

# DAVID BRADLEY OLSEN

Attorney, Shareholder

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## SERVICES

Litigation

- Business Litigation
- Employment Litigation
- Insurance Coverage and Defense Litigation
- Intellectual Property Litigation
- Legal and Accounting Malpractice
- Local Counsel Services
- Non-Compete and Trade Secret Litigation
- Products Liability and Mass Tort Litigation
- Shareholder and Securities Litigation
- Trademark and Copyright Litigation
- Whistleblower Claims Litigation Service

## CREDENTIALS

### EDUCATION

- J.D., High Honors, University of Arkansas, 1987
- B.S., Iowa State University, 1982

### BAR ADMISSIONS

- Minnesota
- United States District Court for the District of Minnesota
- United States Court of Appeals for the Seventh, Eighth, and Ninth Circuits
- United States Supreme Court
- Multiple state and federal court admissions, pro hac vice

### HONORS

- Featured in Minnesota Monthly Magazine as a Top Lawyer in Minnesota 2023: Litigation - Commercial, Bet-the-Company Litigation
- Selected for inclusion in Minnesota Super Lawyers® in 2000 and 2011–2024
- Listed in The Best Lawyers in America® 2018-2020, Litigation - Labor and Employment; 2021-2022, Litigation - Labor and Employment, Product Liability Litigation - Defendants, Product Liability Litigation - Plaintiffs; 2023-2025, Litigation - Construction, Litigation - Labor and Employment, Product Liability Litigation - Defendants, Product Liability Litigation - Plaintiffs

“Every case is different and brings unique challenges. The combination of experience, judgment, and ability enables me to achieve the best results possible for my clients. The art and passion of litigation drive me to excel.”



[Watch My Videos](#)

## ABOUT ME

For more than 30 years, I have represented individuals and companies of all sizes in a wide variety of litigated disputes, including:

- civil litigation
- business and commercial litigation
- employment consulting and litigation
- intellectual property litigation
- trademark and copyright litigation
- professional malpractice litigation
- non-compete and trade secret litigation
- products liability and mass tort litigation
- securities fraud and shareholder litigation
- false claims act and whistleblower litigation

Your best interests are foremost; I constantly weigh risks, rewards, and expenses to achieve optimal results. Focused on resolving cases early, I explore all forms of settlement, but if a fair resolution cannot be attained, I bring vast experience litigating in state and federal courts. I have a proven track record of handling complex, high-stakes cases, including winning a high-profile case that was deemed unwinnable.

Recognizing that my clients have serious issues, I am earnest in my approach. As an advocate, counselor, negotiator, and champion for my clients, I lead with professionalism—honesty, fairness, and respect for others.

### David's approach to litigation:

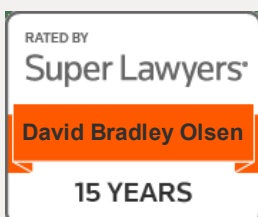
### Shareholder Disputes:

### Jesse Ventura's libel suit:

## RESULTS

- Lead Starkey Hearing Technologies' high-profile internal investigation that resulted in criminal conviction of former president in \$20 million fraud scheme, and guilty pleas by former chief financial officer and subsidiary president
- Successful representation of defendant in \$30 million antitrust suit tried for seven weeks in Ramsey County District Court

- Named to America's Top 100 Best-The-Company Litigators by America's Top 100 LLC, 2019-2020
- Featured in Minnesota Monthly Magazine as The Best Lawyers in America® 2019
- Selected as a Minnesota Lawyer Attorney of the Year in 2013 and 2014
- Selected for inclusion in Top 100: Minnesota Super Lawyers®, 2018
- Who's Who in American Law, Honors Edition, 2005–2006
- Selected for inclusion in Minnesota Super Lawyers–Rising Stars Edition 1999
- AV® Preeminent peer review rated by Martindale-Hubbell
- Vice Chair, Moot Court Board, University of Arkansas School of Law
- Member, Arkansas Law Review
- Co-Editor, Waterman Journal, a law school newspaper, University of Arkansas School of Law
- Outstanding Student Scholar, University of Arkansas School of Law



