

# SETH E. DIZARD JOINS THE NATIONAL ASSOCIATION OF FEDERAL EQUITY RECEIVERS

Seth E. Dizard of O’Neil, Cannon, Hollman, DeJong and Laing S.C. has joined the National Association of Federal Equity Receivers as an Associate Member. NAFER’s mission is to provide a forum for federal equity receivers to consult with one another regarding the legal and practical issues they face in order to develop best practices and common solutions. The goal of NAFER is to improve the quality, standardization, and expertise in the receivership field, to make it possible for those choosing receivers to do so with confidence.

As the head of the firm’s Banking and Creditors’ Rights Practice Group, Seth E. Dizard regularly serves as a court-appointed receiver throughout the State of Wisconsin for businesses, construction projects, real estate developments, marital and family estates, rental income properties, and high net worth individuals. He also represents financial institutions, secured and unsecured corporate or individual creditors, and financially troubled corporations in both state and federal courts. He also assists business owners by guiding them through the process of informal financial work-outs and refinancing. Seth has extensive experience serving as court-appointed receiver, and representing court-appointed receivers, throughout the state in assignments for the benefit of creditors (Chapter 128 Receiverships), in addition to real estate foreclosures, the winding-up of closely held corporations, and complex post-judgment collection matters. Since joining the firm in 2007, he has managed and transitioned over \$100,000,000 in assets. Seth also assists clients with the acquisition or disposition of businesses and/or business assets in insolvency proceedings, as well as representation of both secured and unsecured creditors in bankruptcy proceedings across the country.

By becoming NAFER’s first Wisconsin-based member, Seth is expanding upon his experience as court-appointed receiver to better serve those seeking his service and expertise.

Our firm is proud of Seth’s admission to NAFER, and of the recognition by this highly respected national organization of Seth’s reputation and substantial experience acting as court-appointed receiver.

You can contact Seth by phone at 414-276-5000 or by email at [seth.dizard@wilaw.com](mailto:seth.dizard@wilaw.com)

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## SLAWINSKI WINS APPEAL

In a recent article published by *The Daily Journal*, attorney [Steve Slawinski](#) successfully represented a client countering an appeal regarding the 833 East curtain wall work. The client was pleased with the results of the case as Slawinski stated “Permasteelisa believes that the decisions of both the district court judge and the 7th Circuit were the correct decisions.”

Mr. Slawinski has been representing clients in complex construction, business, and real estate litigation for 30 years and was named one of the “Wisconsin’s Top Construction Attorneys” by *The Wisconsin Law Journal/Daily Reporter*.

Read the full article [here](#).

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## **ATTORNEY GRANT C. KILLORAN RE-ELECTED TO THE AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES**

The law firm of O’Neil, Cannon, Hollman, DeJong and Laing S.C. is pleased to announce that [Grant C. Killoran](#) has been re-elected by the State Bar of Wisconsin Board of Governors to serve another two-year term as one of the State Bar of Wisconsin’s five Delegates to the American Bar Association House of Delegates.

Established in 1936, the House of Delegates has over 500 members and its actions become the official policy of the ABA, the nation’s largest lawyer association. Control and administration of the ABA is vested in the House of Delegates, which serves as the ABA’s policy making body.

Mr. Killoran has served as a Delegate to the ABA House of Delegates since 2014. He also served as a Delegate from 1997 to 1999 and from 2003 to 2009.

Mr. Killoran is a shareholder with O’Neil, Cannon, Hollman, DeJong and Laing S.C., where he is the Chair of the firm’s Litigation Practice Group. He has diverse trial experience, focusing on complex business and health care disputes.

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# ERICA N. REIB ELECTED TO THE BOARD OF THE STATE BAR'S LABOR AND EMPLOYMENT SECTION

Congratulations to our very own Erica N. Reib who has been elected to the Board of the Labor and Employment Section of the State Bar.

Erica is a member of O'Neil Cannon's Employment Law Practice Group. She assists clients with employment discrimination litigation, non-competition and trade secret litigation, OSHA matters, wage and hour issues, NLRB and unfair labor practice matters, employment policy and agreement drafting and review, unemployment compensation, investigations and proper employment practices to avoid litigation. She volunteers her time at Marquette Volunteer Legal Clinic and Milwaukee Justice Center, is part of the Legal Action of Wisconsin Volunteer Lawyers Project, and is a board member and legal committee chair at the Audio and Braille Literacy Enhancement, Inc.

The State Bar of Wisconsin provides opportunities for lawyers to work on issues that matter to them and the public they serve. The Labor and Employment Section includes new and experienced attorneys who practice labor and employment law. The section keeps members up-to-date on recent developments in the law. The section also allows members to exchange information and opinions on various labor topics and legal issues in the workplace.

If you would like to contact Erica, she can be reached at 414-276-5000 or [erica.reib@wilaw.com](mailto:erica.reib@wilaw.com).

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## UPCOMING EVENTS—LUNCH AND LEARN: NEW DOL OVERTIME RULES



Please RSVP to Julie Dietz at [julie.dietz@wilaw.com](mailto:julie.dietz@wilaw.com) or 414-291-4667.

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# ATTORNEY GUMINA AUTHORS IICLE CHAPTER ON GUIDELINES FOR DRAFTING EMPLOYMENT AGREEMENTS

Joseph E. Gumina is a contributing author for the 2016 Edition of the Illinois Institute for Continuing Legal Education's treatise titled "Illinois Contract Law." Attorney Gumina has authored Chapter 8 entitled *Guidelines for Drafting Specific Contract Clauses in Employment Agreements*. This chapter provides a detailed analysis of the anatomy of an effective employment agreement under Illinois law. Attorney Gumina provides practical insight and examples on how to properly draft specific contract clauses in employment agreements. Attorney Gumina also provides an extensive analysis of the developing law with regard to the enforceability of arbitration provisions in employment agreements both under the Federal Arbitration Act and the Illinois Uniform Arbitration Act.

