



WILLIAM H. LEVIT, JR.

Bill Levit is the senior member of the Firm's Litigation Practice Group and is located in our Milwaukee office. His practice is quite diverse with substantial experience in all kinds of complex litigation including antitrust, securities, distributor relations, licensing, unfair competition, insolvency, insurance regulation, and coverage disputes, professional liability, intellectual property, shareholder disputes, corporate governance counseling and ADR. He formerly chaired the Firm's Litigation and International Practice Groups, was a member of the Firm's Board of Directors and served for over twenty-five years as the Firm's Loss Prevention Partner and Claims Counsel.

Bill has prosecuted and defended corporate and commercial cases in Federal and state courts around the United States and before a wide variety of domestic and international arbitral tribunals. He has acted as counsel in international arbitrations in The Hague, Paris, London, Toronto, Zurich, Vienna and New York City.

For over 30 years, Bill has served as sole, chair or panel arbitrator in numerous commercial, corporate, intellectual property, licensing, insurance, reinsurance and securities arbitrations under the CPR International Institute for Conflict Prevention and Resolution, UNCITRAL, American Arbitration Association, New York Stock Exchange, NASD and various international and ad hoc rules. He serves as a general panelist as well as a member of the CPR's Franchise, General Counsel, Healthcare and Life Sciences and Insurance Panels. In addition, he is on the Commercial; Large, Complex Case; International and Mediation Panels of the American Arbitration Association. From 1984 to 1988 he was a Substitute Arbitrator on the Iran-U.S. Claims Tribunal at The Hague. He is a Fellow of and Chartered Arbitrator for the Chartered Institute of Arbitrators (London), a Fellow of the College of Commercial Arbitrators and a member of the Swiss Arbitration Association. He has mediated numerous disputes ranging from a multi-hundred million dollar take or pay contract case, to a close corporation shareholder dispute, to allocation of D&O insurance proceeds, to a multi-party condemnation case, to long term supply contracts, to various kinds of employment matters to licensing, franchise and product distribution disputes.

Before joining Godfrey & Kahn in 1983, Mr. Levit was chief legal officer of a Milwaukee-based Fortune 250 manufacturing company, a partner in a major Wall Street law firm and a United States Foreign Service Officer, serving in New Delhi, India. He has lectured on a wide variety of legal subjects for various organizations, including the American Bar Association, Wisconsin Corporate Practice Institute, the Practising Law Institute, State of Wisconsin Investment Board, National Association of Corporate Directors, University of Wisconsin School of Business, Ernst & Young, American Corporate Counsel Association, the State Bars of New York, Wisconsin and California and the Seventh Circuit Bar Association. He is a contributor to the American Bar Association's Mergers and the Private Antitrust Suit: The Enforcement of Section 7 of the Clayton Act (1977), is the author of a chapter entitled "Introduction to ADR" in *Winning Legal Strategies for Alternative Dispute Resolution* (Aspatore Books, 2005), co-author of an article, "Surveying the Boundaries: Overlapping State and Tribal Court Jurisdiction," June 2006 *Wisconsin Lawyer* and co-author of an article, "Wisconsin's Experience in Allocating Jurisdiction Between State and Tribal Courts," 45 *Court Review* 20 (2009).

Practice Areas

Litigation

- Alternative Dispute Resolution
- Antitrust
- Appellate
- Insurance & Reinsurance
- Securities and Corporate Governance
- Unfair Competition and Trade Secrets
- Contract/Commercial
- Distribution, Franchise & Dealership
- International
- Intellectual Property Litigation

Milwaukee

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Bill graduated from the Harvard Law School in 1967, where he was Editor-in-Chief of the Harvard International Law Journal. He graduated Phi Beta Kappa, magna cum laude from Yale University in 1960 with a degree in Asian History and received a Master's degree in International Relations from the University of California (Berkeley) in 1962. He is a member of the Bars of the States of California (1974), New York (1968) and Wisconsin (1979) and is a Past President of the Seventh Circuit Bar Association. In 2003, Bill was appointed and reappointed in 2009 by then Governor Jim Doyle to successive six-year terms as a Trustee of the State of Wisconsin Investment Board, one of the ten largest public pension plans in the United States.

