



Andrew S. Oettinger

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Practice Areas

Contract/Commercial

Financial Services

Indian Nations

International

Products Liability & Torts

Real Estate & Construction

Securities & Corporate
Governance

Admissions

Wisconsin

Education

Juris Doctor, University of
Wisconsin Law School, *cum
laude*

Bachelor of Arts, University
of Wisconsin-Eau Claire,
summa cum laude, Political
Science

Andy represents clients in a variety of commercial litigation and arbitration matters, including corporate disputes, such as post-merger and post-transaction controversies, commercial torts, shareholder litigation, insurance sales, practice and distribution system challenges, and defense and bad faith claims against financial institutions.

Andy has litigated in federal and state trial and appellate courts, bankruptcy courts, before Wisconsin Administrative Law Judges, and has appeared before the American Arbitration Association, the Financial Industry Regulatory Authority, and the International Chamber of Commerce.

Andy's recent work includes: defense of indemnification claims following stock purchase agreement, assertion of claims seeking earn-out and other consideration due under stock purchase agreement, defense of hospitality ownership group against contract action, successful defense of investors and limited liability company against fraud and breach of fiduciary duty claims arising from inter-company dispute resulting in judgment against claimants and attorney fee award; defense of contract and tort claims asserted against financial institution, defense of fraud and contract claims against life insurers, representation of plaintiff in circuit court trial obtaining judgment extending liability to members of limited liability company through piercing of the corporate veil, jury trial verdict on behalf of real estate investors in limited liability company member dispute and business tort case, successful trial to the Bankruptcy Court in adversary action obtaining non-dischargeability order in Section 523(a)(2) (A) and (B) fraud claims, enforcement of supply agreement rights in the International Court of Arbitration (London), and defense of multimillion dollar fraud claims advanced on apparent authority theories.

Prior to law school, Andy held office as a County Supervisor on the Eau Claire County Board of Supervisors in Eau Claire, Wisconsin.

Andy serves on the firm's Recruiting Committee and the Litigation Practice Group's associate training program

Representative Experience

Southern Financial Group Loan Sale Agreement Litigation. Defense of financial institution against claims arising from alleged breach of loan sale agreement whereby financial institution sold interests in loan portfolio to investment group. Summary judgment granted in favor of financial institution dismissing all claims. Plaintiff appealed, and Seventh Circuit Court of Appeals affirmed decision following briefing and oral argument. (Eastern District of Wisconsin; Seventh Circuit Court of Appeals; 2012-2014.)

DeBartolo Truth-in-Lending Act, Real Estate Settlement Procedures Act Litigation. Defended TILA, RESPA, UCC, and fiduciary duty claims against financial institution. Motion to dismiss granted. (Eastern District of Wisconsin 2012.)

Representative Experience

Debit Card Account Overdraft Fee Multi-District Litigation. Defense of financial institution in class action challenging Bank practices for sequencing debit card transactions for the purpose of calculating overdraft fees. (Southern District of Florida 2010-2013).

Castlerock Commercial Construction Litigation. Assertion of tort and contract claims against construction company, principals, and guarantors for multi-million dollar liability. Assertion of fraud claims in adversary action in related bankruptcy. Obtained order of non-dischargeability order following trial. (Milwaukee County Circuit Court, Eastern District of Wisconsin Bankruptcy Court 2011-2013.)

The Commonwealth Fund Litigation. Defense of wrongful death action and other tort claims brought against policy think tank and other defendants. Case dismissed following successful motion to dismiss, affirmed on appeal (Milwaukee County Circuit, Wisconsin Court of Appeals 2007-2009.)

Mrazek Commercial Loan Portfolio Litigation. Prosecution of claims, enforcement of security interests and personal guaranties and defense of lender liability claims on multi-property commercial foreclosure. Settlement via surrender of property and entry of deficiency following evidentiary hearing. (Racine County Circuit Court 2009-2011.)

Matson Lender Liability Litigation. Defense of claims and attempted resurrection of judgment of foreclosure to compel sheriff's sale. Borrower's claims and requests for relief reversed by Wisconsin Court of Appeals. (Milwaukee County Circuit Court, Wisconsin Court of Appeals 2012-2014.)

Juza Commercial Foreclosure. Enforcement of security agreements and personal guaranties with commercial borrower. Judgment entered on behalf of financial institution. (Brown County Circuit Court 2012-2013.)

Focus Holdings Litigation. Assertion of breach of contract and extension of personal liability to individual owner of limited liability company defendants following breach of loan sale agreement. Judgment entered in favor of financial institution against company and order piercing the corporate veil extending liability to individual defendants following trial. (Milwaukee County Circuit Court 2010-2012.)

Canopy Financial Litigation. Defense of putative class action against financial institution and holding company arising out of third party Canopy Financial's misappropriation of HSA funds. Case dismissed following initial discovery and motion to dismiss. (Southern District of Illinois 2009-2010.)

Convenience Store ATM Arbitration. Litigation of Automated Teller Machine Agreement between bank and convenience store chain to enforce exclusivity provisions and revenue sharing arrangement. Case resolved prior to hearing. (American Arbitration Association Arbitration 2012.)

Burris ATM Litigation. Defense of class action against financial institution for alleged violations of the Electronic Funds Transfer Act. Case resolved following enforcement of FDIC's statutory repudiation and exclusive claims resolution process. (Eastern District of Wisconsin 2009-2011.)

French Family Trust Litigation. Defense of trustee bank against breach of fiduciary duty claims arising from exchange of insurance policies held by trust. Summary judgment granted in favor of bank and award of attorneys' fees and costs to bank. Affirmed on appeal. (Eastern District of Wisconsin, Seventh Circuit Court of Appeals 2006-2013.)

Court Admissions

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

Professional Association Memberships

Milwaukee Bar Association
American Bar Association Cyberspace Law Committee
Financial Institutions Litigation
Defense Research Institute (DRI)
Eastern District of Wisconsin Bar Association
Seventh Circuit Bar Association

Honors

Named to Benchmark Litigation's *Under 40 Hot List* (2016)
Recognized by *Super Lawyers* as a *Wisconsin Rising Star* (2011 -2020)
Recognized as a *Wisconsin Super Lawyer* (2022 - present)
Listed in *Best Lawyers in America* (Commercial Litigation, 2016 - present)
Recognized by Benchmark Litigation as a Local Future Star (2018 - present)
Listed in *BizTimes Media's* Notable Litigators and Trial Attorneys (2023)