Shareholder Michael J. Cohen has more than 30 years of experience in complex commercial litigation in federal and state courts. His proven record of numerous favorable verdicts at the trial and appellate levels has earned him a reputation as one of Wisconsin's preeminent business litigators. For many years, Mike has been recognized by members of the Wisconsin bar and judiciary as one of the top lawyers in the state.

Mike concentrates his practice on complex commercial litigation including non-compete and other restrictive covenants, breach of contract, business torts, shareholder disputes and employment; environmental and toxic tort litigation; and on complex insurance coverage litigation, including environmental and asbestos liabilities and bad faith claims. He has been involved in some of the most significant complex insurance coverage matters in Wisconsin and other surrounding states over the two decades.

**Attorney Videos**

- Preparing to Compete: The Boundaries of Permissible Conduct
- Enforceability of Non-Compete Agreements in Wisconsin

**Representative Matters**

- *Ratajczak v. Beazley Solutions Ltd.*, 870 F.3d 650 (7th Cir. 2017) Obtained summary judgment holding that our insurer client did not owe the insureds a duty to defend or indemnify against claims for the adulteration of whey protein concentrate because the underlying allegations of fraudulent and deceitful actions by the insured did not constitute an "occurrence." Affirmed on appeal.
- Acuity v. Chartis Specialty Insurance Company, The Wisconsin Court of Appeals unanimously reversed. The Wisconsin Supreme Court then unanimously reversed the Court of Appeals’ decision

**Representative Clients**

- Acuity, A Mutual Insurance Company
- Bituminous Insurance Companies
- Employers Insurance Company of Wausau
- Liberty Mutual Insurance Company
- Patterson Dental
- Randstad General Partner (US) LLC

**Industries**

- Health Care
- Insurance
• **Cargill, Inc. v. Ace American Insurance Company, et al.,** 784 N.W.2d 341 (Minn. 2010). A complex environmental insurance coverage action in which the client, a nationally renown liability insurer, obtained summary judgment in its favor, with such decision being affirmed by the Minnesota Court of Appeals and then, on other grounds, by the Minnesota Supreme Court. In doing so, Attorneys Michael Cohen and Thomas Hruz convinced the Minnesota Supreme Court to overrule a 43-year-old precedent and create new law on contribution rights between insurers as to their duty to defend an insured, all in a manner favorable to our client and insurers generally.

• **St. Paul Mercury Ins. Co. v. Northern States Power Co.,** 2009 Minn. App. Unpub. LEXIS 977 (Minn. Ct. App. 2009), rev. denied 2009 Minn. LEXIS 834 (Minn. 2009); Northern States Power Co. v. Continental Ins. Co., 2011 WI App 136, 337 Wis. 2d 427, 805 N.W.2d 734, rev. denied 2012 WI 2. A complex environmental insurance coverage action in which the firm’s clients, two excess insurance carriers, obtained a favorable ruling on venue of the action in Minnesota and Minnesota choice of law and subsequently obtained summary judgment on allocation of damages and justiciability. Cohen and his colleagues were also successful in obtaining a critical stay of the parallel Wisconsin action while the Minnesota action proceeded. The Minnesota District Court's decisions were affirmed on appeal, and the insured's petition for review to the Minnesota Supreme Court was denied. The Wisconsin circuit court then gave full-faith and credit to the Minnesota District Court's holdings and dismissed the parallel Wisconsin action. The Wisconsin circuit court's decisions were affirmed on appeal and the insured's petition for review to the Wisconsin Supreme Court was denied.

• **Lyman, et al. v. St. Jude Medical,** United States District Court for the Eastern District of Wisconsin (2005-2008), A multi-million dollar breach of contract action by our client, an individual sales representative whose contract with a major, national medical device company was summarily and without legitimate cause terminated. The case settled soon after our client obtained a number of very favorable court rulings immediately prior to trial, including a ruling rejecting a Daubert challenge to our client's damages expert while disqualifying the defendant's corresponding expert.

• **Haase, et al. v. American Optical, et al.,** 2004 WI 97, 274 Wis. 2d 143, 682 N.W.2d 389. Our client, one of the nation's largest industrial sand suppliers, was sued by a foundry worker with silicosis claiming strict liability for allegedly producing an unreasonably dangerous product. Cohen and his colleagues obtained a directed verdict after two weeks of trial. The directed verdict was upheld by the Wisconsin Court of Appeals and by the Wisconsin Supreme Court, which held that sand in its raw form was not an unreasonably dangerous product as a matter of law, effectively creating legal immunity for our client.

