



Joseph J. Cassioppi

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Services

Trusts & Estates Litigation

Shareholder & Partnership
Disputes

Litigation

Appellate

Banking & Financial Services
Litigation

Joe is a trial lawyer who specializes in fiduciary litigation—representing clients in trust, estate, and closely held business disputes in trial and appellate courts in Minnesota and across the country.

He is a fellow of the American College of Trust and Estate Counsel (ACTEC), serves as Co-Chair of Fredrikson Trusts & Estates Litigation Practice Group, and is Chair of the firm's Recruiting and Hiring Committee.

Experience

Trusts & Estates Litigation

- Represented trustee and related entity in proceedings brought in Hennepin County, Minnesota by former trust beneficiaries seeking to overturn Charitable Lead Annuity Trust ("CLAT") estate plan, \$45 million in damages, and operating control of entities worth more than \$300 million. After four years of litigation and a 20-day trial, the Court rejected all of the beneficiaries' claims and entered judgment in favor of clients.
- Successfully argued significant trust case decided by Minnesota Supreme Court addressing issues of trust interpretation and the interplay between trustee powers and fiduciary duties. *Trust of Lawrence B. Schwagerl*, 965 N.W.2d 772 (Minn. 2021).
- Represented trust beneficiary and successfully obtained Court of Appeals decision enforcing no-contest provision in trust agreement to void gift to a beneficiary who had contested distributions from the trust. *B.C. Fox Tr., U/A/D*, July 1, 1997, as Amended, 2022 WL 1073756 (Minn. Ct. App. Apr. 11, 2022)
- Served as lead counsel for a charitable trust beneficiary in a four-day trial in Santa Clara County, California Superior Court, and obtained a judgment invalidating a purported trust amendment that diverted millions of dollars to a trustee based on undue influence, as well as seven-figure award of attorneys' fees and costs against trustee under California's Elder Abuse statute.
- Represented estate beneficiary in trial seeking to enforce the provisions of estate plan and damages arising out of improper utilization of corporate assets. Obtained high six-figure damages award for civil theft, conversion, breach of fiduciary duty, and breach of contract and order requiring the corporation to pay

client's attorneys' fees.

- Successfully represented beneficiary of decedent's IRA in appeal from order voiding change of beneficiary designations under power of attorney. *Estate of Fashant*, 2016 WL 4497530 (Minn. Ct. App. Aug. 29, 2016).
- Represented a university as beneficiary of estate to protect charitable bequest against will challenge. After discovery and motion practice, obtained a settlement which ensured the protection of the bequest for the university.
- Routinely represents corporate and individual trustees and beneficiaries in connection with accounting hearings, breach of fiduciary duty claims, and trust construction disputes.
- Extensive experience representing fiduciaries and beneficiaries in trusts and estates holding closely-held business interests and agricultural assets.

Shareholder & Partnership Disputes

- Represented former CEO and CFO of Fortune 1000 company in shareholder derivative lawsuit and special litigation committee investigation. After the SLC investigation, the Court dismissed all claims against our clients and the other defendants.
- Represented NYSE-listed medical device manufacturer in shareholder dispute arising out of contested board election. After extensive discovery and motion practice, including obtaining a court order requiring the opposing shareholders to submit to forensic reviews of their computer systems, the lawsuit was settled on favorable terms.
- Represented northern Minnesota wholesale grower in closely-held shareholder dispute. Obtained partial summary-judgment and resolved remaining claim on favorable terms.
- Defended several public company clients in shareholder class action lawsuits, including expedited pre-closing / merger proceedings.

Business Litigation

- Represented landfill operator in significant nonconforming use rights case, *AIM Dev. (USA), LLC v. City of Sartell*, 946 N.W.2d 330 (Minn. 2020). Successfully obtained decision from the Minnesota Supreme Court clarifying what activities constitute a continuation, rather than an expansion, of a nonconforming use in Minnesota.
- Obtained a seven-figure verdict in a jury trial for veterinary clinic against former employee who misappropriated confidential client information.
- Briefed and argued appeal on behalf of operators of an organic dairy following unsuccessful partition action, resulting in a reversal by the Minnesota Court of Appeals in *Neumann v. Anderson*, 916 N.W.2d 41 (Minn. Ct. App. 2018).
- Represented wholesale grower in multi-million-dollar product liability action arising out of a catastrophic fire at growing and distribution facility.