Bill is an elected member of the American Law Institute. From 2000 to 2006 he chaired the Board of Administrative Oversight of the Supreme Court of Wisconsin Office of Lawyer Regulation, which oversees the State's lawyer disciplinary system. He is a Fellow of the American Bar Foundation as well as the Wisconsin Law Foundation. He is a Past President of the Wisconsin Chapter of the American Society of Corporate Secretaries. Bill has chaired a number of not-for-profit boards for a variety of institutions, particularly in the health care field. He is listed under Commercial Litigation, Alternative Dispute Resolution and International Arbitration in The Best Lawyers in America and has also been listed regularly in Who's Who in America and Who's Who in American Law. He is listed in Band 1 (the highest rating) in Chambers & Partners Directory of America's Leading Business Lawyers under Litigation, and is a Wisconsin Super Lawyer (Business Litigation).

Education

Bachelor of Laws (LL.B.), Harvard Law School, 1967

Master of Arts, University of California (Berkeley), 1962, (International Relations)

Bachelor of Arts, Yale University, 1960, Asian History, Phi Beta Kappa, magna cum laude

Honors

Chambers & Partners Directory of America's Leading Business Lawyers (Litigation, Band 1)

Best Lawyers in America (1995 - 2012) (Commercial Litigation, Alternative Dispute Resolution and International Arbitration)

Who's Who in America

Who's Who in American Law

Wisconsin Super Lawyer- (2005 - 2011)

News, Publications & Events

Publications

Wisconsin's Experience in Allocating Jurisdiction Between State and Tribal Courts

45 Court Review 20

2009

Surveying the Boundaries: State and Tribal Court Jurisdiction

Wisconsin Lawyer

June 2006

"Introduction to ADR," chapter in Winning Legal Strategies for Alternative Dispute Resolution
Aspatore Books
2005

Mergers and the Private Antitrust Suit: The Enforcement of Section 7 of the Clayton Act,
Contributor
January 01, 1977

In the News

Godfrey & Kahn Attorneys & Practice Groups Achieve Top Rankings in State (Chambers & Partners)
June 15, 2011

Bill Levit was listed as "Best Lawyers in America - 2010 Milwaukee Area" (The Business Journal)
October 16, 2009

Bill Levit was mentioned and pictured in "Who's Doing What" for his reappointment to the State of Wisconsin Investment Board (Wisconsin Law Journal)
May 25, 2009

Bill Levit was featured in "Governor Doyle Reappoints Levit to State of Wisconsin Investment Board" (Wis Business)
May 13, 2009

Bill Levit co-authored "Wisconsin's Experience in Allocating Jurisdiction between State and Tribal Courts" (Court Review, The Journal of the American Judges Association)

Peter Sommerhauser, John Dickens, Christopher Noyes, Patricia Falb, Mark Witt, Stephen Chernof, Michael Dwyer, Kristine Cherek, Bill Levit, Brady Williamson and Daniel Flaherty were featured in "Godfrey & Kahn: Attorneys, practice areas earn top rankings in state" (Wisbusiness.com)

Seminars & Events

15th Annual Super Bowl of Indexing
December 06, 2010

Representative Matters

Intellectual Property

Advanced Software Design Corp., et al. v. Federal Reserve Bank of St. Louis, et al., 2007 WL 3352365 (E.D. Mo. 2007), aff'd, 583 F.3d 1371 (Fed. Cir. 2009). Lead counsel for three Federal Reserve Banks and Fiserv, Inc. in obtaining summary judgment dismissing all claims against the Banks and against Fiserv insofar as it allegedly infringed the plaintiffs' patents when encoding data on U.S. Treasury checks to detect fraud on the grounds only proper defendant is the U.S. Government, who must be sued in Federal Court of Claims as provided in 28 U.S.C. § 1498.

Manpower Inc. v. Manpower Unternehmens-und Personalberatung Ges.m.b.H. (1991-1998). Lead American counsel for Claimant in licensing/franchise dispute with Austrian joint venture partner in arbitration before International Arbitral Centre of the Federal Economic Chamber of Vienna. All three Tribunal awards were in favor of Claimant, including grant of injunctive relief and a seven figure damage award (SCH-4311/MAG). The awards were upheld by the Austrian

Supreme Court on April 26, 2006 (Ob236/05i).

George Fischer Foundry Systems, Inc. v. Adolph H. Hottinger Maschinenbau GmbH, 1994-1 CCH Trade Cases 70,566 (E.D. Mich. 1994), *aff'd*, 55 F.3d 1206 (6th Cir. 1995). Lead counsel for German licensor in this patent licensing antitrust case in which dismissal obtained on basis of the United States Supreme Court's decision in *Mitsubishi Motors Corp. v. Soler Chrysler Plymouth, Inc.* Successfully represented client in arbitration of antitrust claims before Zürich Chamber of Commerce.

