. 2008). Obtained jury verdict for homeowner in coverage action against American Family for progressive water damage loss to the Bourgeois home.
- *Florists' Mut. Ins. Co. v. Wagners Greenhouses, Inc.*, 535 F. Supp. 2d 947 (D. Minn. 2008). Lead counsel for horticultural company in coverage dispute arising from whether claims for the sale of diseased plants was covered under the company's products/completed operations coverage of its commercial general liability coverage.
- *Wilsons The Leather Experts, Inc. v. Peter J. Paek and Federal Insurance Company*, Court File No. 07-2315 (D. Minn. 2007). Successfully represented Wilson's leather in litigation against Federal Insurance Company for coverage arising under commercial crime policy for losses due to employee kickback scheme. Case settled prior to final adjudication.

- *Kean Argovitz Resorts v. Willard Smith v. Lakes Entertainment*, 2000-15830 (80th Dist. Ct., Harris County, Tex. 2005). Obtained jury verdict in favor of publicly traded entity in the business of financing and managing Indian gaming operations in a dispute with joint venture partners and others seeking to unwind two significant projects under a fraudulent conveyance theory.
- *LeMond Cycling, Inc., et al. v. PTI Holding, Inc.*, Case No. 03-5441 (D. Minn. 2005). Obtained $3.5 million jury verdict for three-time Tour de France champion Greg LeMond in a dispute over PTI's breach of a licensing agreement involving the licensing and branding of a line of LeMond bicycle accessories.
- *Industrial Risk Insurers, Inc. v. Port Authority of New York and New Jersey*, Case No. 02 Civ. 7170 (S.D.N.Y. 2002). Represented insurer in World Trade Center subrogation litigation over issues of negligent design and operation of high-rise office building on World Trade Center site.
- *Factory Mutual Ins. Co. v. Ford Motor Co.* (Arbitration Proceeding, 2002). Represented insurer in $300 million subrogation action involving catastrophic explosion at Rouge Powerhouse in Dearborn, Michigan.
- *American Foods Group, Inc. v. Supervalu, Inc.* (American Arbitration Association Proceeding, 2001). Represented Supervalu, a national food distributor, in dispute over cause and liability for e. coli contamination of beef products and resulting personal injuries.

Pro Bono

- Pro bono litigation, including a major court victory in August 2023, regarding copper-sulfide mining project: Margo serves on a team of Maslon lawyers providing pro bono counsel to environmental organizations in several related and complex challenges to a copper-sulfide mine project proposed to be built within the Lake Superior watershed near the Boundary Waters. Representative case: *Matter of ... Proposed NorthMet Project St. Louis County Hoyt Lakes and Babbitt Minnesota,* 993 N.W.2d 627 (Minn. Aug. 2, 2023).

LEADERSHIP & COMMUNITY

- Friends of the Boundary Waters Wilderness: Board of Directors 2013-2021; Chair 2018-2019; Vice Chair 2017-2018
- American College of Coverage Counsel: Fellow 2020-Present
- American Bar Association: Insurance Coverage Litigation Committee, D&O Subcommittee 2023-2024; Tort Trial & Insurance Practice Group, Chair 2005-2006; Business Litigation Committee
- Minnesota State Bar Association: Civil Litigation Section, Civil Jury Instruction Guide (JIG) Subcommittee on Insurance Law
- Global Rights for Women: Founding Member
- Minnesota Women Lawyers: Board of Directors 2005-2007; Leadership Committee, Co-Chair 2003-2004; Professional Development Committee, Co-Chair 2002-2003
- American Bar Foundation: Fellow 2006-Present
- Trial Lawyers for Public Justice
- Hennepin County Bar Association
- Minnesota Food Co-op Boards (MNFCB): Co-Founder and Steering Committee Member
- Barnard College: Admissions Interviewer since 2004
- University of Minnesota Law School: former Adjunct Professor, Insurance Law
- Linden Hills Co-op: Board of Directors 2010-2012

SELECTED HONORS

- **Attorney of the Year***, Minnesota Lawyer*, 2023
- **2022 Minnesota Icon Award,** *Finance & Commerce (The Minnesota Icon awards recognize individuals with proven success throughout a lengthy and accomplished career. These honorees are leaders in their field who have been active in their communities and in mentoring the next generation.)*

- **Recognized as a Litigation Star by Benchmark Litigation**, 2020-2025
- **Attorney of the Year**, *Minnesota Lawyer*, 2018
- **North Star Lawyer**, Minnesota State Bar Association, 2018-2020 *(North Star Lawyer is a designation that recognizes members who provide 50 hours or more of pro bono legal services in a calendar year.)*
- **2018 Women in Business Award Winner**, *Minneapolis/St. Paul Business Journal*
- **Recognized on Minnesota Super Lawyers® list**, 2017-2026 (*Minnesota Super Lawyers® is a designation given to only 5% of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*)
- **Top Women Attorneys in Minnesota® list**, 2018-2025 *(The annual edition of the Top Women Attorneys in Minnesota list features attorneys selected for the previous year's Minnesota Super Lawyers® and Rising Stars lists.)*
- **Selected for inclusion in *The Best Lawyers in America*®**, 2021-2027
- **Recognized as a Top Lawyer**, *Minnesota Monthly*, 2022-2024 (The research for the Top Lawyers list, created by Professional Research Services, is based on an online peer-review survey sent to all attorneys in Minnesota.)

