



**For more than 25 years, Tom Mielenhausen devoted his practice exclusively to resolving insurance coverage disputes in favor of commercial policyholders throughout the U.S.**

Tom helped many types of businesses obtain successful outcomes through negotiation, alternative dispute resolution, and litigation in trial and appellate courts. Tom has extensive experience in resolving the often complex coverage issues associated with a variety of insurance policies, including:

- Directors' and officers', errors and omissions, commercial general, environmental, products, contractors, employment, cyber-risk, media, advertising, intellectual property and technology liability;
- Fidelity and crime loss;
- Business interruption and property loss;
- Inland and ocean marine; and
- Reinsurance.

Clients valued Tom's quick grasp of issues and incisive approach to resolving disputes with insurers. His goal was to maximize insurance recovery by assessing both the likely cost involved in the dispute and the probability of prevailing, and then estimating the client's optimal settlement value at various stages of negotiation and litigation.

Tom was known for providing his clients with a detailed strategy and cost-benefit analysis in advance of litigation, which allows clients to make informed, cost-conscious decisions at any given point. He was also known for his tenacity. When an insurer refused to resolve a coverage dispute

## Thomas C. Mielenhausen

**Of Counsel (Retired)**

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### EDUCATION

Georgetown University Law Center,  
(J.D.), 1983

University of Notre Dame, (B.A.), 1979

### BAR ADMISSIONS

Minnesota

### COURT ADMISSIONS

U.S. Court of Appeals for the Eighth  
Circuit

U.S. Court of Appeals for the Ninth  
Circuit

U.S. Court of Appeals for the Seventh  
Circuit

U.S. District Court for the District of  
Minnesota

U.S. District Court for the Eastern  
District of Arkansas

U.S. District Court for the Northern  
District of Texas

### LANGUAGES

English

reasonably, Tom relished the opportunity to enforce his client's coverage rights before a jury.

In 2009, Tom led the effort to secure passage of the Minnesota Business Policyholder Act (Minn. Stat. '60A.0811), which entitles a commercial property/casualty policyholder to 10% annual interest when it prevails in a coverage dispute. Tom led and served on several Minnesota Supreme Court and bar committees working to improve the delivery of legal services to the disadvantaged. He is also an inventor ' he holds two software patents related to computerized research.

## Representative Cases

- In 2013, helped Texas and California medical device companies recover excess liability insurance worth up to \$30 million in a complex arbitration.
- In 2012, helped a food manufacturer recover entity liability insurance for mislabeling claims.
- In 2011, helped St. Jude Medical obtain a \$9.6 million settlement from its products liability insurer. The settlement sum covered 100% of the insurance proceeds sought by St. Jude, plus an additional \$3.3 million in interest and coverage litigation fees. See *Medmarc Cas. Ins. Co. v. St Jude Medical, Inc.*, 2009 WL 3164779 (D. Minn. Sept. 28, 2009).
- Filed the first lawsuit in the nation seeking insurance coverage for Madoff-related losses, and thereafter negotiated a successful resolution on behalf of a pharmaceutical company and its profit-sharing plan.
- Persuaded the Minnesota Supreme Court that advertising injury liability insurance covered trademark claims, see *General Cas. Co. of Wisc. v. Wozniak Travel, Inc.* 762 N.W.2d 572 (Minn. 2009), and thereafter negotiated a successful resolution of the case.
- In Texas, helped obtain a multimillion-dollar excess-of-policy-limits recovery in a complex dispute over coverage for a bus accident. The case involved multiple insurers, insureds, brokers and third-party claimants.
- Negotiated a \$7 million settlement in a coverage case involving crop loss in New Mexico and Colorado.
- Helped Cargill obtain a successful outcome in *Cargill v. Evanston Ins. Co.*, 642 N.W.2d 80 (Minn. App. 2002).
- Prosecuted the first environmental coverage trial in Minnesota, obtaining a \$1.3 million jury verdict, plus attorney fees and other damages. *SCSC Corp. v. Allied Mut. Ins. Co.*, 536 N.W.2d 305 (Minn. 1995).

- Represented 3M in the landmark coverage case of *Minnesota Mining & Mfg. Co. v Travelers Indem. Co.*, 457 N.W.2d 175 (Minn.1990).

## Publications and Presentations

- 'Insurance Coverage Disputes ' Perspectives of Insurance Company Counsel and Policyholder Counsel,' Minnesota Risk & Insurance Management Society Annual Seminar, January 2013.
- 'Business Torts and Insurance,' Wells Fargo Insurance Services Seminar, February 2012.
- 'The Data Theft Crime Wave ' A Growing Threat You Can't Afford to Ignore,' Minnesota Risk & Insurance Management Society Annual Seminar, January 2012.
- 'Environmental' Chapter of Minnesota Insurance Law Deskbook (4th ed. 2011).
- 'What Do You Mean We're Not Covered' ' Avoiding the Latest D&O Insurance Issues,' Association of Corporate Counsel Webinar, April 2011.
- 'Relevance of Evidence Revealing the Insurer's Unreasonable Conduct ' Despite Bifurcation and the 'Fairly Debatable' Defense,' American Bar Association Insurance Coverage Litigation Seminar, March 2011.
- 'Missing Policies Proof ' Turning Burden Into Opportunity,' American Bar Association Insurance Coverage Litigation Seminar, March 2010.
- 'The Policyholder's Right to Select Defense Counsel,' riskVue, November 2006.
- 'Limits on Policyholder's Duty to Cooperate,' riskVue, April 2005.
- 'Obtaining Money for Brownfields Development Under Old Insurance Policies,' riskVue, May 2002.