Good Humor Corporation v. Popsicle Japan KK. Lead counsel for Unilever subsidiary (Good Humor) in international trademark licensing dispute. 810 F. Supp. 1001 (E. D. Wis. 1992). Obtained summary judgment dismissing bulk of licensee's claims leading to favorable settlement.

Bostrom Seating Inc. (USA) v. JMH Bostrom Europe Ltd. (United Kingdom). Obtained favorable settlement for client in this international licensing dispute after initial hearings in ICC arbitration. (1987-1989) (6035/BDG).

Rexnord Inc. v. On-Line Software International, Inc. (1985). Obtained favorable settlement for Rexnord after 12 days of hearings and issuance of award in Company's favor by American Arbitration Association arbitral tribunal in this software licensing dispute.

Distribution, Franchise & Trade Regulation

DSD Distributors Inc. v. Hansen Beverage Co., et al., (Cir. Ct. Rock County 07 CV 1120 August 6, 2007) Successfully represented this NASDAQ-listed beverage company in vacating *ex parte* temporary restraining order, defeating motion for preliminary injunction and obtaining stay of action pending arbitration in California in this product distribution dispute.

Frohling Farm Equipment, Inc. v. CNH America LLC. Lead counsel for major manufacturer of agricultural equipment in defeating terminated dealer's motion for a temporary injunction in this Wisconsin Fair Dealership Law action resulting in settlement of the case. (Jefferson County Cir. Ct. Nov. 21, 2005).

Beer Capitol Distributing, Inc. v. Guinness Bass Import Co. Defeated terminated distributor's motion for a preliminary injunction for alleged violation of Wisconsin Fair Dealership Law. 2000-2001 CCH Bus. Franchise Guide § 11,914 (E. D. Wis., August 4, 2000). On eve of trial obtained summary judgment dismissing case in its entirety. 2001-2002 CCH Bus. Franchise Guide § 12,155 (E. D. Wis., Aug. 27, 2001); *aff'd*, 290 F.3d 877 (7th Cir. 2002).

Edison Liquor Corporation v. United Distillers & Vintners of North America, Inc. Obtained summary judgment dismissing this dealer termination case. 2000-2001 CCH Bus. Franchise Guide § 11,957 (Waukesha County Cir. Ct. Sept. 6, 2000), *aff'd* 2001-2002 CCH Bus. Franchise Guide § 12,216. (Wis Ct. of App., Dec. 12, 2001).

Maryland Staffing Services, Inc. v. Manpower, Inc., 936 F. Supp. 1494 (E.D. Wis. 1996). Lead counsel for Manpower in this franchise dispute in which dismissal of the bulk of the claims was obtained leading to a settlement.

Ziegler Co., Inc. v. Rexnord Inc. Defeated motion for preliminary injunction in dealer termination case and obtained grant of summary judgment, which was affirmed by Court of Appeals. The Wisconsin Supreme Court reversed [139 Wis. 2d 593 (1987)], but subsequently granted Rexnord's motion for reconsideration and ruled in its favor [147 Wis. 2d 308 (1988)]. Favorable settlement obtained for client in 1992.

Pillar Corp. v. Enercon Industries Corp. After nine days of trial, obtained dismissal of antitrust conspiracy and monopolization counterclaims. 1986-1 CCH Trade Cases ¶ 67,187 (Milwaukee County Cir. Ct. 1986).

Swan Sales Corp. v. Jos. Schlitz Brewing Co., Obtained summary judgment for Schlitz, which was affirmed by Wisconsin Court of Appeals, in this Wisconsin Fair Dealership Law dealer termination case. 126 Wis. 2d 16 (1985).

FTC v. Imperial Chemical Industries, Ltd. (FTC 1972). Helped successfully defend ICI's acquisition of then New York Stock Exchange company, Atlas Chemical Industries, Inc., from § 7 Clayton Act attack by FTC and negotiate consent decree.

Corporate, Commercial, Securities, Class Actions, and Accounting Malpractice

Ori v. Fifth Third Bank and Fiserv, Inc. 603 F. Supp. 2d 117 (E.D. Wis. 2009), 674 F. Supp. 2d 1095 (E.D. Wis. 2009). Lead counsel for defendants in ongoing consolidated class actions arising under the Fair Credit Reporting Act.

DMT S.A. v. Enercon Industries Corporation, 2008 WL1869031 (E.D. Wis. April 24, 2008). Obtained summary judgment dismissing claim by French purchaser against seller of allegedly defective corona treating equipment transshipped to Iranian customer on grounds of illegality because of circumvention of U.S. export controls.

