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PRACTICE AREAS

- Commercial Litigation
- Construction
- Cyber Risk and Losses
- Reinsurance

BAR AND COURT ADMISSIONS

- State Courts: Minnesota and New York
- U.S. Circuit Court of Appeals for the Seventh Circuit
- U.S. Circuit Court of Appeals for the Eighth Circuit
- U.S. Circuit Court of Appeals for the Ninth Circuit
- U.S. Circuit Court of Appeals for the Tenth Circuit
- U.S. Circuit Court of Appeals for the Eleventh Circuit
- U.S. District Court: District of Minnesota
- U.S. District Court: Eastern and Western Districts of Wisconsin

Tom has successfully represented many clients in a variety of industries during his 30 years handling complex litigation throughout the United States and internationally.

Tom's particularly strong expertise in insurance coverage litigation is focused on first party property, liability, and cyber coverage, construction defect claims, bad faith, time element, and boiler & machinery claims. While Tom's insurance practice is predominantly defense oriented, he appears at least as often as plaintiff's counsel in other matters - - having made substantial recoveries for his clients following their losses arising out of fires, explosions and mechanical failures in refineries, power plants, foundries, hotels, and large manufacturing facilities.

Tom's practice also includes anti-trust matters, privacy and data theft, software licensing disputes, as well as general commercial litigation.

Although Tom strives to reach a settlement or other resolution for his clients short of trial, that is not always possible. It is at that point when Tom's considerable jury trial experience is truly appreciated by his clients.

REPRESENTATIVE MATTERS

Prevailing lead counsel in multiple precedent setting matters, including:

Ritrama Inc., v. HDI-Gerling America Ins. Co., 796 F.3d 762 (8th Cir. 2015) (analyzing what constitutes a claim under a claims-made liability policy, when the word "claim" is not defined).

Weyerhaeuser Co. v. Thermogas Co., 620 N.W.2d 819 (Iowa 2000) (involving a major fire at a corrugated container plant, cited by over 100 courts and legal publications for its holdings on strict liability, comparative fault, jury instructions and *res ipsa loquitur*).

University of Minnesota v. Chief Industries, 106 F.3d 1409 (8th Cir. 1997) (fire at a university research facility, cited for its holdings on the economic loss doctrine and breach of warranty).

George's Inc. v. Allianz Global Risks US Insurance Co., 596 F.3d 989 (8th Cir. 2010) (W.D. Arkansas) (extra-expense coverage under property policy must

- U.S. District Court: Northern District of Illinois
- U.S. District Court: Northern District of California
- U.S. District Court: Eastern and Western Districts of Arkansas
- U.S. District Court: District of Colorado
- U.S. District Court: District of Nebraska
- U.S. District Court: Eastern District of Michigan

EDUCATION

- William Mitchell College of Law, J.D., 1987
- Montana State University, BA, 1982

result from actual increased monetary expenditure, and not merely increased per-unit production costs).

Allianz Ins. Co. v. Lexington Ins. Co., 179 S.W.3d 478 (Mo.App.E.D. 2005) (number of occurrences under property policy).

Hall v. Associated Int'l Ins. Co., 2012 WL 3570729 (10th Cir. 2012) (forced-placed homeowner's coverage is for benefit of lender).

Mies Equipment, Inc. v. NCI Building Systems, 167 F. Supp. 2d 1077 (D. Minn. 2005) (breach of contract, fraudulent misrepresentation and negligent performance claims arising out of building sale and construction).

ARTICLES & PRESENTATIONS

"Cybersecurity: What's the threat?" Minnesota Radiological Society Spring Meeting, April 6, 2019, presenter

"Crypto Economy Presents Novel Challenges for Insurers," *Insurance Law360*, August 3, 2018, co-author

"*Cyber Losses: Moving from Personally Identifiable Information and Payment Card Information to Property Damage and Business Interruption*," Lloyd's Market Association Master Class, Old Library, Lloyd's, London, England, May 1, 2018, presenter

"*Cyber Risks: Trends and Exposures*," Property Loss Research Bureau ("PLRB"), Annual Claims Conference, Orlando, Florida, April 16-18, 2018, presenter

"*Cyber Risks: Trends and Exposures*," Property Loss Research Bureau ("PLRB"), Annual Claims Conference, Boston, MA, March 26-29, 2017, presenter

"Hacktastrophe: How cyber-attacks on critical U.S. infrastructure could lead to catastrophic property loss," *JD Supra*, January 4, 2017, co-author

"Ransomware and Cyber Extortion Are on the Rise – What Can Be Done?," *Claims Journal*, June 27, 2016, co-author

"*Cyber Risks: Trends and Exposures*," Property Loss Research Bureau ("PLRB"), Annual Claims Conference, San Antonio, TX, April 17-20, 2016, presenter

"*World of Cyber Risks*," Brokers & Reinsurance Markets Association ("BRMA"), Annual Meeting, Princeton, NJ, April 11, 2016, presenter

"*Current Challenges of Cyber Risks and Considerations for Assessing Risk Exposures*," Brokers & Reinsurance Markets Association, Minneapolis, MN, September 24, 2015, presenter

"Personally Identifiable Information: Employer Risks & Responsibilities," Zelle webinar, July 16, 2015, co-presenter

"Looking At Angles Of Liability After A Cyberattack," *Insurance Law360* and *Employment Law360*, January 28, 2015, co-author

"2014 Cyber Symposium, Data Breach: Protection and Resiliency," Zelle and Secure Digital Solutions Seminar, November 6, 2014, co-presenter

"FTC Taking Action on Cyber Security," *Risk & Insurance* magazine, April 25, 2014, quoted regarding the FTC becoming more active in pursuing enforcement actions against organizations that do not sufficiently secure data, and how those actions may drive more companies to the cyber insurance market.

"2014 May Be Cyber Insurance's Most Popular Year Yet," *Insurance Law360*, March 21, 2014, author

"*Cyber Costs & Losses: Coming to a Computer Near You*," Zelle Seminar, February 27, 2014, co-presenter

"Cyber Risk Insurance May Cost More Than You Think," *American Bar Association Property Insurance Law Committee Quarterly Report*, Fall 2013, author

"For Small Business Owners, Cybersecurity Is Not a Question of 'If' But 'When...,'" *JD Supra*, May 31, 2013, co-contributor

"Corruption Currents: From Zetas Convictions to Berlusconi Bribery Trial," *The Wall Street Journal*, May 10, 2013, in which "Cyber Risk Insurance May Cost More Than You Think" article of May 8, 2013 is referenced

"A Super Guide to Superstorm Sandy: Key Adjustment, Coverage and Factual Issues," Zelle Webinar, April 19, 2013, co-presenter

"The Brave New World of Cyber Risks," Emerging Issues in Property Insurance, Chicago, IL, March 28, 2013, co-presenter

"What To Know About Obtaining Civil Authority Coverage," *Insurance Law360*, January 23, 2013, co-author

"Lessons From Past Give Guidance To Sandy-Related Claims," *Insurance Law360*, January 15, 2013, co-author

PROFESSIONAL AFFILIATIONS

American Bar Association; Sections on Litigation; Excess, Surplus Lines, Reinsurance

Minnesota State Bar Association

New York State Bar Association

Hennepin County Bar Association

International Association of Privacy Professionals