

## LEGAL NEWS

Pot confession was probable cause

Walmart offers to pay \$3.1 billion to settle opioid lawsuits

Commentary: After Dobbs, voters opt to protect abortion access

Minnesota, 39 other states settle Google tracking charges

## LEGAL FEATURES

Quandaries & Quagmires: Assessing the new lawyer discipline assessment

Briefly: Behind the veil of judicial recusal

Breaking the Ice: Prof's students examine wrongful conviction claims

Perspectives: Student paper's print demise recalls landmark litigation

## MORE HEADLINES

Sanford, Fairview talking about merging health systems

Judge orders end to Trump-era asylum restrictions at border

Judge overturns Georgia's ban on abortion around 6 weeks

Walmart offers to pay \$3.1 billion to settle opioid lawsuits



Andrew Parker, Parker Daniels Kibort LLP

## The POWER 30: Andrew Parker

By: Minnesota Lawyer | October 27, 2022

**A**ndrew Parker's website illustrates the broad view of his law practice at Parker Daniels Kibort LLC. His cases range widely to include defamation, intellectual property theft, insurance coverage, broker agreement disputes and more.

In a North Dakota trial that lasted nine days, a successful real estate agent lost his business because of rumors that he was a cocaine user who used the illegal drug during a golf tournament. He sued the country club where he played and three individuals and secured a \$2 million verdict from a jury.

Parker has a different business case now before the Court of Appeals. S. Brian Lipschultz was a trustee of the Otto Bremer Trust that owned the controlling share of the Bremer Financial Corporation, which included Bremer Bank. Lipschultz and the trust sold stock in BFC, which led to litigation brought by the Office of the Attorney General. Ramsey County District Court Judge Robert A. Awsumb removed Lipschultz as trustee, and that is now before the appellate court.

Lipschultz has a strong position, Parker said. Based on the judge's findings, the conclusions of law are an abuse of discretion, Parker said, noting that the value of the trust grew during his client's tenure. Removal of Lipschultz also is contrary to the intent of Otto Bremer, settlor, Parker argues. The only violations found by the court were de minimus use of office facilities, which was repaid, one grant that was returned and later replaced, and actions by Lipschultz the judge found offensive. "[T]he trial court, without citing any law or legal standard, simply stated that there 'is no room in the charitable world for animosity and vindictiveness to infiltrate or impact the decision-making of a charitable trustee,'" Parker wrote.

Parker is involved in other well-publicized litigation. He represents MyPillow CEO Mike Lindell, who is being sued by Dominion Voting Systems and Smartmatic for statements he allegedly made about voting machines. "I view it as a First Amendment issue," Parker said, because the criticism was directed at the government.



Hannis T. Bourgeois  
CPAs + Business Advisors

Assurance  
Tax Planning & Consulting  
Client Advisory Services  
Litigation Support Services

Local Roots, Broad Reach

The government's actions may damage attorneys' reputations, Parker acknowledges. "I try to do top grade work. I'm not worried," he said.



**Earn your Health Care Compliance Certificate completely online!**

- CCB accredited
- Most competitive tuition
- Scholarships available

**Health Law Institute**  
Mitchell Hamline School of Law

## DAILY DOCKET NEWSLETTER



Get Minnesota Lawyer news in your inbox

[Sign-Up for Free](#)



**BetterSMB**

A Guide for Small and Mid-sized Businesses

Find your company's icon, connect with customers

**BRAND**

[View Guide](#)


## DIGITAL EDITION



The Digital Edition of Minnesota Lawyer is available to both print and online subscribers.

Current Edition

## CALENDAR OF EVENTS



See upcoming events for lawyers here



## ANDREW PARKER

PARKER DANIELS KIBORT LLC



Andrew Parker's website illustrates the broad view of his law practice at Parker Daniels Kibort LLC. His cases range widely to include defamation, intellectual property theft, insurance coverage, broker agreement disputes and more.

In a North Dakota trial that lasted nine days, a successful real estate agent lost his business because of rumors that he was a cocaine user who used the illegal drug during a golf tournament. He sued the country club where he played and three individuals and secured a \$2 million verdict from a jury.

Parker has a different business case now before the Court of Appeals. S. Brian Lipschultz was a trustee of the Otto Bremer Trust that owned the controlling share of the Bremer Financial Corporation, which included Bremer Bank. Lipschultz and the trust sold stock in BFC, which led to litigation brought by the Office of the Attorney General. Ramsey County District Court Judge Robert A. Awsumb removed Lipschultz as trustee, and that is now before the appellate court.

Lipschultz has a strong position, Parker said. Based on the judge's findings, the conclusions of law are an abuse of discretion, Parker said, noting that the value of the trust grew during his client's tenure. Removal of Lipschultz also is contrary to the intent of Otto Bremer, settlor, Parker argues. The only violations found by the

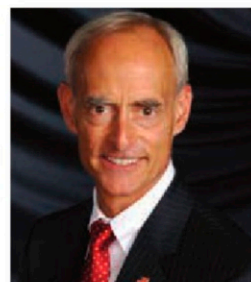
court were de minimus use of office facilities, which was repaid, one grant that was returned and later replaced, and actions by Lipschultz the judge found offensive. "[T]he trial court, without citing any law or legal standard, simply stated that there 'is no room in the charitable world for animosity and vindictiveness to infiltrate or impact the decision-making of a charitable trustee,'" Parker wrote.

