

STEVEN M. PINCUS

Attorney, Shareholder

Steve Pincus is a trial lawyer with more than thirty years of experience representing clients in a broad array of complex commercial litigation matters, including ownership and governance disputes, minority shareholder matters, business torts and commercial fraud actions, contract disputes, antitrust litigation, professional malpractice matters, fraudulent transfer actions, and appellate litigation. He also guides his clients through arbitration, negotiation, and counseling. Clients come to Steve for his superb judgment, thoughtfulness, and wise counsel. They greatly appreciate his calm, pragmatic, results-oriented approach to solving their difficult and often sensitive business problems.

Throughout his career, Steve has devoted considerable time and energy to providing pro bono legal services for disadvantaged people. Steve currently is handling a federal class action civil rights lawsuit, in partnership with Mid-Minnesota Legal Aid's Disability Law Center, on behalf of individuals with disabilities who seek the opportunity to live more independently in housing of their own choice. Steve also has represented death row inmates in Louisiana and Mississippi in post-conviction proceedings, and worked with the NAACP Legal Defense and Educational Fund and other national organizations in opposing the execution of juvenile offenders and people with intellectual disabilities. Steve is one of the lawyers who prevented the execution of Albert Burrell, eventually exonerating and freeing him from death row at the Louisiana State Penitentiary at Angola, where Mr. Burrell had spent more than thirteen years for a crime he did not commit.

EDUCATION

J.D., cum laude, University of Minnesota Law School
B.A., cum laude, Williams College

ADMISSIONS

State of Minnesota
State of New York
District of Columbia
U.S. District of Minnesota
U.S. Southern District of New York
U.S. Eastern District of New York
U.S. 2nd Circuit Court of Appeals
U.S. 5th Circuit Court of Appeals
U.S. 8th Circuit Court of Appeals
U.S. 9th Circuit Court of Appeals
U.S. Supreme Court

PROFESSIONAL AFFILIATIONS

- Member, Minnesota State Bar Association
- Member, Hennepin County Bar Association
- Member, Federal Bar Association
- Member, Association of the Bar of the City of New York
- Member, District of Columbia Bar

COMMUNITY INVOLVEMENT

- Former board member and President of the Hennepin County Bar Foundation
- Past member of the Board of Trustees, Lake Country School
- Member, Death Penalty Project Steering Committee, The Advocates for Human Rights
- Member of the Buck Hill Ski Patrol
- 2017 Buck Hill Outstanding Patroller of the Year



CONTACT

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AWARDS & HONORS

- Selected to "Minnesota Super Lawyers" list by Super Lawyers, 2015 – 2021
- Peer Reviewed as "AV® Preeminent™ 5.0" (highest possible rating), Martindale Hubbell
- Minnesota State Bar Association North Star Lawyer 2018 – 2020
- Hennepin County Bar Association Pro Bono 100 Hour Challenge
- Private Sector Pro Bono Publico Award, Hennepin County Bar Association, 2002
- Volunteer Award, Minnesota Advocates for Human Rights
- Advocacy Award, Arc Hennepin-Carver
- Recognized by The National Law Journal for "Notable Pro Bono Achievement of the Year"
- Leonard E. Lindquist Pro Bono Award

- 2011 Buck Hill Outstanding Instructor of the Year
- 2010 Buck Hill Team Leader of the Year
- Outstanding Instructor Award for 2018-19 from the Western Region – Central Division of the National Ski Patrol
- Senior Patroller with the National Ski Patrol
- Served on the Advisory Board, Mental Health Resources, Inc.
- Prior to joining the firm, Steve was a litigation partner at Lindquist & Vennum. He also practiced business litigation and corporate law with Shearman & Sterling in New York City. Steve began his legal career as a judicial law clerk to Judge Myron H. Bright of the U.S. Court of Appeals for the Eighth Circuit.

PUBLICATIONS

- 10/05/2020 Minnesota Lawyer and Finance & Commerce – Steve Pincus was featured in article “Anthony Ostlund has a passion for pro bono work.”
- “It’s Good To Be Free”: An Essay About The Exoneration of Albert Burrell, 28 William Mitchell Law Review 27, 2001
- Contributing Author: State Antitrust Practice and Statutes, American Bar Association

RESULTS

EXPERIENCE

COMPLEX COMMERCIAL LITIGATION

Represented a major U.S. television company in a federal court lawsuit against a Chinese manufacturer in a case involving breach of contract, tortious interference, and antitrust claims, and over \$200 million in damages.

DISABILITY RIGHTS

Represented a group of individuals with disabilities, in partnership with Mid-Minnesota Legal Aid’s Disability Law Center, in a federal court class action lawsuit alleging that their rights under the Americans with Disabilities Act (ADA) and the Constitution have been violated because they have been denied the opportunity to live in the most integrated setting of their own choice in the community. Successfully defeated a motion to dismiss and achieved class certification. Obtained summary judgment in favor of plaintiffs on due process claim, and defeated defendant’s motion for summary judgment on other claims.