- Successful representation of plaintiff in \$1 million intellectual property suit tried for three weeks in federal district court
- Successful representation of landowner in eight-year lawsuit against city, culminating in largest fee award issued as a sanction for bad faith litigation by a Minnesota court
- Successful representation of individual in multi-million dollar contested will and estate litigation
- Successful representation of defendant in multi-party, multi-million dollar product liability action
- Successful representation of defendant in class action ERISA case
- Successful representation of manufacturer in multi-million dollar commercial arbitration
- Successful representation of personal care assistance agencies, home health care workers, and disabled individuals, resulting in a declaration that discriminatory statute is unconstitutional
- Successful representation of celebrity plaintiff in multi-million dollar defamation action tried for three weeks in federal district court
- Continuing representation of both employers and employees in matters involving non-competition agreements, restrictive covenants, and trade secrets
- Continuing representation of employers and employees in employment discrimination and wrongful termination cases
- Continuing representation of businesses and individuals in the areas of contract, shareholder, employment, construction, intellectual property, product liability, toxic tort, and personal injury litigation
- Counsel to Former Minnesota Governor Jesse Ventura
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#### Reported Decisions

- Hunt v. Zuffa, LLC, No. 2:17-CV-00085-JAD-VCF, 2023 WL 6276588 (D. Nev. Sept. 26, 2023)
- Malark v. Malark, No. A22-1054, 2023 WL 126859 (Minn. Ct. App. Jan. 9, 2023)
- Strategic Imp. Supply, LLC NKA Penn Strategic Imps., Inc. v. Meyers, 2022 U.S. Dist. LEXIS 200930 (D. Minn. 2022)
- Nat'l Union Fire Ins. Co. of Pittsburgh, PA v. Agility Fuel Sols. LLC, 618 F. Supp. 3d 812, 815 (D. Minn. 2022)
- Hunt v. Zuffa, LLC, No. 19-17529, 2021 WL 4355728, at \*1 (9th Cir. Sept. 24, 2021)
- Beck v. Austin, No. 19-CV-1453 (PJS/ECW), 2020 WL 4476443 (D. Minn. Aug. 4, 2020)
- B. Riley FBR, Inc. v. Clarke, No. 18-CV-2318 (NEB/BRT), 2019 WL 4242537 (D. Minn. Sept. 6, 2019)
- McNeilus Truck & Mfg., Inc. v. Swagelok Co., No. 18 CV 0997 (PJS/KMM), 2019 WL 6037574 (D. Minn. Nov. 14, 2019)
- In re McNeilus Mfg. Explosion Coordinated Litig., No. 17-CV-5237-PJS-KMM, 2019 WL 2387110 (D. Minn. June 6, 2019)
- In re McNeilus Mfg. Explosion Coordinated Litig., 381 F. Supp. 3d 1075 (D. Minn. 2019)
- Qwinstar Corp. v. Anthony, No. CV 15-2343 (PAM/BRT), 2019 WL 10893359 (D. Minn. Feb. 25, 2019)
- Qwinstar Corp. v. Anthony, No. CV 15-2343 (PAM/BRT), 2018 WL 5847243 (D. Minn. Nov. 8, 2018)
- Miller v. Starkey Lab'ys, Inc., 299 F. Supp. 3d 1046, 1048 (D. Minn. 2018)
- United States v. Ruzicka, No. CR 16-246 (JRT/FLN), 2018 WL 747411 (D. Minn. Feb. 7, 2018)
- Guggenberger v. Starkey Lab'ys, Inc., No. CV 16-2021 (JRT/LIB), 2016 WL 7479542 (D. Minn. Dec. 29, 2016)
- Ventura v. Kyle, 825 F.3d 876 (8th Cir. 2016)
- Ventura v. Kyle, 2015 WL 12832722 (D. Minn. 2015)
- Ventura v. Kyle, 2015 WL 12826467 (D. Minn. 2015)
- Ventura v. Kyle, 63 F.Supp.3d 1001 (D. Minn. 2014)
- Janos v. Kyle, 2014 WL 12617419 (D. Minn. 2014)
- Mark Wandering Medicine v. McCulloch, 2014 WL 12588302 (D. Mt 2014)
- Ventura v. Kyle, 8 F.Supp.3d 1115 (D. Minn. 2014)
- Hutterville Hutterian Brethren, Inc. v. Sveen, see 8th Cir. Opinion at 776 F.3d. 547 (8th Cir. 2015)
- Ventura v. Kyle, 2013 WL 12155277(D. Minn. 2013)
- Ventura v. Kyle, 2013 WL 12145009 (D. Minn. 2013)
- In re Duy, 484 B.R. 742, (D. Minn. Bankruptcy 2012)
- Ventura v. Kyle, 2012 WL 12896526 (D. Minn. 2012)
- Ventura v. Kyle, 2012 WL 6634779 (D. Minn. 2012)
- HealthStar Home Health, Inc. v. Jesson, 827 N.W.2d 444 (Minn. Ct. App. 2012)
- Ventura v. Napolitano, 828 F.Supp.2d 1039 (D. Minn. 2011)
- Starlite Ltd. Partnership, Inc. v. Landry's Restaurants, Inc., 780 N.W.2d 396 (Minn. Ct. App. 2010)
- Duy v. Lake-Weed-A-Way, Inc., 2009 WL 1919296 (Minn. Ct. App. 2009)
- Southco, Inc. v. Reell Precision Manufacturing Corp., 556 F.Supp.2d 505 (E.D. Pa. 2008)
- Domain Assets, LLC v. Petters Group Worldwide, LLC, 2008 WL 11347731 (D. Minn. 2008)
- Domain Assets, LLC v. Petters Group Worldwide, LLC, 2008 WL 11347930 (D. Minn. 2008)
- Southco, Inc. v. Reell Precision Manufacturing Corp., 2006 WL 3354148 (D. Pa. 2006)
- United Products Corporation of America, Inc. v. Cederstrom, 2006 WL 1529478 (Minn. Ct. App. 2006)
- Duy v. Lake Weed-A-Way, Inc., 2005 WL 1154291 (Minn. Ct. App. 2005)
- Lutheran Assn of Missionaries and Pilots, Inc. v. Lutheran Assn of Missionaries and Pilots, Inc., 2005 WL 629605 (D. Minn. 2005)
- Hypro, LLC v. Reser, 2004 WL 2905321 (D. Minn. 2004)
- Lutheran Assn of Missionaries and Pilots, Inc. v. Lutheran Assn of Missionaries and Pilots, Inc., 2004 WL 2730104 (D. Minn. 2004)
- Ventura v. Davis, 2004 WL 1381256 (Minn. Ct. App. 2004)
- Crablex, Inc. v. Cedar-Riverside Land Company, 2003 WL 21448807 2003 WL 21448807 (Minn. Ct. App. 2003)
- Erickson Plus Ltd. v. Ventura, 2002 WL 31867733 (Minn. Ct. App. 2002)

