

WILLIAM A. WISEMAN

LAW FIRM

- O'Neil Cannon Hollman DeJong S.C.
Chase Tower, Suite 1400
111 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
www.wilaw.com
Tel: (414) 276-5000
Fax: (414) 276-6581
E-Mail: bill.wiseman@wilaw.com

Of Counsel

LAW PRACTICE

- Concentration in complex commercial matters with experience at both the trial and appellate levels. Experience includes:
 - contract and commercial litigation;
 - construction litigation;
 - insurance coverage claims and defense in business, construction, casualty, environmental, professional liability and D&O cases;
 - securities law claims and broker/dealer arbitration (NASD);
 - professional and malpractice litigation;
 - corporate and shareholder disputes;
 - employment disputes including discrimination, no compete and trade secret litigation;
 - fair dealership claims;
 - executive severance compensation;
 - products liability defense work;
 - environmental litigation, remediation and site closure;
 - bankruptcy (creditor perspective) - Chapter 11 - preference, dischargeability and fraudulent conveyance litigation;
 - transactional experience in mergers/acquisitions/sales/financing/work-outs.

RECENT MAJOR CASE EXPERIENCE

- Represented Mitsubishi Heavy Industries America, Inc. ("Mitsubishi") in the lawsuit in Milwaukee County Circuit Court relating to the construction of the radial retractable roof of Miller Park (the home of the Milwaukee Brewers). The case, filed by the Southeast Wisconsin Professional Baseball Park District on January 2, 2002, sought \$50 million in damages from Mitsubishi for alleged defects in the retractable roof, which Mitsubishi constructed. Mitsubishi denied liability to the Baseball Park District and filed a counterclaim seeking additional costs incurred in constructing the roof due to material changes made to the

roof's design by the Baseball Park District's architect-of-record after Mitsubishi bid the job. In late 2004, following three years of contentious litigation, the parties attempted mediation. After three single day sessions of mediation conducted over a 45 day period and involving 22 attorneys from seven states, a settlement was finally reached in January 2005, resulting in Mitsubishi paying nothing on the Baseball Park District's claims and receiving \$18 million on its counterclaim.

- Also represented Mitsubishi, post verdict and on appeal, in connection with the insurance coverage issues presented in the ironworker death cases likewise brought in Milwaukee County Circuit Court arising out of the construction of Miller Park. These consolidated cases (which gave rise to a trial court verdict of \$99M in December 2000) and the multiple consolidated appeals that were pending before the Wisconsin Court of Appeals, raising both trial error and insurance issues, were all recently settled and the appeals dismissed effective as of February 2006. Again Mitsubishi itself paid nothing and the trial court rulings in favor of Mitsubishi on all issues of insurance coverage remained in force for Mitsubishi's benefit.

EDUCATION

- Marquette University Law School
 - J.D., *cum laude* (1973)
 - Editorial Board, Marquette Law Review (1972-73)
 - National Moot Court Team (1971-72)
 - Callaghan Scholar (1972-73)
 - Student Editor, Personal Injury Commentator (1972-73)
 - Recipient of Numerous Merit Scholarships
 - Am. Jur. Prizes in Contracts and Constitutional Law
- Marquette University
 - A.B. 1970 Major-History Minors-English and Political Science
 - Alpha Sigma Nu (National Jesuit Honor Society)
 - Phi Alpha Theta (National History Honor Society)
 - Recipient of Numerous Merit Scholarships

BAR ADMISSIONS

- Supreme Court of Wisconsin (1973) - All Trial and Appellate Courts in Wisconsin
- United States District Courts for the Eastern and Western Districts of Wisconsin (1973)
- United States Court of Appeals for the Seventh Circuit (1984)
- United States Tax Court (1984)
- United States Bankruptcy Court, Northern District of Illinois, *pro hac vice*
- United States Bankruptcy Court, Western District of Pennsylvania, *pro hac vice*
- Superior Court, Arizona Tax Court, *pro hac vice*

BAR ASSOCIATION MEMBERSHIPS

- State Bar of Wisconsin (1973-present)
SBN: 1015696
Litigation and Business Law Sections
Insurance Committee (1987-89)
- Milwaukee Bar Association (1973-present)
Bench/Bar Court of Appeals Committee (1996-2003)
Ethics Advisory Committee (1985-1989)
- American Bar Association (1973-present)
- American Trial Lawyers Association (ATLA) (2000-present)
- Defense Research Institute

LEGAL EMPLOYMENT

- Law Examiner for Wisconsin Supreme Court Chief Justice
E. Harold Hallows (1973-74)
- O'Neil Cannon Hollman DeJong S.C. (1974-present)
Shareholder (1977-2007)
Ethics Committee Chairman (1977-2007)
Board of Directors (1978-89, 1992-1996)
Of Counsel (2007-present)
- Mediator/Corporate and Commercial Disputes

RECOGNITION

- Martindale-Hubbell Rank - AV
- Selected as a 2005 Wisconsin Super Lawyer, *Law & Politics* and *Milwaukee Magazine*, November 2005 issue

ARTICLES/LECTURES

- Author, Comment, "*Bailor, Lessor and Licensor Strict Liability*,"
Vol. 57, No. 1, Marquette Law Review, 1973
- Adjunct Instructor, "Appellate Law and Practice," Marquette University
Law School, Spring Semester, 1976.
- Commentator, ALI-ABA Video Law Review,
"Liquor Liability Litigation", nationally telecast from Washington D.C.
with local feed to Marquette University Law School, January 16, 1986.
- Presenter and Panelist, Corporate Litigation Issues -
"*Ex Parte Witness Contacts*" and "*Enforceability of
Compulsory Arbitration Clauses in non-Broker/Dealer*"

Contracts”, December 13, 1996 (sponsored by Corporate Practice Institute and State Bar of Wisconsin).