PROFESSIONAL MALPRACTICE

Represented landowner in a significant property rights dispute arising from surveyor malpractice. Achieved a substantial settlement in pre-suit mediation.

BUSINESS DISPUTE - BREACH OF CONTRACT

LITIGATION

Successfully represented minority-owner of limited liability company in breach of contract dispute over the sale of his ownership interest in a matter involving complex accounting issues.

CONSUMER FRAUD

Obtained a complete dismissal of two separate federal court lawsuits and a state court lawsuit brought against a national retail company that alleged consumer fraud and aiding and abetting claims and sought over \$100 million in damages.

REPRESENTATION OF FORMER EMPLOYEES AND LENDERS IN PETERS CASE

Represented former employees of Polaroid Corporation and other Petters-related companies and lenders to Petters entities in twenty-six separate proceedings arising out of the \$3.65 billion fraud orchestrated by Tom Petters. Achieved favorable settlements for all former employee clients and all lender clients.

RFC LITIGATION

Successfully represented defendants in Residential Funding Company and ResCap Liquidating Trust lawsuit alleging over \$40 million in claims concerning the sale of mortgage loans. Achieved highly favorable settlement of claims.

PARTNERSHIP BUSINESS DISPUTE

Successfully represented minority partners in a large agricultural partnership, achieving favorable buy-out of partnership interests and overcoming hurdles presented by partnership agreement.

INTELLECTUAL PROPERTY

LITIGATION

Successfully represented Luminara Worldwide, LLC, the exclusive licensee from Disney of technology related to artificial flickering flame candles in patent infringement litigation, achieving favorable settlement. *Luminara v. Liown* (D. Minn.).

AMERICANS WITH DISABILITIES ACT CASE

Obtained readmission to an Ivy League university for a student who had been forced to withdraw by the school for alleged mental health reasons in a case involving significant civil rights issues and issues under the Americans with Disabilities Act.

ACCOUNTING MALPRACTICE

Trial counsel for hotel entrepreneur in confidential AAA arbitration against "Big Four" accounting firm. Case settled favorably for client during arbitration.

FTC MATTER

Successfully represented and advised electronics manufacturer facing FTC complaint concerning "Made in USA" standards. Resolved complaint without formal agency action.

UNFAIR COMPETITION

Represented major retail company in dispute with online retailer concerning unfair competition and predatory pricing.

SHAREHOLDER OPPRESSION IN FAMILY BUSINESS

Represented a minority shareholder in a breach of fiduciary duty and shareholder oppression case involving a Wisconsin family business engaged in highway construction services.

CONSTRUCTION LITIGATION

Successfully represented FedEx Freight in construction-related litigation concerning its office and warehouse facility in Roseville, Minnesota.
Nucor Building Systems v. FedEx Freight, Inc., et al., (Ramsey Cty. Dist. Ct.).

FAMILY BUSINESS DISPUTE

Obtained a temporary injunction preventing the squeeze-out of a minority shareholder and successfully litigated ownership and governance issues in the family business, eventually resulting in a negotiated buy-out. *Kroll v. Kroll*, (Henn. Cty. Dist. Ct.).

SUCCESSFULLY ENFORCED ARBITRATION AGREEMENT

Successfully argued appeal to Minnesota Court of Appeals, obtaining a decision enforcing an arbitration agreement that reversed the district court. *Revestors Group 1, LLC, v. Severson, et al.*, 2009 WL 438269 (Minn. Ct. App.).

CLOSE CORPORATION DISPUTE

Successfully represented a fifty-percent owner of a close corporation, obtained a temporary injunction preventing his improper removal from the business and then litigated ownership and breach of fiduciary duty issues resulting in a resolution allowing him to purchase the business. *Sandvik v. Slattery, et al.*, (Henn. Cty. Dist. Ct.).

MINORITY SHAREHOLDER-EMPLOYEE RIGHTS WIN

Obtained a temporary injunction preserving the employment of a minority shareholder-employee, and successfully argued appeal, resulting in a seminal decision by the Minnesota Court of Appeals concerning minority shareholder-employee rights. *Haley v. Forcelle*, 669 N.W.2d 48 (Minn. Ct. App. 2003), rev. denied.

INDENTURE TRUSTEE AND BONDHOLDER REPRESENTATION

Represented indenture trustees and bondholders in various cases concerning issuer default and trust indenture interpretation.

SPEAKING

- Speaker, Minnesota Business Law Institute CLE on fraudulent transfer litigation in Ponzi scheme cases, 2011
- Frequent speaker on capital punishment, including as a guest at the University of Minnesota Law School, on a panel following a performance of “The Exonerated” in Minneapolis, at CLE programs, and before many school groups