- Defended Japanese medical device company in international arbitration arising out of the development of the client's left ventricular assist system. After discovery, the arbitration was resolved on terms favorable to the client.
- Represented court-appointed receiver in large nine-figure Ponzi scheme receivership and fraudulent transfer/ clawback lawsuits in state and federal courts across the country.
- Served as Assistant Special Counsel to the Office of the Governor during the 2011 Minnesota state government shutdown. Represented the Office of the Governor in district court and special master hearings. *Gov't Shutdown Litig.*, 2011 Minn. Dist. LEXIS 43, 2011 Minn. Dist. LEXIS 44, 2011 Minn. Dist. LEXIS 45, 2011 Minn. Dist. LEXIS 48, 2011 Minn. Dist. LEXIS 59, 2011 Minn. Dist. LEXIS 63, 2011 Minn. Dist. LEXIS 64, 2011 Minn. Dist. LEXIS 69, 2011 Minn. Dist. LEXIS 71, 2011 Minn. Dist. LEXIS 84, 2011 Minn. Dist. LEXIS 89 (Ramsey Cnty., Minn, 2011).

Pro Bono Representation

- First Judicial District, Scott County, Conciliation Court Referee, 2017-present
- Children's Law Center of Minnesota, Volunteer Attorney, 2009-present
- Obtained trial victory against insurance company that wrongfully accused client of damaging her neighbor's property.

Credentials

Education

- University of Minnesota Law School, J.D., 2007, *magna cum laude*
- Creighton University, B.A., 2004, *summa cum laude*

Admissions

- Minnesota, 2007
- U.S. Court of Appeals for the Eighth Circuit, 2008
- U.S. District Court for the District of Minnesota, 2008
- U.S. District Court for the District of North Dakota, 2009
- U.S. Court of Appeals for the Third Circuit, 2009
- U.S. Court of Appeals for the Eleventh Circuit, 2010
- U.S. District Court of the Western District of Wisconsin, 2020

Clerkships

- Clerk, Judge James B. Loken, U.S. Court of Appeals for the Eighth Circuit, 2007-2008

- Judicial Extern, Judge David S. Doty, U.S. District Court for the District of Minnesota, 2005

Recognition

- Super Lawyer—Estate & Trust Litigation, *Minnesota Super Lawyers*, 2022
- Attorney of the Year Group Recognition, *Minnesota Lawyer*, 2020
- *The Best Lawyers in America*, Litigation—Trusts and Estates, 2020-present
- Small Company Transaction of the Year, 2018, Turnaround Management Association—Minnesota Chapter
- Rising Star, *Minnesota Super Lawyers*, 2013-present
- North Star Lawyer, Minnesota State Bar Association, 2013-2015, 2017-2021
- Pro Bono Volunteer of the Year, Fredrikson & Byron, 2014
- Order of the Coif

Civic & Professional

Professional Activities

- Federal Bar Association, Minnesota Chapter, Director and Officer, 2013-2019, 2020-present
- Children's Law Center of Minnesota, Director, 2021-present
- University of Minnesota Law School, Adjunct Professor, *Law in Practice*, 2009-2015
- *Minnesota Law Review*, Lead Article Editor, 2006-2007; Staff Member, 2005-2006

News

Firm News | 10.20.2022

Fredrikson & Byron Announces Results of 2022 Board Elections

Firm News | 06.16.2022

Fredrikson & Byron Attorneys Recognized as North Star Lawyers

Firm News | 11.04.2021

Fredrikson & Byron Wins Significant Trust Case at the Minnesota Supreme Court

Firm News | 08.11.2020

Fredrikson & Byron Wins Significant Nonconforming Use Rights Case at the Minnesota Supreme Court

Firm News | 09.06.2018

Fredrikson & Byron Wins Turnaround Management Association's 2018 Transaction of the Year and Non-Profit Turnaround of the Year Awards

Firm News | 10.28.2014

Attorney Joseph Cassioppi Earns Fredrikson & Byron's Pro Bono Volunteer of the Year Award

Publications & Presentations

Presenter and Author, *Toolbox for Probate and Trust Trials and Appeals*, Minnesota Probate and Trust Law Section Conference, June 7, 2021

Presenter and Author, *Trustee Liability and Exculpatory Clauses*, Minnesota CLE, October 16, 2020

Presenter and Author, *Trustee Duties*, Estate Planning, Probate & Trust Law 50, February 21, 2020

Presenter, *Quirks & Pitfalls of Estate Litigation*, Minnesota CLE, March 18, 2021, 2019 Probate & Trust Law Section Conference, June 10, 2019

Presenter, *Quirks & Pitfalls of Estate Litigation*, Probate and Trust Disputes—The Litigator's Guide to the Galaxy, November 28, 2018

Presenter, *The Limits of Fiduciary Discretion (for Litigators and Planners)*, Probate and Trust Law Section Conference, June 4, 2018

Presenter, *Probate A to Z: Estate Litigation*, Minnesota CLE, February 14, 2018

Presenter, *Between a Rock and a Hard Place: Litigation Involving Powers of Attorney and Financial Institutions*, ABA Real Property, Trust and Estate Law Section National CLE Conference, April 20, 2017

Co-Author, "Estate Litigation Chapter", *Minnesota Estate Administration Handbook*, 2017 and 2018