

ARTHUR G. BOYLAN

Attorney, Shareholder, Executive Committee Member

Art Boylan is a seasoned lead trial lawyer and skilled commercial litigation strategist. Business owners and in-house counsel turn to Art when faced with difficult, high-stakes cases that put themselves or their businesses at risk. Colleagues and opposing counsel alike know that Art will not back away from the challenge of complex cases and is relentless in the pursuit of his clients' best interests.

A trusted business advisor and trial advocate, Art represents plaintiffs and defendants in a wide variety of business litigation matters - including claims for breach of contract, fraud, breach of fiduciary duty, trade secrets, consumer protection, and partnership and shareholder disputes. Regardless of the forum or the nature of the claim, Art has a reputation as a go-to lawyer for difficult cases.

Over the course of the last twenty years, Art has been asked to handle significant business-critical and high-value cases for his clients.

- Early in his career, Art's practice was devoted to the defense of a series of class actions—valued in the billions of dollars—alleging consumer fraud in connection with the sale of insurance products. Art immersed himself in those cases, becoming an indispensable member of the defense team. After more than five years of litigation across a variety of forums, Art was now an integral part of the trial team. In a landmark three week class action jury trial—in which the plaintiffs sought over \$2 billion dollars—Art and the team obtained a complete defense verdict for
- their client, enabling the remaining class actions to be resolved on favorable terms.

- For a Minnesota-based energy company, Art served as lead trial lawyer successfully defending against a minority shareholder's buyout claim. The minority shareholder sought to avoid the parties' operating agreement and claimed millions of dollars for its interest. The case had significant implications for Art's client beyond the value of the claim. If the plaintiff had been successful, the outcome would have altered the fundamental economic underpinnings of the client and cost Art's client in excess of \$20 million. Following a hard-fought discovery phase, including more than a dozen depositions, Art prevailed at summary judgment, obtaining a
- complete dismissal of all claims.

- Art successfully enforced an oral promise to share the profits of a new closely-held business in the construction industry. After several highly successful years and rapid growth into a multi-million dollar enterprise, Art's client was "fired" by his business partner and was refused his rightful share of the profits by alleging there was no partnership agreement. Art's client filed suit claiming his share. The defendant attempted to avoid his promise at all costs and asserted counterclaims against Art's client. Navigating myriad thorny legal issues, Art defeated the defendants' attempt to dismiss the claims at summary judgment, and got defendants' counterclaims dismissed. With all of the defendant's avenues closed, the case was presented to a jury. At the end of a week of trial, the jury awarded Art's client all of his requested damages.
- The jury's verdict in favor of Art's client was affirmed on appeal.

- Art served as counsel to a court-appointed receiver on two large commercial office buildings in Minnesota. For many years prior, the owner of the commercial office buildings was the victim of fraud at the hands of a management company. The management company failed to maintain the property, entered into fraudulent transactions with convicted felons, and siphoned millions of
- dollars out of the building.

Moving swiftly, just days after being retained by the receiver, Art obtained an *ex parte*



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AWARDS & HONORS

- Selected to the "Minnesota Super Lawyers" list by Super Lawyers, 2013–2022
- Selected to the "Minnesota Rising Stars" list by Super Lawyers, 2012
- Up & Coming Attorney, Minnesota Lawyer (2008)
- Star Lawyer, Benchmark Litigation

temporary restraining order removing the management company, enjoining access to the building, and freezing their bank accounts. Initially, Art obtained a judgment against the management company and its principals for \$1.45 million. Later, on behalf of the receiver, Art pursued a number of other lawsuits arising from the management company's fraudulent transfer of cellular rights to the buildings and alleged tax appeals, all of which resulted in additional payments owed to the buildings' owner.

Art has represented numerous small business owners in connection with claims arising from buy-sell agreements or alleged violations of representations and warranties in connection with the sale of business. These claims—which focus on the value of the business—are often worth

- millions of dollars and often require mandatory arbitration.

