



## BASSFORD REMELE

Mark R. Bradford  
SHAREHOLDER



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**PRACTICE GROUPS**  
Appellate Practice  
Commercial Litigation  
Insurance Coverage  
Professional Liability/  
Claim Prevention

### OVERVIEW

Mr. Bradford is an accomplished appellate lawyer with additional focuses in commercial, insurance coverage, and professional-liability litigation. He regularly advocates for Fortune 500 clients, law firm clients, and many others in appeals stemming from diverse areas of law.

Having argued a substantial number of cases before appellate and supreme courts across the Midwest, Mr. Bradford leverages his procedural and strategic knowledge to efficiently bring resolution to clients' disputes. He was part of a trial and appellate team who obtained an \$800 million arbitration award against a large computer device company, which was affirmed by the Minnesota Supreme Court. He was also part of an appellate team who achieved a reversal of a \$52.5 million verdict against an insurer, and a trial team who achieved a \$21.6 million verdict against a railroad in a wrongful death case.

Mr. Bradford is chair of Bassford Remele's Appellate Practice Group and recently served on the firm's Board of Directors. He is a member of the American Academy of Appellate Attorneys and the American Board of Trial Advocates, and a Fellow of the International Society of Barristers. Mr. Bradford teaches appellate advocacy as an adjunct professor at the University of St. Thomas School of Law.

### EDUCATION & ADMISSIONS

#### Education

DePaul University College of Law, J.D., *summa cum laude*, 2003  
Beloit College, B.A., *cum laude*, 1999

#### Bar Admissions

- U.S. Court of Appeals, Eighth Circuit
- U.S. District Court, District of Minnesota
- U.S. District Court, Eastern District of North Dakota
- U.S. District Court, Eastern District of Wisconsin
- Minnesota

### EXPERIENCE

#### Representative Cases

#### Appellate Decisions

#### Minnesota Supreme Court

- Obtained reversal of Court of Appeals decision holding that failure to allocate covered and uncovered damages rendered *Miller-Shugart* agreement unreasonable as a matter of law; *King's Cove Marina, LLC v. Lambert Commercial Constr., Inc.*, 958 N.W.2d 310 (Minn. 2021). Argued.
- Obtained affirmance of Court of Appeals decision rejecting discovery rule for accrual of cause of action in asbestos-exposure wrongful-death action; *Palmer v. Walker Jamar Co.*, 945 N.W.2d 844 (Minn. 2020). Argued.
- Obtained reversal of Court of Appeals decision in case establishing that FELA does not preempt Minnesota's post-judgment interest statute; *Alby v. BNSF Ry. Co.*, 934 N.W.2d 831 (Minn. 2019). Argued.
- Represented local government in matter involving challenge to city's transition to organized system of solid waste collection; *Clark v. City of St. Paul*, 934 N.W.2d 334 (Minn. 2019). Argued.

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- Obtained affirmance of Court of Appeals decision concluding that Minnesota Fair Labor Standards Act provides private cause of action for wrongful termination based on employee's alleged failure to share tips; *Burt v. Rackner, Inc.*, 902 N.W.2d 448 (Minn. 2017). Argued.
- Obtained reinstatement of \$630 million arbitration award for computer-device company; *Seagate Tech. v. W. Digital Corp.*, 854 N.W.2d 750 (Minn. 2014).
- Case established extent of insurer's duties to "color match" damaged property to undamaged property; *Cedar Bluff Townhome Condominium Ass'n, Inc. v. American Family Mut. Ins. Co.*, 857 N.W.2d 290 (Minn. 2014). Argued.
- Obtained affirmance of summary judgment on behalf of medical-records provider on grounds that Minnesota Health Records Act does not confer private cause of action; *Larson v. Northwestern Mutual Life Ins. Co.*, 855 N.W.2d 293 (Minn. 2014). Argued.
- Obtained reversal of Court of Appeals' decision and achieved reinstatement of wrongful-death verdicts in consolidated railroad-crossing case on behalf of family of decedent client; *Frazier v. Burlington N. Santa Fe*, 811 N.W.2d 618 (Minn. 2012).