Rich Products Corporation v. Kemutec, Inc., 66 F. Supp. 2d 937 (E. D. Wis. 1999), aff'd 241 F.3d 915 (7th Cir. 2001). Helped obtain dismissal on summary judgment and affirmance on appeal of all tort claims in this multi-million dollar food contamination case on basis of economic loss doctrine.

Chr. Hansen v. CK Witco Corp. n/k/a Crompton Corp. (1999-2000). Obtained seven figure settlement for U.S. subsidiary of public Danish company on eve of hearings in dispute arising out of breaches of representations and warranties in stock purchase agreement as to FDA and environmental compliance. (Amer. Arb. Assn. Case No. 13E1810010600).

Beverly L. Halquist v. Halquist Stone Co., Inc. et al. Court-appointed Independent Panel to act in lieu of disinterested majority of board of closely-held corporation to investigate and recommend disposition of derivative claims. Thereafter successfully mediated the dispute. (Waukesha County Cir. Ct. 1998-2000).

Aid Association for Lutherans v. Morgan Stanley & Co., Incorporated, Goldman Sachs & Co. and Merrill Lynch, Pierce Fenner & Smith, Incorporated. Represented underwriters in this securities case arising out of the failure of the Bank of New England Corporation. Obtained summary judgment on 1933 Act claims on statute of limitations grounds which led ultimately to favorable settlement (Milwaukee County Cir. Ct. 1991-1993).

Torphy v. Touche Ross & Co. (Dane County Cir. Ct.). Retained by Office of the Commissioner of Insurance of the State of Wisconsin as lead counsel to prosecute multi-million dollar accounting malpractice claims arising out of 1981 collapse of Wisconsin domiciled insurance company. Substantial settlement obtained in 1989 after first week of jury trial projected to last 4 to 6 months.

Briggs & Stratton Corp. v. Cross Co. and Cross & Trecker Corp. Represented Briggs in multi-million dollar breach of contract action and helped negotiate very favorable settlement

(E.D. Wis. 1987-88).

Rexnord Inc. v. Islamic Republic of Iran (1983). Obtained million dollar plus recovery for Rexnord after hearings before Iran-U.S. Claims Tribunal (The Hague) (first \$1 million Tribunal award) (Case No. 132).

In Re Equity Funding Corp. of America Securities Litigation, 416 F. Supp. 161 (C.D. Cal. 1976). Successfully defended Coopers & Lybrand and related entities in what at the time was one of the largest securities fraud class actions and ultimately negotiated favorable settlement for the client.

Allis-Chalmers Mfg. Co. v. Gulf & Western Industries, Inc. Involved in successful trial and appeal of short-swing profits securities case in which \$2.5 million was recovered for Allis-Chalmers. 372 F. Supp. 570 (N.D. Ill. 1974), aff'd, 527 F.2d 335 (7th Cir. 1975).

Zahn v. International Paper Company, 410 U.S. 925 (1973). Principal responsibility for preparing International Paper's briefs in both the Second Circuit and United States Supreme Court in this class action case in which the client prevailed.

Insurance Regulation, Insolvency and Bad Faith

In the Matter of the Rehabilitation of Northwestern National Insurance Company of Milwaukee, Wisconsin. Principal counsel to the Wisconsin Commissioner of Insurance in this ongoing rehabilitation of a Wisconsin-domiciled insurance company. (Dane County Cir. Ct., Case No. 06 CV 3585).

Wisconsin Patients Compensation Fund v. Physicians Insurance Company of Wisconsin, Inc. Successfully represented this state agency in trying to verdict in 1999 the only statutory bad faith and breach of fiduciary duty case it has ever brought against a primary insurer. The judgment (approximately \$1.2 million) was affirmed by the Wisconsin Court of Appeals in 2001 (No. 00-0505).

Wisconsin Patients Compensation Fund v. St. Mary's Hospital of Milwaukee. Successfully represented this statutory excess medical malpractice insurer in recovering \$4.8 million from a health care provider who wrongfully represented it had obtained coverage for professional liability claims. 209 Wis. 2d 17, 561 N.W.2d 797 (Ct. App. 1997).

In the Matter of the Liquidation of American Star Insurance Co. Principal counsel to the Wisconsin Commissioner of Insurance in this now-completed fifteen year liquidation of a San Francisco-based, Wisconsin-domiciled insurance company. (Dane County Cir. Ct., Case No. 92 CV 4579).