In one arbitration proceeding, Art successfully defended against the claims of a would-be purchaser who was seeking to force a sale of the company. Following a weeklong arbitration, the arbitrator agreed with Art and dismissed all claims.

In another recent arbitration proceeding arising from the sale of a business, Art successfully defended against a claim of fraudulent inducement and misrepresentations in connection with the sale. In that case, the plaintiff sought to recover over a million dollars. After a single day of the presentation of evidence, the arbitrator agreed with Art's client and rejected all of the claims made by the plaintiff.

Art successfully pursued a major public institution in Minnesota after it deliberately violated a contract with Art's client. His client, a technology company, had a contractual right to serve as the sole point of contact between the institution and all third parties for specific technology needs.

The contract was valued in the millions of dollars. The public institution was shown to have violated that agreement by going around Art's client but later denied all wrongdoing. After more than two years of litigation culminating in a two week jury trial, Art successfully convinced the jury

- that the public institution had violated the agreement.

Art represented a family-owned business against a Minnesota-based Fortune 100 company in a breach of contract case involving a number of complex, interrelated documents. The client initially relied on a nationally-ranked law firm with over 2,700 attorneys but grew increasingly unhappy. The client knew they needed an experienced and well-respected trial lawyer and replaced its counsel with Art. Prior to Art's involvement, the defendant offered a settlement less than the cost of defense. Art defeated the defendant's motion for summary judgment and

- leveraged that victory into a multi-million-dollar payout for his client.

Art represented a high net worth former employee of one of Minnesota's largest employers—a company with international operations and investments. The former employer alleged Art's client had breached his duty of loyalty through wrongful conduct in a variety of international transactions and sought \$10 million. Art devised and pursued a successful strategy to defend against that full-funded adversary. At the end of the case, Art's client walked away paying

- nothing.

Art was asked to take over the lead for the plaintiff in a case involving multiple claims of breach of contract, fraud and breach of fiduciary duty. By the time Art was asked to be involved, the defendant's counterclaims against Art's client had become the dominant feature of the case. The defendant refused to negotiate and offered nothing to Art's client. Art dove into the facts and further developed the record to support his client's claims. After four days of jury trial and at the conclusion of Art's case in chief, the defendant quickly agreed to settle with Art's client for cash

- and materials valued in the millions of dollars.

- Art was asked to take over another case in Minnesota from a nationally ranked law firm. At the outset of Art's representation, his clients were facing millions of dollars of liability arising out of claims of alleged breaches of fiduciary duty. The other side refused to negotiate and plaintiff's counsel promised to "bury" Art's clients in litigation. Over the course of two years, Art turned the case around completely. All of the claims against Art's clients were dismissed, the opponents were ordered to pay Art's attorneys' fees, and the court entered an Order allowing Art's clients to
- pursue punitive damages. The case ultimately settled with a payment to Art's clients.

- Art represented an individual accused by their former employer of trade secrets theft. The former employee was not bound by a non-compete and had established a competing business. The former employer hired one of the largest law firms in Minnesota and pursued the former employee aggressively. Through an extraordinary effort in discovery, Art dismantled the trade secrets claim and uncovered evidence of wrongful acts by the former employer – including disparaging and defamatory comments to others in the industry. At the summary judgment phase, Art successfully narrowed the former employer's trade secret claim and obtained a Court
- order allowing Art's client to pursue punitive damages against the former employer.
- After demanding millions from Art's client at the start of the lawsuit, the plaintiff was forced to walk away for nothing. Since the successful resolution of this case, Art's client has grown exponentially.

- Art has successfully represented a national Minnesota-based company to enforce their rights as shareholder and owner in numerous joint ventures. Art's client frequently teams up with local businesses in other states to establish additional locations under its nationwide operations and brand. In more than one instance, the local partner to Art's client has attempted to renege on their written agreements and establish competing businesses in close proximity. These cases often require immediate action to protect the client's interests. Art has quickly prepared for and obtained relief for his clients following "evidentiary hearings" at the outset of the case. In the course of his representation, Art has successfully enforced the restrictive covenants in the operating agreements, obtained injunctive relief and secured millions in recoveries on behalf of
- this client.