**Minnesota Court of Appeals**

- Obtained affirmance of summary judgment on legal-malpractice claims and statutory-fraud claims. Argued.
- Obtained affirmance of jury verdict and corresponding judgment of \$1.9 million in breach-of-contract action; *Vermillion State Bank v. Tennis Sanitation, LLC*, --- N.W.2d --- (June 29, 2020). Argued.
- Obtained affirmance of defense verdict in case involving claims of usurpation of corporate opportunity and breach of fiduciary duty. Argued.
- Represented client pro bono and obtained reversal of order denying client's petition for harassment restraining order. Argued.
- Obtained affirmance of probate decision. Argued.
- Obtained reversal of district court order dismissing client's contract claims on summary judgment. Argued.
- Represented insurer in appeal from summary-judgment order and obtained affirmance of dismissal of bad-faith claims. Argued.
- Represented company in appeal from jury verdict in asbestos-related wrongful-death action. Argued.
- Obtained reversal of district court order denying advancement of fees to members of limited-liability company who were named as defendants in case seeking millions in damages. Argued.
- Represented company in appeal from bench trial in case involving claims for breach of commercial lease. Argued.
- Obtained reversal of district court order dismissing client's wrongful-termination claim in case establishing that Minnesota Fair Labor Standards Act provides cause of action for wrongful termination based on alleged refusal to share tips; *Burt v. Rackner, Inc.*, 882 N.W.2d 627 (Minn. App. 2016). Argued.
- Obtained affirmance of personal representative's decision to settle litigation over dissent from beneficiary; *In re Estate of Brian K. Johnson*, 878 N.W.2d 510 (Minn. App. Apr. 25, 2016). Argued.

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- Represented injury party in appeal from jury verdict in personal-injury action based on violations of district court's orders on motions *in limine*. Argued.
- Obtained reversal of district court's grant of preliminary injunction against non-party in action to enforce non-competition covenants. Argued.
- Represented attorney in appeal from dismissal of legal-malpractice claims. Argued.
- Represented individual in appeal from civil-contempt order. Argued.
- Obtained affirmance of jury verdict finding that defendant tortiously interfered with employment contract. Argued.
- Obtained affirmance of district court's denial of summary judgment to defendant based on qualified immunity. Argued.
- Obtained reversal of grant of summary judgment in subrogation action involving fatal propane explosion. Argued.
- Obtained affirmance of grant of summary judgment to sellers in non-disclosure action involving sale of real estate. Argued.
- Obtained affirmance of trial court's award of money damages to client in real-estate development case under promissory-estoppel theory. Argued.
- Obtained affirmance of grant of summary judgment to insurer in declaratory judgment action. Argued.
- Obtained reversal of grant of summary judgment to defendant corporation in fraudulent-transfer case. Argued.
- Part of trial team who obtained \$630 million award for computer device company in case involving theft and misappropriation of trade secrets) (affirmed on appeal; *Seagate Tech. v. W. Digital Corp.* (2012)).
- Obtained affirmance of grant of summary judgment to landowner in premises-liability case involving substantial injuries. Argued.
- Obtained reversal of grant of summary judgment against taconite company in case involving damage to mining equipment; *Driscoll v. Standard Hardware, Inc.*, 785 N.W.2d 805 (Minn. App. 2010). Argued.
- Obtained reversal of district court's refusal to enforce arbitration clause in real-estate purchase contract. Argued.
- Obtained affirmance of district court's denial of defendant's motion to dismiss based on lack of personal jurisdiction. Argued.
- Obtained affirmance of district court's enforcement of anti-assignment clause in insurance contract; *Star Windshield Repair, Inc. v. Western Nat'l Ins. Co.*, 744 N.W.2d 237 (Minn. App. 2008). Argued.
- Appeal from dismissal of claims under Magnuson-Moss Warranty Act. Argued.
- Obtained affirmance of district court's order dismissing claims against client in summary judgment. Argued.

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### **United States Court of Appeals for the Eighth Circuit**

- Represented client pro bono in appeal from denial of habeas corpus petition; *Rhodes v. Smith*, 950 F.3d 1032 (8th Cir. 2020). Argued.
- Obtained affirmance of dismissal of claims against medical examiner pursuant to *Heck* doctrine. Argued.
- Obtained dismissal of appeal based on jurisdictional grounds in case involving suit-limitation clause in insurance policy. Argued.
- Obtained reversal of denial of summary judgment on behalf of police officer and employer on grounds of qualified immunity; *Meehan v. Thompson*, 763 F.3d 936 (8th Cir. 2014). Argued.