SELECTED PRESENTATIONS

- "Insurance Coverage 101," panelist, ACC MN Manufacturing Summit Sponsored by Maslon LLP, 2024
- ACC MN Manufacturing Summit Sponsored by Maslon LLP
- "Defense Cost Management and Data Collection in Mass Tort Litigation," co-presenter, American Bar Association Litigation Section Insurance Coverage Litigation Committee CLE Seminar, 2024
- "To Pull or Not to Pull the Acquisition Trigger?" panelist, Insurance Coverage Litigation Committee CLE Seminar, American Bar Association, 2022
- "Can You Climb the Excess Tower and Enjoy the View from Up There?" panelist, American College of Coverage Counsel, 2021
- "'Occurrences' and 'Wrongful Acts': One Plus One Does Not Always Equal Two," panel member, Insurance Coverage Litigation Committee CLE Seminar, American Bar Association, 2018
- "Our Lips Are Sealed ... Until They're Not: The Attorney-Client Privilege and Work Product Doctrine In Insurance Claims Disputes and Tripartite Relationships," panel member, 2017 Insurance Coverage Litigation Committee CLE Seminar, American Bar Association Section of Litigation, 2017
- "Covered vs. Uncovered Claims: Navigating Allocation in Mixed-Claim Scenarios," panelist, 2016 Insurance Coverage Litigation Committee CLE Seminar, American Bar Association Section of Litigation, 2016
- "Managing Your General Liability Exposures," panel member, Minnesota Risk Insurance Management Society, 2015
- "Key Issues to Watch For in 2015," Insurance Law Institute, Minnesota CLE, 2015
- "Drafting Insurance Clauses for Real Estate Document," 2014 Real Estate Institute, Minnesota CLE
- "Fidelity Bonds: Advocating Direct Loss from Employee Theft, Fraudulent Transactions and Other Covered Events," webinar, Strafford Publications, 2014
- "Insurance Law Deskbook: Directors and Officers Liability Insurance," webcast, Minnesota CLE, 2013
- "When Disaster Strikes – Why Understanding Insurance Really Matters," Real Estate Institute, Minnesota CLE, 2012
- "Drafting Insurance Law Clauses for Real Estate Documents," MSBA Real Property Law Section, Minnesota CLE, 2011
- "Managing Your Network Liability Risk: Ensuring – and Insuring – Against Data Breaches in the 'Cyber' Age," 2011 Computer and Technology Law Institute, Minnesota CLE, 2011
- "Managing Your Network Liability Risk: Insurance Coverage for Data Breaches in the 'Cyber' Age," Minnesota CLE, 2011
- "Key Topics in Directors & Officers Liability Insurance," *Minnesota Insurance Law Deskbook* Seminar, Minnesota CLE, 2011

- "Insurance for Employment Lawyers – (Just About) Everything You Need to Know about Insurance Coverage But Were Afraid to Ask," Employment Law Mini-Series Webcast, Minnesota CLE, 2010
- "Improve Your Insurance IQ: An Overview of Common Commercial Policy Forms and Basic Insurance Principles," Minnesota CLE, 2010
- "Shifting Fiduciary Duties in Troubled Economic Times," Maslon Speaker Series, 2009

SELECTED PUBLICATIONS

- "Directors and Officers Liability Insurance," co-author, *Minnesota Insurance Law Deskbook*¸ Minnesota CLE, 2025
- Property Insurance Quick Reference
- Liability Insurance Quick Reference
- *Minnesota Insurance Law Deskbook, 5th Edition*, Minnesota CLE, 2021 Chapter Update
- Chapter 23, "Directors and Officers Liability Insurance," co-author, *Minnesota Insurance Law Deskbook*, Minnesota CLE, 4th ed. (2017 update)
- "The Rise of Credit Card Data Breaches: The Thieves Among Us," 2014 Cyber Security Summit, 2014
- "An 'Accident' Waiting to Happen: The Rise and Fall of the Business Risk Doctrine," *The Hennepin Lawyer*, November 2013
- "The Rise of Credit Card Data Breaches: The Thieves Among Us," co-author, *Minnesota Lawyer*, June 1, 2012; *ON Litigation*, Vol. 3, Summer 2011
- "Directors' and Officers' Liability Insurance," co-author, *Minnesota Insurance Law Deskbook*, 4th ed. (2011)
- "A good faith effort toward a bad faith law?," *ON Litigation*, Vol. 1, Spring 2009
- "Recent Developments in Business Torts Law," co-author, 37 *Tort & Ins. L.J.* 323 (2001-2002)
- "Getting Something Back: Subrogating After the Catastrophe," American Bar Association, Torts and Insurance Practice Section Seminar, 2001
- "Who is an Indian? Searching for an Answer to the Question at the Core of Federal Indian Law," 34 *U. Mich. J.L. Reform* 275 (2000)