Art's commitment to justice and his community does not end in the courtroom. He has served on the Local Rules Committee for the United States District Court of Minnesota, the Saint John's Alumni Board, and as an officer and director of the Minnesota Chapter of the Federal Bar Association. Art has served on the firm's executive committee and led the firm's recruiting efforts for many years.

TESTIMONIALS

"[Art's] cool, calm demeanor helped us keep focus and maintain a positive attitude throughout the duration of our two years of litigation...Because of our positive outcome, our business has flourished and we now have over 500 full time employees."

— Jeff Evrard, client — CEO, Summit Companies

"Art always has our interest and our goal as his primary concern and never loses that vision. But more importantly, Art makes sure we don't lose that vision. He is detail oriented and always on top of the issues at hand and prepared for what is three steps ahead us."

— Brian E. Allen, client

"He is a perfect blend of skill, creativity and common sense . . . [he is] as good as anyone on his feet in the courtroom."

— Tim Becker, client — Principal, Lighthouse Management Group

"He'll fight for you, and you never get the sense that he's doing something only because it might be a feather in his lawyer cap...his focus was on [our] problem the whole way."

— John Arundel, client — CEO, Appcon

EDUCATION

J.D., magna cum laude, William Mitchell College of Law
B.A., Saint John's University, Political Science and English

ADMISSIONS

State of Minnesota
U.S. District of Minnesota
U.S. 8th Circuit Court of Appeals
U.S. Eastern District of Wisconsin

PROFESSIONAL AFFILIATIONS

- Federal Practice Committee for the U.S. District Court in Minnesota, Member (2015)
- Federal Bar Association, Co-Treasurer (2013–2014)
- Federal Bar Association, Vice President, Special Events (2012–2013)
- Federal Bar Association, Vice President, Membership (2011–2012)
- Federal Bar Association, Vice President, Legal Education (2010–2011)
- Federal Bar Association, Vice President, Monthly Meetings (2008–2010)
- Minnesota State Bar Association, Task Force on Diversity in Profession (2005–2006)
- Minnesota State Bar Association, Civil Litigation Section Governing Council, Liaison, (2005–2006)
- Benedictine Bar Association, Co-founder.

PUBLICATIONS

- Assignment for the Benefit of Creditors: An Award-Winning Strategy
, Minnesota Lawyer & Finance & Commerce – Partner Content, November 2021
- Generational Friction and Business Disputes, Minnesota Lawyer & Finance & Commerce –
Partner Content, October 2021
- Art Boylan featured in Minnesota Lawyer and Finance & Commerce article: Anthony Ostlund's Art
Boylan relishes a court battle
- Certain Things in Business Litigation Will Never Change, Minnesota Lawyer & Finance &
Commerce – Partner Content, January 2019
- Will Disproportionate Forfeiture Lead to More Trials?, Minnesota Lawyer – Partner Content,
August 27, 2018
- Apparently, You Should Say What You Mean, Attorney At Law Magazine, Minnesota Edition, April
2018
- Dismissal Based on a Special Litigation Committee Report – The District Court's Discretion,
Attorney At Law Magazine, Minnesota Edition, October 2017
- When Stealing is Not Considered Theft, Minnesota Lawyer – Partner Content, March 20, 2017
- Criminal Considerations in Civil Cases, Attorney At Law Magazine, Minnesota Edition, November
2016
- Stop That Wrecking Ball – Requests For Emergency Injunction Relief, Attorney At Law Magazine,
Minnesota Edition, December 2015
- Chapter Co-Author, "Class Actions," Minnesota Business Torts Deskbook, April 2013
- "The Subprime Mortgage Market: Its Broad Impact and the Initial Hurdle for Securities Class
Actions," The Federal Lawyer, August 2008.
- William Mitchell Law Review, Editor (2003–04)
- "Losing Clarity in Loss of Access Cases: The Minnesota Supreme Court's Muddled Analysis in
Dale Properties, LLC v. State," 29 William Mitchell Law Review 695, Fall 2002.

