



Terrence J. Fleming

SHAREHOLDER

Minneapolis

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Services

Litigation

Securities Litigation

Shareholder & Partnership
Disputes

Investment Management

Finance & Securities

Terrence represents parties nationally in commercial fraud cases, including shareholder derivative and class actions, merger and acquisition litigation, SEC, FINRA and state regulatory proceedings, investor broker and law firm disputes, minority shareholder disputes and securities arbitrations.

He also has considerable experience representing receivers, trustees and victims of Ponzi schemes.

Terry has completed more than 100 jury and court trials, arbitrations and regulatory proceedings around the country. He was admitted as a fellow in the American College of Trial Lawyers in 2005. Terry has also worked as an arbitrator, mediator, expert witness, and as a member of, and counsel to, special litigation committees.

Experience

- **Polaroid:** 472 B.R. 22 (Bankr. D. Minn. 2012) (finding no good faith), *aff'd sub nom. Ritchie Capital Management, LLC v. Stoebner*, 2014 WL 1386724 (D. Minn. 2014), *aff'd*, 779 F.3d 857 (8th Cir. 2015): affirming trustee's avoidance of liens pledged by debtor as fraudulent transfers.
- **WestLB AG v. Kelley:** 531 B.R. 783 (D. Minn. April 23, 2015): granting motion to dismiss four appeals on the basis that appellants lack standing to appeal; affirming Bankruptcy Court Judge Kishel Order dated 11/22/13 granting the trustee's motion to substantively consolidate nine bankruptcy estates.
- First Memorandum on "Consolidated Issues" Treatment of Motions for Dismissal in Trustee's Litigation for Avoidance and Recovery: Statute of Limitations and Timeliness of Suit, *Petters Co., Inc.*, 494 B.R. 413 (Bankr. D. Minn. 2013).
- Second Memorandum on "Consolidated Issues" Treatment of Motions for Dismissal in Trustee's Litigation for Avoidance and Recovery: Adequacy of Pleading for Trustee's Standing, Discovery Allowance, and Fraud; Operation of Ponzi Scheme Presumption, *Petters Co., Inc.*, 495 B.R. 887 (Bankr. D. Minn. 2013).
- Third Memorandum on "Consolidated Issues" Treatment of Motions for Dismissal in Trustee's Litigation for Avoidance and Recovery: Avoidability and Actionability Under Law and in Equity; One Last Issue of Pleading, *Petters Co., Inc.*, 499 B.R.

342 (Bankr. D. Minn. 2013).

Securities Class Actions

- *August Technology Securities Litigation*
- *Fisher v. Offerman & Co.*
- *Lifecore Biomedical, Inc. Securities Litigation*
- *American Continental Corp./Lincoln Savings & Loan Securities Litigation*
- *Nelsen v. Craig-Hallum, Inc.*
- Acted as the Special Litigation Committee (SLC), or as counsel to the SLC, in derivative class actions, appointed to investigate and determine whether to pursue or settle the derivative claims, most recently in these cases:
 - Class actions against Lakes Entertainment and Golden Gaming
 - Class actions against Enventis Corp.

Credentials

Education

- Harvard Law School, J.D., 1981
- University of St. Thomas, B.A., 1978

Admissions

- Minnesota, 1981
- U.S. District Court for the District of Minnesota, 1981
- U.S. Supreme Court, 1996
- U.S. Court of Appeals for the Eighth Circuit, 1987

Recognition

- POWER 30: Business Litigation, *Minnesota Lawyer* 2021-2022
- Lawyer of the Year in Litigation—Securities, *Best Lawyers*, 2022
- Lawyer of the Year in Minneapolis Bet-the-Company Litigation, *Best Lawyers*, 2020
- *The Best Lawyers in America*, 2005-present
- Fellow, Litigation Counsel of America, 2013-present
- Leading Lawyer in Minnesota, *Benchmark Litigation*, 2007-2015
- Local Litigation Star—Minnesota, *Benchmark Litigation*, 2013-2015

- *Chambers USA: America's Leading Lawyers for Business*, Minnesota—Litigation: General Commercial, 2004-present
- *Leading American Attorneys*, 1994-2015
- Super Lawyers—Business Litigation, *Minnesota Super Lawyers*, 2003-present
- Top 100, *Minnesota Super Lawyers*, 2003-2017
- Minnesota's Top Rated Lawyers, 2013-2014
- Fellow, American College of Trial Lawyers, 2005-present
- Top 100 Trial Lawyer, American Trial Lawyers Association, 2009-present

Civic & Professional

Professional Activities

- Minnesota State Bar Association, Member
- Hennepin County Bar Association, Member
- University of St. Thomas, Adjunct Professor, *Introduction to Law*, 15 years; *Christian Faith and the Legal Profession*, 4 years
- University of St. Thomas Law School, Adjunct Professor, *Catholic Social Thought*, 2005
- Hamline University School of Law (now Mitchell Hamline School of Law), Adjunct Professor, *Securities Regulation*, 2009
- William Mitchell College of Law (now Mitchell Hamline School of Law), Adjunct Professor, *Professional Responsibility*, 12 years

Community

- Legal Rights Center, Board Member, 2010-present; President of Board, 2012-present

News

Firm News | 06.01.2023

Fredrikson Recognized by 2023 Chambers USA

Firm News | 10.27.2022

Terrence Fleming, David Marshall and Todd Wind Among Minnesota Lawyer's POWER 30 in Business Litigation

Firm News | 07.18.2022

Fredrikson & Byron Attorneys Named 2022 Minnesota Super Lawyers and Rising Stars

Firm News | 06.02.2022

Fredrikson & Byron Recognized by 2022 Chambers USA

Firm News | 10.28.2021

Terrence Fleming and Todd Wind Among Minnesota Lawyer's POWER 30 in Business Litigation

Firm News | 05.20.2021

Fredrikson & Byron Recognized by 2021 Chambers USA

Publications & Presentations

Panelist, *Diversity and Working Through Difference*, Hennepin County Bar Association Law Firm Leadership Program, April 2017

Panelist, *Legal and Regulatory Risks*, Fredrikson & Byron Strategies to Manage Cybersecurity Risks for the Financial Industry Seminar, February 1, 2017

Co-Presenter, *Creating and Sustaining an Inclusive Law Firm Culture*, Hennepin County Bar Association Seminar, April 23, 2015

Co-Presenter, *Telling the Truth Slant: Mediator Ethics*, Hennepin County Bar Association Seminar, November 14, 2014

The Defense Perspective: Defending Against Ethics Complaints, Hennepin County Bar Association, May 10, 2013