Fraud & RICO

City of Milwaukee v. Universal Mortgage Corp., 692 F. Supp. 992 (E.D. Wis. 1988). Lead counsel for Marshall & Ilsley Corp. and M&I Grootemaat Mortgage Corp. in obtaining dismissal of RICO and Wisconsin Little RICO claims brought by City of Milwaukee against inner city mortgage lenders arising out of successful criminal prosecutions of brokers involved in schemes to defraud HUD.

Indian Law

Forest County Potawatomi Community v. Judge James B. Mohr (Forest County Potawatomi

Tribal Court 04-CV-27) and Judge James B. Mohr v. Forest County Potawatomi Community (Oneida County Cir. Ct. 04-CV-152). Lead Counsel for the Tribe in obtaining favorable ruling from Tribal Court and State Court Judges in unique inter-jurisdictional conference that held Tribal Court action to enjoin State case seeking to compel arbitration of this seven-figure contract dispute should proceed and State Court action should be stayed. This led to settlement of the case.

Arbitration and Mediation Experience

A representative listing of Bill's arbitration and mediation experience includes the following:

Lecturer, International Commercial Arbitration, Law & Management Institute, Vladivostok State University of Economics & Service, Vladivostok, Russia, October 2011
Substitute Arbitrator, Iran-U.S. Claims Tribunal (The Hague), 1984-1988
Fellow, College of Commercial Arbitrators
Certified Mediator, International Mediation Institute, The Hague, The Netherlands
Regional Panelist, CPR International Institute for Conflict Prevention and Resolution Panel of Distinguished Neutrals, and member of CPR Insurance, Healthcare and Life Sciences, Franchise and General Counsel Panels
Panel of Arbitrators, Chartered Arbitrator and Fellow, The Chartered Institute of Arbitrators (London)
Member of American Arbitration Association's Commercial; Large, Complex Case; and International Centre for Dispute Resolution Panels of Arbitrators
American Arbitration Association Panel of Mediators
Chicago International Dispute Resolution Association Panel of Arbitrators and Mediators
Reinsurance Association of America Panel of Arbitrators and Mediators
Member North American Council, London Court of International Arbitration
Member Swiss Arbitration Association
Chair Fee Arbitration Committee, Milwaukee Bar Association, 2000-2010
Chair Committee on Resolution of Fee Disputes, State Bar of Wisconsin, 1994-1995

Admissions & Activities

Admitted to Practice

California - 1974
New York - 1968
Wisconsin - 1979

Professional Association Memberships

American Law Institute
Association of the Bar of the City of New York
New York State Bar Association
Seventh Circuit Bar Association
State Bar of California
State Bar of Wisconsin

Court Admissions

State of California
State of New York
State of Wisconsin
United States Court of Appeals, Federal Circuit
United States Court of Appeals, Ninth Circuit
United States Court of Appeals, Second Circuit
United States Court of Appeals, Seventh Circuit
United States Court of Appeals, Sixth Circuit
United States Court of Federal Claims
United States District Court, Central District of California
United States District Court, Eastern District of New York
United States District Court, Eastern District of Wisconsin
United States District Court, Northern District of California
United States District Court, Southern District of New York
United States District Court, Western District of Wisconsin
United States Supreme Court

Activities

Counsel in international arbitrations in The Hague, Paris, London, Toronto, Zurich, Vienna and New York City
Arbitrator and mediator through the New York-based CPR International Institute for Conflict Prevention and Resolution
Commercial; Large, Complex Case; and International Centre for Dispute Resolution Panels of Arbitrators and Mediation Panel of the American Arbitration Association
Panel of Arbitrators, Chartered Arbitrator and Fellow, The Chartered Institute of Arbitrators (London)
Chicago International Dispute Resolution Association Panel of Arbitrators and Mediators
Reinsurance Association of America Panel of Arbitrators and Mediators
Iran-U.S. Claims Tribunal (The Hague), 1984-1988, Substitute Arbitrator
Member of Swiss Arbitration Association
Seventh Circuit Bar Association, Past President
State of Wisconsin Investment Board, Trustee 2003 - Present
Board of Administrative Oversight of the Supreme Court of Wisconsin Office of Lawyer Regulation, Chair 2000 - 2006
Wisconsin Chapter of the American Society of Corporate Secretaries, Past President
American Law Institute - Elected Member 1999 - Present
Cardiovascular Center of the Medical College of Wisconsin - Director and Past Chair, Advisory Board
Columbia College of Nursing - Trustee and Past Board Chair
Medical College of Wisconsin - Council Member
Aurora Health Care, Inc. - former Director
Mount Mary College - former Trustee
Visiting Nurse Association - former Board Chair
Wisconsin Humane Society - former Board Chair