- Valley Paving, Inc. v. Dexter & Chaney, Inc., 2000 WL 1182800 (Minn. Ct. App. 2000)
- World Championship Fighting, Inc. v. Janos, 609 N.W.2d 263 (Minn. Ct. App. 2000)
- Greiner v. Sofamor, S.N.C., 1999 WL 716891 (D. Minn. 1999)
- In Re Orthopedic Bone Screw Litigation, 1999 WL 628688 (D. Minn. 1999)
- Bruzer v. Danek Medical, Inc. 1999 WL 613329 (D. Minn. 1999)
- Bruzer v. Danek Medical, Inc., 1998 WL 1048225 (D. Minn 1998)
- Crablex, Inc. v. Cedar-Riverside Land Company, 1997 WL 729210 (Minn. Ct. App. 1997)
- Otte v. Olmschenk, 1996 WL 745272 (Minn. Ct. App. 1996)
- Ventura v. Titan Sports, Inc., 116 S.Ct. 1268 (1996)
- Ventura v. Titan Sports, Inc., 65 F.3d 725 (8<sup>th</sup> Cir. 1995)
- Prestressed Concrete, Inc. v. Bladholm Bros. Culvert Co., 498 N.W.2d 274 (Minn. Ct. App. 1993)

## ASSOCIATIONS

### PROFESSIONAL

- Hennepin County Bar Association, Civil Litigation Section
- Minnesota State Bar Association
- American Bar Association, Litigation and Intellectual Property Sections
- Federal Bar Association

### ADDITIONAL

- Law Clerk to The Honorable Henry Woods, United States District Judge, Eastern District of Arkansas

### COMMUNITY

- Pro Bono Representation of Montana Indian Tribes in Federal Voting Rights Case
- Minnesota Supreme Court Advisory Committee on the Rules of Civil Appellate Procedure
- Minnesota State Bar Association Civil Jury Instruction Guide VI Subcommittee on Defamation and Privacy
- Co-Chair, Minnesota State Bar Association Civil Jury Instruction Guide V Subcommittee on Business Torts and Commercial Law
- North Star Lawyer, Honored by Minnesota State Bar Association for commitment to pro bono service
- Past Statewide Member, Minnesota Judicial Selection Commission
- Past Member, Campaign Leadership Committee, Campaign for Legal Aid, Southern Minnesota Regional Legal Services
- Past Director, Vice President and Treasurer, Ventura for Minnesota, Inc. (non-profit corporation)
- Past Director, Committee Co-Chair and Volunteer Attorney, Volunteer Lawyers Network
- Past Volunteer Lawyer, Hennepin County Legal Access Point Project
- Past Coach, Eagan Athletic Association (soccer, track) and Eagan Hockey Association
- Former Minnesota State High School League and USA Hockey certified referee