### **Iowa Court of Appeals**

- Obtained reversal of summary judgment dismissing client's contribution claims in case arising out of death following discharge of anhydrous ammonia; *Shaw v. PGI, Inc.*, 882 N.W.2d 512 (Iowa App. 2016). Argued.
- Obtained affirmance of defense verdict against challenge to jury instructions in case involving industrial fire; *Tamco Pork II, LLC v. Heartland Co-op*, 870 N.W.2d 687 (Iowa App. 2015). Argued.

### **Court of Appeals of Wisconsin**

- Obtained reversal of summary judgment order dismissing client's affirmative claims based on *res judicata*; *Hull v. Gluwwie*, 931 N.W.2d 266 (Wis. App. 2019). Argued.

### **Trials**

- Obtained jury defense verdict against assertion of claims for malicious prosecution, abuse of process, fraud, unjust enrichment, civil conspiracy, and punitive damages.
- Obtained defense verdict for Oklahoma energy company in jury trial involving alleged tortious interference with frac-sand mining contract and claimed damages exceeding \$60 million.
- Obtained verdict for global medical-device company client arising out of breach of contract for a specified term of employment.
- Part of trial team who obtained \$630 million award for computer device company in case involving theft and misappropriation of trade secrets (affirmed on appeal; *Seagate Tech. v. W. Digital Corp.* (2012)).
- Obtained \$1.4 million verdict for client in jury trial involving tortious interference with contract for a specified term of employment on behalf of global medical-device company client.
- Obtained \$2.4 million recovery for breach of buyout agreement involving casino-development project near Sacramento, Calif. on behalf of individual real-estate developer.
- Obtained \$4.9 million jury verdict for client in fraudulent-transfer case on behalf of individual entrepreneur client.
- Obtained defense verdict for Nebraska trucking company in bench trial involving alleged employment discrimination.
- Obtained defense verdict for premises owner in just trial involving alleged personal-injuries on behalf of landlord.

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**Publications**

- *Moving Toward Improved Legal Writing*, author, Minnesota Defense, Vol. 1, Issue 1, Spring 2012
- *Products Liability Defenses, A State-by-State Compendium (Minnesota Chapter)*, author, DRI, 2007
- *The Interplay Between Contractual Indemnity Provisions and Liability Insurance*, author, DRI Construction Defect Compendium, 2007
- *Who's on the Risk? Allocating Damages Among Insurers in Construction Defect Claims*, author, Minnesota Defense, Summer 2006
- *An Introduction to Race as Proxy*, author, 53 DePaul L. Rev. 929 (2004)

**Seminars**

- *Reviewing Damages and Fee Awards on Appeal – Standards and Considerations*, presenter, Remedies & Damages in Commercial Litigation, Minnesota Continuing Legal Education, July 30, 2021
- *Preserving Error: Are All Those Objections Really Necessary?*, presenter, Minnesota Defense Lawyers Association, Duluth, MN, August 17, 2019
- *Voir Dire*, presenter, Jurors Live, Pulling the Curtain Back, 2018 Trial Advocacy Seminar, Robins Kaplan, Minneapolis, MN, October 9, 2018
- *Preserving the Record for Appeal*, panelist with the Honorable James A. Moore, Fourth Judicial District, the Honorable Peter M. Reyes, Jr., Minnesota Court of Appeals, and Kay Nord Hunt, Lommen, Abdo, Candid Conversations, Bench and Bar Committee, Hennepin County Bar Association, Minneapolis, MN, April 17, 2018
- *10 Tips and Techniques for Winning on Appeal*, presenter, Mid-Winter Conference, Minnesota Defense Lawyers Association, Walker, MN, February 10, 2017
- *Protecting the Record: Appellate Considerations for District Court Litigation*, panelist with the Honorable Heidi Schellhas and the Honorable Larry Stauber, Minnesota Court of Appeals, Hennepin County Bar Association, Minneapolis, MN, September 20, 2016
- *Clarity in Award Writing*, presenter, American Arbitration Association webinar, Minneapolis, MN, August 23, 2016
- *State of the Courts and Keys to Effective Advocacy*, panelist with Justice Natalie E. Hudson and Judge Denise D. Reilly, Minnesota State Bar Association, Nine Days in June Annual Convention, Mankato, MN, June 21, 2016
- *Nine Keys to a Successful Appellate Brief*, presenter, Minnesota CLE, Minneapolis, MN, December 9, 2015
- *How to Succeed on Appeal: 10 Tips and Techniques*, presenter, Minnesota CLE, Minneapolis, MN, December 16, 2014
- *Amicus Briefs: How to Find (and Be) "Friends of the Court,"* panelist with Chief Justice Lorie Skjerven Gildea, Solicitor General Alan Gilbert and ACLU-MN Legal Director Teresa Nelson, Minnesota State Bar Association, Appellate Practice Institute, Minneapolis, MN, March 14, 2014
- *Negotiating Claims with Insurance Companies*, presenter, National Business Institute, Minneapolis, MN, January 21, 2014 and May 21, 2013

