



## Sean O'D. Bosack

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### Practice Areas

Antitrust

Bankruptcy & Financial  
Restructuring

Financial Services Litigation

Government & White Collar  
Investigations

Health Care

Litigation

Securities & Shareholder  
Disputes

### Admissions

Wisconsin

### Education

Juris Doctor, Marquette  
University Law School,  
*magna cum laude*

Bachelor of Arts, Brown  
University, 1990, History

Sean Bosack is a shareholder in the Litigation practice in the Milwaukee office and a member of the Government & White Collar Investigations practice. Since joining the firm in 1997, Sean has focused his practice on complex business and corporate civil and criminal litigation. Sean devotes a substantial portion of his practice representing corporations conducting internal investigations involving various forms of fraud and corporate governance issues, and representing corporate and individual clients in white collar criminal matters in industries including health care, financial services, securities, manufacturing and construction, and parallel civil and regulatory proceedings that often follow. Sean also has significant trial experience representing institutional investors and financial services firms in federal jury trials and arbitrations. Sean represents clients on a wide variety of complex civil litigation matters including corporate governance, securities fraud, shareholder disputes, bank fraud, RICO, complex contract disputes, commercial torts, trade secrets, unfair competition, and disputes arising under the Wisconsin Fair Dealership Law and the Lanham Act before federal and state courts and in arbitrations.

Sean is an adjunct professor at Marquette University Law School teaching a course on Capital Markets and frequently serves as a guest lecturer for evidence and professional responsibility classes speaking on topics including expert evidence and corporate internal investigations.

Sean graduated from Marquette University Law School, *magna cum laude*, in 1997 where he served as Executive Editor of the *Marquette Law Review*. Sean earned a bachelor's degree in history from Brown University in 1990.

Sean is a co-chair of the ABA Section of Litigation, Committee on Corporate Counsel, Subcommittee on Corporation Governance; a member of the State Bar of Wisconsin; the Milwaukee Bar Association; the Seventh Circuit Bar Association; the American Bar Association; the American Inns of Court; and a member of the Board of Directors of the Legal Aid Society of Milwaukee.

### Representative Experience

#### White Collar Criminal and Internal Investigations

Conducted internal investigation and currently representing large financial institution in federal litigation arising as a result of banking relationship with customer convicted of operating a multi-billion dollar ponzi scheme. Successfully avoided criminal charges and other enforcement action against bank, and assisted in securing dismissal of several lawsuits, and avoiding others, related to claims by victims of ponzi scheme.

Represented innocent spouse of chief accounting officer of publically traded corporation who was convicted of embezzling tens of millions of dollars from employer. Assisted spouse in connection with investigation of wife's criminal activity and managed negotiations with federal authorities including the Dept. of Justice and the SEC to preserve the assets of the innocent spouse during forfeiture proceedings.

## Representative Experience

### White Collar Criminal and Internal Investigations

Represented one of Wisconsin's largest home builders that was the victim of a multi-million dollar fraud conspiracy involving the corporation's CEO, members of senior management, the corporation's outside counsel, and several vendors. During the course of the two year investigation, assisted federal prosecutors in developing evidence that led to criminal charges against ten individuals, nine guilty pleas, federal prison sentences for several defendants, and recovery of approximately \$20 million dollars through civil settlements with various parties involved in the conspiracy against the corporation, including its former outside law firm.

Defended majority shareholder of funeral home business charged with more than 20 counts of fraud by the Wisconsin Dept. of Justice. Successfully negotiated plea agreement under which defendant paid restitution and avoided prison sentence.

Conducted internal investigation on behalf of Fortune 100 company that discovered facts suggesting that sales employees in several states may have systematically conspired to steal competitors' trade secret information.

Conducted internal investigation to determine whether Fortune 100 company employees engaged in corruption in connection with contract with Veterans Administration.

Defended employees of a pharmaceutical company in a federal investigation of alleged violations of anti-kickback statutes occurring in the marketing of pharmaceutical products.

Successfully avoided prosecution of business manager of pediatric clinic where majority shareholder was indicted in federal court for fraudulent billing practices.

Managed internal investigation of truck manufacturer when authorities alleged that employees of local dealer engaged in public corruption in connection with sales to municipalities.

Conducted internal investigation of private equity arm of hedge fund when one of its managers was accused of corruption associated with position as chairperson of a major U.S. international port authority.

Represented chief medical officer of large health system accused of accepting bribes from president of physician practice group that managed emergency room facilities.

Defense of health care providers and employees in state and federal investigations involving alleged violations of the False Claims Act and fraud against Medicare and Medicaid programs.

### Securities & Financial Services Litigation

Negotiated favorable settlement on behalf of hedge fund faced with potential \$22 million claw back claim where it was "net winner" in another fund ultimately exposed as a multi-billion dollar ponzi scheme.

Represented major mutual fund in securities fraud case against issuer and underwriter of municipal bonds that parties agreed to submit to arbitration. Following discovery and two weeks of arbitration hearings, obtained settlement in which respondents paid approximately 95% of relief sought by mutual fund.

*KA Investments LDC v. Number Nine Visual Technology Corporation, et al.* Represented hedge fund in action alleging violations of Federal securities laws by defendant corporation and its officers and directors. Tried case to jury in United States District Court for District Court of Massachusetts.

Represented federally insured bank in its effort to recover losses suffered due to the purchase of home mortgages where mortgage broker fraudulently altered credit reports of underlying borrowers. Successfully recovered the bank's entire loss of \$2.2 million by way of settlement prior to the commencement of suit.