## THOUGHT LEADERSHIP

### ARTICLES

- Co-Author, "Contractual Obligations During the Coronavirus Pandemic: Avoidance, Enforcement, and Renegotiation," Henson Efron Thought Leadership, March 2020
- Co-Author, "Coronavirus and Insurance Coverage: Does your business have insurance coverage for losses caused by the coronavirus pandemic?" Henson Efron Thought Leadership, March 2020
- Author, "Family Advisors: The Student Athlete's Rights," Let's Play Hockey Magazine, 2012
- Author, "Family Advisors: What You Don't Know Can Hurt You," Let's Play Hockey Magazine, 2012
- Co-Author, "Navigating the Legal Impact of Airport Security Measures: An In-Depth Look at Passenger Profiling and Its Effect on the Public," Aspatore Special Report, Thomson Reuters, 2011
- Author, "The Arkansas Wrongful Death Statute Judgment for Personal Injuries as a Bar to Recovery," 40 Ark. L. Rev. 421 (1987)

### NEWS MEDIA COVERAGE

- "Jesse Ventura Glad Legal Battle Against 'American Sniper' Is Over," Associated Press, December 4, 2017
- "Judge Won't Dismiss Ventura 'American Sniper' Suit," Associated Press, March 19, 2014
- "Native Vote Lawsuit Heads Back to District Court and a New Judge," Indian Country, November 1, 2013
- "Appeals Court Rules for Personal Care Assistants," Minneapolis Star Tribune, February 25, 2013
- "Minnesota's 20% Relative Pay Cut is History," Access Press, February 8, 2013
- "PCA Pay Disparity Unconstitutional," MPR News, December 17, 2012
- "Lawyer: Ex-Seal Could Have Hit Ventura Imposter," St. Paul Pioneer Press, December 20, 2012
- "There is a Lot of Competition in Non-Compete Contracts," Minneapolis Star Tribune, December 11, 2011
- "Lawsuit Seeks to Stop Cuts to Family Care Providers," Politics in Minnesota, October 28, 2011
- "The Fighters Behind the Ultimate Fighter," Minnesota Law & Politics, June/July 2009
- "Brock Lesnar, WWE Settle Lawsuit," Minneapolis St. Paul Business Journal, April 24, 2006
- "Gov. Jesse Ventura as a Football Commentator," ABC News, November 16, 2000
- "Jimmy v. Jesse," City Pages, August 11, 1999

### REEL LAWYERS VIDEOS

#### TRIAL ADVOCACY

- What is your approach to litigation?
- What sets Henson Efron's litigation team apart from others?
- What single piece of advice do you find yourself repeatedly giving clients?

- What are the keys to an effective cross-examination?

#### MEMORABLE CASES

- Tom Petters Litigation
- Deposing Tom Petters
- Constitutional Litigation
- Jesse “The Body” Ventura v. The WWF
- Professional Malpractice Litigation
- Working With Wrestlers
- Product Liability and Mass Tort Litigation
- Shareholder Disputes
- Starkey Hearing Technologies Case
- Successful defense in \$30 million antitrust trial
- Largest fee awarded for bad faith litigation
- Jesse Ventura’s libel suit

#### DEFAMATION

- What is defamation?
- How do you prove defamation?
- What are the consequences of defaming someone?
- Can my opinion be defamatory?
- How has the internet changed proving a case for defamation?
- Why is the First Amendment important?
- What is the historical origin of the First Amendment?

#### PUBLIC FIGURE

- What is a public figure in the context of defamation?
- What is the higher standard a public figure must prove?
- What are some recent examples of public figures pursuing defamation suits in Minnesota or in the United States?

#### LIBEL AND SLANDER

- What is the difference between, libel, slander and defamation?
- What are the defenses to libel or slander?
- Why don’t tabloids get sued more often for their libelous stories about celebrities?
- Can media outlets legally report on a public controversy?
- Can politicians be sued for slander when making public campaigning statements about other politicians?

#### VENTURA CASE

- Ventura Defamation Lawsuit: What were the facts of this case?
- Ventura Defamation Lawsuit: Why was this a controversial case?
- Ventura Defamation Lawsuit: What was the result?
- Ventura Defamation Lawsuit: What were the challenges of working on such a high profile case?
- Ventura Defamation Lawsuit: What made the burden of proof in this case more difficult?
- Why did Jesse Ventura choose you to represent him in this case?

#### ABOUT

- What is your experience with First Amendment issues?
- What is the most rewarding aspect of your law practice?
- Discuss your law firm, Henson & Efron



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