• **Cababa v. St. Francis Anesthesiology, Inc.,** United States District Court for the Eastern District of Wisconsin (2003). An anesthesiology group and its officers were sued by a former member of the group for national origin discrimination and retaliation claims. Cohen and his colleagues obtained summary judgment dismissing all claims against the defendants and an order for costs. The case established precedent on “stray remarks” as not
constituting direct evidence of discrimination and the need for common decision makers to have performed the alleged discriminatory acts.

- *Emergency Physicians, Ltd. v. Infinity Healthcare Physicians, S.C., et al.*, Brown County Circuit Court, Wisconsin (1999). Emergency physician group brought claims of tortious interference of non-compete agreements and conspiracy to injure business against client, who was awarded exclusive hospital contracts for emergency room services. Michael Cohen obtained summary judgment for our client dismissing all claims and declaring that the physician non-compete agreements were unenforceable as a matter of Wisconsin law.

**Honors**

- America’s Top 100 Attorneys - Lifetime Achievement Member (2017)
- Leaders in the Law (2011)
- Martindale-Hubbell AV® Preeminent™ Peer Review Rated

**Speeches & Publications**

Chair and Speaker, *Trending Topics in Business Litigation 2019*, State Bar of Wisconsin PINNACLE, December 5, 2019

Chair and Speaker, *Trending Topics in Business Litigation 2018*, State Bar of Wisconsin PINNACLE, November 29, 2018

Speaker, *Expert Witnesses: Using Wisconsin Court Rules to Your Advantage*, National Business Institute, September 27, 2017


Speaker, Litigation Holds and the Duty to Preserve Evidence, Marquette University Law School, November 6, 2009

Author, Recent Revisions to the Wisconsin Fair Employment Act Raise the Stakes for Employers, The Business Journal (Milwaukee), Vol. 27, No. 3 at 43 (Oct. 16, 2009) (co-authored with Thomas M. Hruz)

Author, Can Employers Force Employees to Sign Noncompete Agreements as a Condition of their Employment?, Wisconsin Lawyer, Vol. 72, No. 5, (May 1999) (co-authored with William T. Stuart)

Professional Organizations

- State Bar of Wisconsin, Judicial Election Steering Committee
- State Bar of Wisconsin, Past Member of the Board of Governors (2013 - 2017)
- Milwaukee Bar Association
  Past President; Bench-Bar Civil Division Committee, Former Co-Chair; Civil Litigation Section, Former Chair
- Milwaukee Bar Foundation, Board Member
- Thomas E. Fairchild Inn of Court, Master
- American Bar Association
- Tort Law and Insurance, Business Litigation

Community/Civic Activities

- International Foundation for Functional Gastrointestinal Disorders, Board Member
- National Alliance for the Mentally Ill, Former Board Member
- City of Milwaukee Administrative Appellate Review Board, Board Member (1987-1989)
- City of Milwaukee Housing Authority, Alternate Hearing Examiner (1986-1989)

Client Testimonials

“From the get go, Attorneys Michael Cohen and Dieter Juedes were confident that they could litigate our case to a satisfactory outcome. They were very knowledgeable as to employer/employee relationship law and our legal basis for a lawsuit. I was very satisfied with our outcome. I called around the city for referrals for an attorney who specialized in employer/employee relations law and Attorney Cohen’s name kept coming up, again and again. I would not hesitate to use Attorney Cohen in the future if the need arises.”

-Glen H. Schott, Vice-President and General Manager of Imperial Flavors Beverage Company

"From the very start, Atty. Cohen and his team at Meissner Tierney put forth their full efforts into defending our case. Atty. Cohen doggedly pursued every avenue of attack on our behalf, and his expert legal work resulted in a dismissal,
exceeding our expectations. We could not be happier with the quality of the legal representation or the result.”

-Gregory T. Helding, J.D., Alderman of the 11th District, City of Racine

“As we approach our 11th business anniversary, I am thankful that Meissner Tierney has been on our side from the beginning. Our lead counsel, Mike Cohen, consistently provides us with a comprehensive view of our legal issues and finds practical, quality solutions that work in a timely fashion.”

-Brian Lammi, President of Lammi Sports Management, Inc.

“Michael Cohen is a pleasure to work with. He has great expertise within his specialty, is very responsive and is cost effective and practical. Michael also has a very good manner and style when dealing with both clients and opposing counsel.”

-William M. Bohn, President & CEO of Associated Financial Group, LLC