Parker is involved in other well-publicized litigation. He represents MyPillow CEO Mike Lindell, who is being sued by Dominion Voting Systems and Smartmatic for statements he allegedly made about voting machines. "I view it as a First Amendment issue," Parker said, because the criticism was directed at the government.

The government's actions may damage attorneys' reputations, Parker acknowledges. "I try to do top grade work. I'm not worried," he said.

## RONALD J. SCHUTZ

ROBINS KAPLAN LLP



Ninety-five million dollars is about the price DaVita paid for allegedly defrauding its patients. The case settled after one day of trial.

It was a big win for the defrauded patients and lawyers Ronald Schutz and Jeff Gleason of Robins Kaplan LLP. Gleason originated the case, and Schutz is the chair of the executive board of Robins Kaplan. He spends about half a day as chair of the firm and the other half practicing law in a combination of business disputes and intellectual property.

In Blue Cross & Blue Shield of Florida, Inc. and Health Options, Inc. ("Florida Blue") v. DaVita, Inc., Robins Kaplan represented Florida Blue, who sued DaVita Inc., a national network of dialysis clinics headquartered in Delaware. It alleged the provider conspired with the American Kidney Fund, a 501(c)(3) based in Rockville, Maryland, to cause Florida Blue to pay "tens of millions of dollars" for patient treatments that should have been covered by Medicaid or Medicare. The American Kidney Fund is not a party.

The settlement is confidential, but the amount sought was \$95 million. It is to be paid in one lump sum.

What the lawsuit claimed, Schutz said, was that DaVita advised patients who were eligible for Medicaid and Medicare to instead enroll in Florida Blue plans so that DaVita could be paid more per treatment

than it would have been paid by the government health care plans. "They don't make money doing Medicare patients, only commercial insurance," he explained.

In another case, Robins Kaplan represented Blue Cross and Blue Shield in its class action lawsuit against Viera Pharmaceuticals; its parent company, Phoenix AG; and two former executives, Martin Shkreli, also known as "pharma bro" and Kevin Mulleady.

Under the direction of Shkreli and Mulleady, the per-pill price for Daraprim, a treatment for toxoplasmosis, went from \$17.50 to \$750 — an increase of more than 4,000% when illegally limiting generic competition. The company will pay up to \$28 million. Shkreli went to prison but was released in May.

Like many law firms post-pandemic, Robins Kaplan is dealing with a hybrid workplace. The lawyers are in the office at least three days a week but always on Thursdays. "It's a new normal for white-collar workers," Schutz said.

## WISE COUNSEL. WINNING RESULTS.



*Congratulations*

ANDREW PARKER

FOR BEING NAMED TO THE  
MINNESOTA LAWYER  
POWER 30 LIST  
FOR BUSINESS LITIGATION

PARKER | DANIELS | KIBORT

A premier litigation law firm headquartered in downtown Minneapolis that provides efficient, aggressive and innovative solutions to complex legal problems.

[www.parkerdk.com](http://www.parkerdk.com) | 612 355 4100

LEGAL NEWS

Pot confession was probable cause

Walmart offers to pay \$3.1 billion to settle opioid lawsuits

Commentary: After Dobbs, voters opt to protect abortion access

Minnesota, 39 other states settle Google tracking charges

LEGAL FEATURES

Quandaries & Quagmires: Assessing the new lawyer discipline assessment

Briefly: Behind the veil of judicial recusal

Breaking the Ice: Prof's students examine wrongful conviction claims

Perspectives: Student paper's print demise recalls landmark litigation

MORE HEADLINES

Sanford, Fairview talking about merging health systems

Judge orders end to Trump-era asylum restrictions at border

Judge overturns Georgia's ban on abortion around 6 weeks

Walmart offers to pay \$3.1 billion to settle opioid lawsuits



# THE POWER 30

BUSINESS LITIGATION

OCTOBER 2022

## The POWER 30: Business Litigation 2022

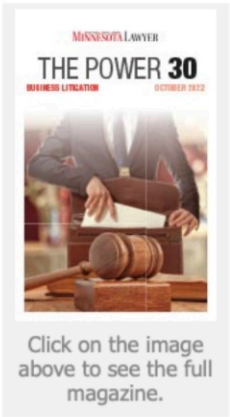
By: Minnesota Lawyer October 27, 2022

Welcome to POWER 30, a regular feature from Minnesota Lawyer that examines the power brokers who lead and influence various parts of the Minnesota legal community.

For this edition of POWER 30, we're focusing on business litigation.

In POWER 30, we highlight those whose mere presence on a case signifies the stakes, who have influenced the direction of the law, whose leadership in the community is pervasive and whose respect within the bar is undeniable.

To create this editorial-selected list, we interviewed respected attorneys and other leaders around the state, reviewed outcomes of significant cases handled by these and other attorneys, and consulted the archives of *Minnesota Lawyer* to highlight people whose achievements and influence we recognize as powerful business litigators in Minnesota.



Click on the image above to see the full magazine.



**Earn your Health Care Compliance Certificate completely online!**

- CCB accredited
- Most competitive tuition
- Scholarships available


**Health Law Institute**  
Mitchell Hamline School of Law

DAILY DOCKET NEWSLETTER



**Get Minnesota Lawyer news in your inbox**

**Sign-Up for Free**



**Tackle even the toughest tasks**

Powerful hydraulics and breakout forces, fast cycle times and an emphasis on comfort



**BetterSMB**

A Guide for Small and Mid-sized Businesses

**Find your company's icon,**

**View Guide**