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- *Recent Appellate Cases*, panelist with Justice G. Barry Anderson and Judge John R. Rodenberg, Minnesota State Bar Association, Nine Days in June Annual Convention, Mankato, MN, June 13, 2013
- *What You Need to Know About Coverage Law*, presenter, Mid-Winter Conference, Minnesota Defense Lawyers Association, Nisswa, MN, February 10, 2013
- *Recent Appellate Cases Every Lawyer Should Know: A Review of Significant Minnesota Appellate Decisions That Will Affect Your Practice*, panelist with Justice G. Barry Anderson and Judge Terri J. Stoneburner, Minnesota State Bar Association, Nine Days in June Annual Convention, June 13, 2012
- *Appeals: Can I Appeal? Should I? How?*, presenter, Minnesota State Bar Association, Minneapolis, MN, May 30, 2012
- *Settlement Agreements*, presenter, Hennepin County Bar Association, Minneapolis, MN, October 10, 2011
- *Coverage Disputes*, presenter, Construction Insurance and Disputes Seminar, National Business Institute, Minneapolis, MN, May 26, 2010
- *First-Party Bad Faith*, presenter, Minnesota Insurance Law Today Seminar, Minnesota State Bar Association, Minnesota CLE, Minneapolis, MN, June 17, 2009

**PROFESSIONAL & CIVIC**

**Professional Achievements**

- American Academy of Appellate Lawyers
- American Bar Association, Fellow
- American Board of Trial Advocates, Member
- Douglas K. Amdahl Inn of Court
- International Society of Barristers, Fellow
- Minnesota Supreme Court Advisory Committee on the Rules of Civil Appellate Procedure, Appointed Member, 2013-present

**Bar Associations**

- Association of the Bar of the United States Court of Appeals for the Eighth Circuit
- American Bar Association
  - Litigation Section
- Minnesota State Bar Association
  - Appellate Practice Section, former Appellate Council Member
  - Civil Litigation Section
- Hennepin County Bar Association

**Professional Associations**

- Defense Research Institute
- Minnesota Defense Lawyers Association
  - Insurance Law Committee, Co-Chair, 2011-2016
- Minnesota Supreme Court Historical Society
  - Treasurer, 2019-present

**Civic Involvement**

- University of St. Thomas School of Law
  - Adjunct Professor, Appellate Advocacy, 2012-present
  - Mentor, 2010-present
- Prodeo Academy, tutor, 2015-present

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**ACCOLADES**

**Honors & Awards**

- Ranked Lawyer, *Chambers and Partners*, Appellate, 2020-present
- *The Best Lawyers in America*®; Appellate Practice, 2018-present; Commercial Litigation, 2019-present
- Top Lawyer, *Minnesota Monthly*, Appellate Law and Commercial Litigation, 2022
- Rated AV Preeminent® by Martindale-Hubbell®
- North Star Lawyer, Minnesota State Bar Association, 2019-2021
- Minnesota Super Lawyers Top 100 list, *Super Lawyers*, 2018, 2019, 2020 and 2021
- Minnesota Super Lawyers list, *Super Lawyers*, 2014-present
- Minnesota Rising Stars list, *Super Lawyers*, 2007-2013
- Up and Coming Attorney, *Minnesota Lawyer*, 2009