RESULTS

EXPERIENCE

- In a landmark three week class action jury trial—in which the plaintiffs sought over \$2 billion dollars—Art and the team obtained a complete defense verdict for their client, enabling related class actions to be resolved on favorable terms.
- Following a hard-fought discovery phase, including more than a dozen depositions, Art prevailed at summary judgment, obtaining a complete dismissal of all claims in a \$20 million minority shareholder buyout claim.
- Art successfully enforced an oral promise to share the profits of a new closely-held business. Art defeated the defendants' attempt to dismiss the claims at summary judgment, and got defendants' counterclaims dismissed. After a week-long trial, the jury awarded Art's client all of his requested damages. The jury's verdict in favor of Art's client was affirmed on appeal.
- Moving swiftly, just days after being retained by the receiver on two large commercial office buildings, Art obtained an ex parte temporary restraining order removing the buildings' management company, enjoining access to the building, and freezing their bank accounts. Art obtained a judgment against the management company and its principals for \$1.45 million and pursued a number of other lawsuits arising from the management company's fraudulent transfer of cellular rights to the buildings and alleged tax appeals, all of which resulted in additional payments owed to the buildings' owner.
- Art successfully defended against the claims of a would-be purchaser who was seeking to force a sale of the company. Following a weeklong arbitration, the arbitrator agreed with Art and dismissed all claims.
- In another recent arbitration proceeding arising from the sale of a business, Art successfully defended against a multi-million dollar claim of fraudulent inducement and misrepresentations in connection with the sale. After a single day of the presentation of evidence, the arbitrator agreed with Art's client and rejected all of the claims made by the plaintiff.
- Art successfully pursued a major public institution in Minnesota after it deliberately violated a multi-million dollar contract with Art's client. After more than two years of litigation culminating in a two week jury trial, Art successfully convinced the jury that the public institution had violated the agreement.
- Art represented a family-owned business against a Minnesota-based Fortune 100 company in a breach of contract case involving a number of complex, interrelated documents. Prior to Art's involvement, the defendant offered a settlement less than the cost of defense. Art defeated the defendant's motion for summary judgment and leveraged that victory into a multi-million-dollar payout for his client.
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conduct in a variety of international transactions and sought \$10 million. Art devised and pursued a successful strategy to defend against that full-funded adversary. At the end of the case, Art's client walked away paying nothing.

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- Art was asked to take over another case in Minnesota from a nationally ranked law firm representing clients facing millions of dollars of liability arising out of claims of alleged breaches of fiduciary duty. Over the course of two years, Art turned the case around completely. All of the claims against Art's clients were dismissed, the opponents were ordered to pay Art's attorneys' fees, and the court entered an Order allowing Art's clients to pursue punitive damages. The case ultimately settled with a payment to Art's clients.
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- Art has successfully represented a national Minnesota-based company to enforce their rights as shareholder and owner in numerous joint ventures. Art has quickly prepared for and obtained relief for his clients following "evidentiary hearings" at the outset of the case and has successfully enforced the restrictive covenants in the operating agreements, obtained injunctive relief and secured millions in recoveries on behalf of this client.

SPEAKING ENGAGEMENTS

- Stopping the Cheating: Finding the Right Remedy to Halt the Cheating, Lying, Cheating & Stealing Seminar 2022, October 2022
- How to Deal with Discovery Bullies, Minnesota Continuing Legal Education, November 2019
- Better Discovery: How to Deal with Discovery Bullies, Minnesota Continuing Legal Education Presenter, December 2017
- Better Discovery, Minnesota Continuing Legal Education Presenter, February 2016
- Business Torts Deskbook: Class Actions in Minnesota, Minnesota CLE, Co-Presenter, August 2013
- The Mortgage Meltdown & Class Actions, District of Minnesota Federal Practice Seminar, Panel Moderator, June 2008
- Standards Developing in Electronic Discovery, District of Minnesota Federal Practice Seminar, Panel Moderator, June 2007
- Electronic Discovery, Presentation to clients, September 2006