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**David J. Turek**

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**David Turek** has extensive experience in complex civil litigation. He has tried cases in front of juries and judges, focusing primarily on business disputes and high-stakes injury cases. For example, in December 2017, he successfully defended a severe burn injury case where the plaintiff asked the jury to award over \$38 million.



Mr. Turek handles a wide-variety of cases. In commercial litigation, Mr. Turek focuses on non-compete claims, insurance disputes, and construction litigation. Mr. Turek also has significant experience with personal injury litigation, often defending trucking companies, product manufacturers, and other businesses in Wisconsin and other venues across the country (most recently in Missouri, Oklahoma, Nevada, and Pennsylvania).

Mr. Turek has received an AV<sup>®</sup> Preeminent [peer rating](#) for professional excellence from Martindale Hubbell. Mr. Turek has also been named a Wisconsin Super Lawyer or Rising Star each year since 2007. In its 2018 edition, *Benchmark Litigation* named Mr. Turek a “future star” and highlighted his work in a contentious non-compete case in federal court. He is a Senior Fellow in the Litigation Counsel of America and a charter member of the LCA’s Trial Law Institute.

Mr. Turek authored the Wisconsin chapter of the DRI's *Excess and Umbrella Insurance State-by-State Compendium*, the "Wrongful Death" chapter in the Wisconsin Bar Association's *Law of Damages in Wisconsin*, and the Wisconsin chapter of the *Tort Law Desk Reference*. In addition to these writings, Mr. Turek is regularly invited to speak to fellow lawyers about trial practice and other subjects, such as the economic loss doctrine, damages, and federal civil procedure.

Mr. Turek received his undergraduate degree *magna cum laude* from Carthage College. Mr. Turek then earned his law degree *summa cum laude* from Marquette University Law School, where he was Senior Articles Editor of the Marquette Law Review.

Some recent examples of Mr. Turek's work include the following:

- Defended damages portion of one of Wisconsin's most significant personal injury trials from 2017. The plaintiff suffered third- and fourth-degree burns to more than 70% of his body as a result of a lawnmower fire, incurring more than \$3 million in past medical expenses. Mr. Turek became involved in the case less than 60 days before the start of trial. After the Plaintiff asked for more than \$38 million in closing (including \$20 million in punitive damages), the jury declined to award punitive damages and awarded compensatory damages close to those suggested by Mr. Turek. Coupled with a negligible apportionment of fault, the ultimate verdict resulted in Mr. Turek's client paying no additional money to Plaintiff as a result of the trial.
- Secured the prompt dismissal of a trust's claims against a large, national life insurance company for making distributions to an allegedly unscrupulous trustee. The trust did not appeal the federal judge's decision granting the life insurer's motion to dismiss. *Kriete Family Insurance Trust v. Pacific Life Insurance Company*, 2017 WL 3273580 (E.D. Wis. 2017).
- Obtained summary judgment for a spine product company in a contentious non-compete dispute with one of its largest competitors. The competitor sought more than \$10 million in damages, but the federal court determined there was no merit to the tortious interference and unfair competition claims. *Biomet Spine, LLC v. Stryker Spine*, 2016 WL 5793680 (E.D. Wis. 2016).
- Worked as co-counsel with a large, national firm to pursue legal and actuarial malpractice claims arising from an \$82 million ERISA class action settlement. The case involved multiple, complex issues on statute of limitations, professional liability, cause, and damages, plus intricate technical information surrounding cash balance pension plans. Mr. Turek's client resolved the case through multiple settlements in advance of trial.
- Earned summary judgment in favor of a large home builder by enforcing a contractual limitation against specific performance of the sale of land. In March 2016, the Wisconsin Court of Appeals affirmed the judgment in favor of Mr. Turek's client. *Key v. William Ryan Homes, Inc.*, Appeal No. 15-AP-490.
- Secured a preliminary injunction against proceedings initiated by the Lac du Flambeau tribe in their tribal court arising from the Tribe's \$50 million bond issuance. The Seventh Circuit's decision resolves several nationally-watched issues of tribal court jurisdiction. *Stifel, Nicolaus & Co., Inc. v. Lac du Flambeau Band of Lake Superior Chippewa Indians*, 807 F.3d 184, 204-05 (7th Cir. 2015).

- Secured a \$1 million-plus jury verdict for a subcontractor improperly terminated from a construction project. The Wisconsin Court of Appeals affirmed the jury's award in *Henshue Construction, Inc. v. Terra Engineering & Construction Corp.*, 2013 WI App 84.
- Won summary judgment based on Wisconsin's recreational immunity statute against a paraplegic injured while riding on a bicycle trail.
- Obtained a temporary restraining order that prevented a former employee from using trade secrets and other pilfered information for a new, competitive financial institution.
- Worked with a trial team to obtain a defense verdict in a pedestrian-truck accident where the plaintiff sought in excess of \$22 million in damages.
- Convinced a district court that an insurer should not be automatically responsible for a judgment if the insurer breaches its duty to defend. *Johnson Outdoors, Inc. v. General Star Indemnity Co.* (E.D. Wis. 2009), available at 2009 WL 4043104.