- Presenter and Panelist - “Covenants Not to Compete in Wisconsin,” September 14, 2000 and September 6, 2001 (Lorman Education Services).
- Presenter - In-house Accredited Continuing Legal Education Programs
Ethical Issues: 40 Solutions for Litigators (May, 2006)
The Miller Park Story (September, 2006)
Amendments to Wisconsin's Rules of Professional Conduct (February, 2007)
New Rules Regarding Client Engagement Letters and Trust Accounts (June, 2007)

PUBLISHED DECISIONS

- *Wisconsin Professional Baseball Park District v. Mitsubishi Heavy Industries America, Inc.*, 2007 WI App 185, 304 Wis. 2d 637, 738 N.W.2d 87 (July 3, 2007).
- *Wischer v. Mitsubishi Heavy Industries of America, Inc.*, 2003 WI App 202, 267 Wis. 2d 638, 673 N.W.2d 303
- *Sampson Investments by Sampson v. Jondex Corp.*, 176 Wis. 2d 55, 499 N.W.2d 177 (1993)
- *Northridge Co. v. W.R. Grace and Co.*, 162 Wis. 2d 918, 471 N.W.2d 179, (1991) 60 USLW 2075, Prod. Liab. Rep. (CCH) P 12, 837 (No. 90-1406)
- *John v. John*, 153 Wis. 2d 343, 450 N.W.2d 795 (Ct. App. 1989), *rev. denied*, 454 N.W.2d 805, *cert. denied* 498 U.S. 814 (1990)
- *INX Intern. Ink Co. v. Delphi Energy & Engine Management Sys.*, 943 F.Supp. 993 (E.D. Wis., Oct 11, 1996) (No. CIV. A. 89-C-834)
- *Acme Printing Ink Co. v. Menard, Inc.*, 891 F. Supp. 1289 (E.D. Wis. 1995), 41 ERC 1967, 26 Env'tl. L. Rep. 20,450 (No. 89-C-834)
- *Acme Printing Ink Co. v. Menard, Inc.*, 881 F. Supp. 1237 (E.D. Wis. 1995), 41 ERC 1074, 25 Env'tl. L. Rep. 21,358 (No. 89-C-834)
- *Acme Printing Ink Co. v. Menard, Inc.*, 870 F. Supp. 1465 (E.D. Wis. 1994), 63 USLW 2459, 40 ERC 1169, 25 Env'tl. L. Rep. 20, 784 (No. 89-C-834)
- *Acme Printing Ink Co. v. Menard, Inc.*, 812 F. Supp. 1498, (E.D. Wis. 1992), 25 Fed. R. Serv. 3d 1149, 23 Env'tl. L. Rep. 21,061 (No. 89-C-834)
- *Wausau Paper Mills Co. v. Chas. T. Main, Inc.*, 789 F. Supp. 968 (W.D. Wis. 1992) (No. 91-C-0524-C)

- *Gensplit Finance Corp. v. Foreign Credit Ins. Ass'n*, 616 F. Supp. 1504 (E.D. Wis.1985) (No. 85-C-0886)
- *Hackett v. Village Court Assoc.*, 602 F. Supp. 856, Fed. Sec. L. Rep. P 92, 054 (E.D. Wis.1985) (No. CIV A. 82-C-1060)

ACTIVITIES

- Marquette University Law School Alumni Association
Board of Directors (1997-2001)
- Mequon Soccer Club
Member (1989-1999)
Board of Directors (1991-1997)
- Architectural Standards Committee, City of Mequon (1981-1984)

PERSONAL BACKGROUND

- Born November 10, 1948 in Milwaukee, Wisconsin
- Graduate of Bowling Green High School, Bowling Green, Kentucky (1966)
- Married June 15, 1973 to Christine Wiseman,
Professor of Law, Marquette University Law School (1976-2002)
Associate Dean, Marquette University Law School (1996-98)
Associate Vice-President for Academic Affairs, Marquette University (1998-2002)
Vice President for Academic Affairs, Creighton University (2002-07)
Provost, Loyola University Chicago (2007-)
- Three Children
Andrew R. Wiseman (4/1/76)
Graduate of University of Wisconsin Law School, Madison, Wisconsin (2001)
Nora C. Wiseman (1/31/78)
Graduate of St. Louis University, St. Louis, Missouri (2000)
Patrick S. Wiseman (10/19/80)
Graduate of Fairfield University, Fairfield, Connecticut (2003)
- Home Addresses
904 East Pearson Street, Unit 501
Milwaukee, Wisconsin 53202
(414) 277-9020
E-Mail: bcwiseman904@aol.com

33 West Ontario Street, Apt. 47D
Chicago, IL 60610
(312) 624-9460

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