## Representative Experience

### Securities & Financial Services Litigation

*Maxim Financial Services, Inc. v. Goshen Fidelity, Inc.* Served as plaintiff's counsel in federal court action brought by purchaser of automobile loans alleging that defendant wrongfully refused to repurchase loans that plaintiff determined did not satisfy underwriting criteria. Succeeded in obtaining jury verdict awarding approximately \$300,000 to plaintiff.

Successfully represented hedge fund in an effort to compel indenture trustee to initiate action against issuer of convertible debt securities where issuer violated indenture by selling substantially all of its assets.

Advise institutional investors regarding various securities litigation related topics such as tender offers, short swing trading profits and insider trading issues.

### General Business and Commercial Litigation

*James Cape & Sons Company Construction (f/k/a Streu Construction Company) v. PCC Construction Company, Vinton Construction Company, John Streu, Ernest J. Streu, James J. Maples, Michael J. Maples and Daniel Beaudoin.* Represented defendant, Vinton Construction, a Wisconsin-based road building firm, and its owners in federal civil action where plaintiff alleged antitrust and RICO claims after defendants plead guilty to federal antitrust violations. Successfully obtained dismissal with prejudice of state and federal antitrust and racketeering claims on motion to dismiss.

*James Cape & Sons Company, by its Receiver Michael Polsky v. PCC Construction Company, Vinton Construction Company, John Streu, Ernest J. Streu, James J. Maples, Michael J. Maples and Daniel Beaudoin, Case No. 06CV1652.* Represented road construction company and principal shareholders in state court action initiated by competitor alleging that defendants conspired to rig bids and misappropriate plaintiff's trade secrets following defendants' conviction on federal anti-trust charges. Secured dismissal of entire 16 count complaint on summary judgment and obtained judgment against the corporation's insurer for payment of more than \$1 million of defendants' attorneys' fees.

*Compuware Corporation v. Silver Spring Networks, Inc., et. al.* Case No. 03CO429 Represented defendant, Silver Spring Networks, Inc., the acquirer of the assets of defunct developer of automatic utility meter reading product in federal court action. Plaintiff alleged that Silver Spring acquired assets of failing company via fraudulent transfer and that Silver Spring and its primary investor conspired to cause management of failing company to breach fiduciary duties owed to Compuware and other creditors. Following two years of litigation, court dismissed all of plaintiff's claims on motion for summary judgment.

*Allan Cohl and Jeffries M. Schuster v. Donn R. Dresselhuys et. al.* Case No. 03CV225 and *Tony Alford et. al. v. Donn R. Dresselhuys et. al.* Case No. 03CV5843 Represented Silver Spring Networks, Inc. in two state court shareholder actions where shareholders alleged that Silver Spring and its management conspired to cause management of failing company to breach fiduciary duties owed to shareholders of failing company. Successfully obtained dismissal of claims against Silver Spring on motion to dismiss in Alford action and persuaded plaintiffs in Cohl action to voluntarily dismiss claims against Silver Spring.

*Wisconsin Public Service Corporation v. Finmeccanica S.P.A. Azienda Ansaldo.* Local counsel for defendant, Italian manufacturer of nuclear steam generators, in contract action pending in United States District Court for the Eastern District of Wisconsin in which plaintiffs sought damages in excess of \$20 million.

*Bremer Corporation v. Stark & Roth, Inc.* Defended derivatives trading firm in contract action in which plaintiff alleges various violations of software and licensing agreements concerning custom software for using derivatives trading operation. Following discovery negotiated settlement in which defendant paid approximately 10% of relief to plaintiff.

*David Clapper et al. v. Burger Boat Company et al.* Defended seller of yacht construction contract in federal court action where plaintiff alleged that yacht which was subject of contract was riddled with design defects and that client failed to disclose material alterations to design specifications. Plaintiff sought damages from client in excess of \$2 million. On eve of trial case settled for approximately 5% of relief sought by plaintiffs.

## Representative Experience

### General Business and Commercial Litigation

*The Sherwin Williams Company v. Mid-America Protective Coatings, Inc.* Defended manufacturer of industrial coatings (i.e. lacquers, stains, and paint) in federal court action alleging defects in coatings sold to plaintiff for resale to its customers in which plaintiff sought approximately \$2 million in damages. On eve of trial case settled for approximately 5% of relief sought by plaintiff.

*Riverside Surgeons v. Todd Sandstrom and Watertown Memorial Hospital.* Defended general surgeon in state court action where surgeon's former employer alleged that general surgeon violated covenant not to compete and conspired with hospital to destroy plaintiff's medical practice. Following discovery, and cross motions for summary judgment, claims against surgeon and hospital were dismissed.

## Court Admissions

United States Court of Appeals, Seventh Circuit  
United States District Court, Northern District of Illinois  
United States District Court, Eastern District of Wisconsin  
United States District Court, Western District of Wisconsin

## Professional Association Memberships

Milwaukee Bar Association  
Seventh Circuit Court of Appeals Bar Association

## Activities

ABA Section of Litigation – Vice-Chair of Corporate Counsel Committee, Membership and Marketing Committee  
American Inns of Court  
Legal Aid Society - Board of Directors  
Milwaukee Winter Club - Board of Directors  
Pettit National Ice Center - Board of Directors

## Honors

Listed in *Best Lawyers in America* (Litigation - Securities, 2013 - present)  
AV Preeminent® Peer Review Rated by Martindale-Hubbell®  
Recognized as a *Wisconsin Rising Star* (2008)  
Recognized as a *Wisconsin Super Lawyer* (2015 - present)