Attorney Gumina leads O'Neil Cannon's labor and employment practice. Attorney Gumina has extensive experience representing management in a vast array of employment and labor matters. Attorney Gumina has authored articles on various employment law topics in InsideCounsel Magazine, Illinois Bar Journal and the Wisconsin Law Journal. He is also a frequent speaker on the latest topics facing employers. Attorney Gumina is licensed to practice in Illinois and Wisconsin and has represented clients in litigation matters in both state and federal courts in Illinois and Wisconsin. 

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## O'NEIL, CANNON, HOLLMAN, DEJONG AND LAING ELECTS NEWBOLD AS SHAREHOLDER

O'Neil, Cannon, Hollman, DeJong and Laing is pleased to announce that Joe Newbold was recently elected a shareholder of the firm. Mr. Newbold has been with the firm since 2011 and is a member of the Litigation Practice Group. Joe concentrates his practice in commercial litigation in both state and federal court. He manages a variety of complex cases involving class actions, commercial real estate, franchise litigation, and intellectual property matters. Joe has extensive experience representing plaintiffs and defendants in challenging civil litigation.

Learn more about Mr. Newbold by visiting his [full profile](#).

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## FIRM OBTAINS BIG WIN FOR CLIENT

From 1997 to 2009 Sujata Sachdeva embezzled over \$36 million from her employer, Koss Corporation, in one of the Top 10 Largest Embezzlements in U.S. history. The embezzlement was reported all over the world, including on the cover of *The National Enquirer*.

Ms. Sachdeva was criminally convicted of embezzlement and is currently serving a prison term. In an attempt to recoup its loses, Koss sued its auditor, credit card company, and banks. Its auditor, Grant Thornton, settled the claim for \$8.5 million, and its credit card company American Express, settled the claim for \$3 million. Those lawsuits were filed in Illinois and Arizona, respectively.

Koss also sued its local bank, Park Bank, in Milwaukee, arguing that Park Bank acted in bad faith under the Uniform Fiduciaries Act by failing to discover and report the embezzlement. In the lawsuit, Koss sought damages of \$43,749,400 from Park Bank. After five years of litigation, on March 11, 2016, the trial court dismissed the case in a 24-page written decision, finding that “Park Bank did not act in bad faith.” The court held that, under the Uniform Fiduciaries Act, bad faith “requires a showing of some indicia of dishonest conduct or a showing of facts and circumstances so cogent and obvious that to remain passive would amount to a deliberate desire to evade knowledge because of a belief or fear that inquiry would disclose a defect in the transaction,” and “there must be some factual basis—whether an allegation of monetary self-interest or compelling evidence of wrongdoing—to suggest the bank acted intentionally to avoid knowledge of the fiduciary’s wrongdoing.” Here, the court held, “Koss has not provided any evidence that Park Bank intentionally ignored Sachdeva’s embezzlement,” and it “declines to require banks to act as detectives, whether they be Sherlock Holmes, Columbo, or Andy Sipowicz.”

Dean Laing of our firm was Park Bank’s lead attorney. Also working on the case were Greg Lyons and Joe Newbold.

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## THE NOMINATIONS ARE IN FOR THE LEADERSHIP DEVELOPMENT SUMMIT

Our very own Trevor Lippman was 1 of 24 attorneys selected by the State Bar of Wisconsin’s Leadership Development Committee to participate in this year’s Leadership Development

Summit. This nomination follows up on Trevor's recent three-year appointment by the State Bar President, Mr. Ralph Cagle, to serve on the Continuing Legal Education Committee of the State Bar of Wisconsin.

Trevor was selected to participate in the Leadership Development Summit because his nominator felt that he has demonstrated a commitment to civic-mindedness, has shown a capacity to lead, and possesses the personality and leadership skills that make others want to follow his direction. These are attributes the State Bar of Wisconsin seeks in developing the next generation of its leaders.

The Summit will be held on Friday, April 1, 2016, at the Monona Terrace in Madison for the purpose of developing and encouraging the next generation of leaders both for the State Bar and in the legal profession. The Summit brings participants together with key State Bar leaders for direct interaction and discussion on leadership in the State Bar and legal community today.

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## **ATTORNEY GREGORY S. MAGER RECOGNIZED AS A BOARD CERTIFIED FAMILY LAW TRIAL ADVOCATE**

The National Board of Trial Advocacy (NBTA) has recognized attorney Gregory S. Mager, a shareholder at O'Neil, Cannon, Hollman, DeJong and Laing S.C., as a Board Certified Family Law Trial Advocate. The NBTA is the first American Bar Association accredited attorney board-certifying agency in the world. The organization certifies specialists, predicated on high standards of demonstrated competence and integrity.

*"With less than 4% of all practicing lawyers certified by an ABA-accredited or state-sponsored certification board, board certification is not only highly important to the profession of law but also paramount to consumer protection. In so doing, it differentiates such attorneys for having objectively established their specialized proficiency in the practice of law."*

<http://www.nbtalawyers.org/>

Contact Greg today for assistance with your family law matters at 414-276-5000 or [Gregory.Mager@wilaw.com](mailto:Gregory.Mager@wilaw.com)