

CV - William H. Levit Jr.

Background and Work Experience

Personal:

Born San Francisco, California
8 February 1938
Married to Mary Elizabeth Webster Levit
5 adult children, 4 grandchildren

Education:

Harvard Law School
Editor-in-Chief
Harvard International Law Journal

LL.B - 1967
1966 - 1967

National Defense and Education Act Fellow
University of California, Berkeley

MA- 1962
International Relations

Ford Foundation Fellow
University of Pennsylvania

1960 - 1961
South Asia Studies

Yale University
Magna Cum Laude
Phi Beta Kappa

B. A. - 1960
Asian History

Work Experience:

LEVIT ADR LLC

May 2014 -

GODFREY & KAHN, S.C.
Milwaukee, Wisconsin
Of Counsel
Shareholder; Former Chair International Practice Group, Former Chair Litigation Practice Group,
Former Member Board of Directors and Firm's
Loss Prevention Partner and Claims Counsel (1984-2009)

Jan.-April 2014
Jan. 1983-
December 2013

REXNORD INC. (then-Fortune 250 multinational company)
Milwaukee, Wisconsin
Secretary and General Counsel

May 1979-
Dec. 1982

HUGHES HUBBARD & REED
New York City and Los Angeles
Associate & Partner
in Charge Los Angeles Litigation Department (1975-1979)

Nov. 1973-
April 1979

DAVIS POLK & WARDWELL
New York City
Associate Litigation Department
(Full time criminal defense lawyer on loan to Legal Aid Society, Manhattan Branch)

Aug. 1967-
Oct. 1973

1968-1969

UNITED STATES FOREIGN SERVICE OFFICER
Assigned to Economic Section, American Embassy New Delhi

June 1962-
June 1964

Arbitrator and Mediator Experience, Training, Teaching, and Recognition

Experience:

For over 35 years has served as sole, chair, emergency and panel arbitrator in well over 100 domestic and international commercial, corporate, insurance, reinsurance, employment and securities arbitrations, under CPR International Institute for Conflict Prevention and Resolution, American Arbitration Association, International Centre for Dispute Resolution, ICC, New York Stock Exchange, NASD, UNCITRAL and various other ad hoc rules and procedures. Has mediated scores of disputes of various kinds.

Training:

Mr. Levit has completed hundreds of hours of specialized arbitrator and mediator training. Among these are attendance at the College of Commercial Arbitrators Annual Meetings, 2009 - 2019; CPR Annual Meetings, 2003 - 2009; 2020 CPR Online Zoom Mediation Training; 2019 AAA/ICDR/AAA Mediation.Org Panel Conference; AAA Arbitrator Performance and Demeanor: Meeting Participant Expectations, 2018; AAA When Experts Come from Different Planets, 2017; 2016 ICDR International Symposia in Advanced Case Management Issues; 2016 AAA/ICDR/Mediation.org Panel Conference; AAA Impasse Mediating in the "Red Zone," 2015; AAA Writing Arbitration Awards: A Guide for Arbitrators, 2014; AAA Managing the Arbitration Process, 2012; AAA Maximizing Efficiency and Economy In Arbitration 2011; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics, 2011, 2010 and 2005; AAA/ICDR Neutrals Conference, 2009; AAA/ICDR International Arbitration Symposium 2006; AAA Neutrals Conference, 2006, 2005, 2004 and 2003; AAA Arbitrator Ethics & Disclosure 2006; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2003; AAA Arbitrator Update 2003, 2001; AAA Central Case Management Center, Administrative Issues Workshop, 2001; AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2001; AAA International Arbitrator Training, 2000; AAA Commercial Arbitrator Training 1999; AAA Advanced Mediator Training 2010; CPR Advanced Mediator Training, 2009; ADR Associates LLC, Mediator Training, 2003; as well as various other ADR training.

Teaching:

Lecturer, International Commercial Arbitration, Faculty of Law and Administration, Jagiellonian University, Krakow, Poland (2014).

Lecturer, International Commercial Arbitration, African Centre for Legal Excellence, Maseru, Lesotho (2013).

Lecturer, Mediation and International Commercial Arbitration, Vilnius University Faculty of Law, Vilnius, Lithuania (2013)

Lecturer, International Commercial Arbitration and Mediation, Baikal National University of Economics & Law, Irkutsk, Russia (2012)

Lecturer, International Commercial Arbitration, Law & Management Institute, Vladivostok State University of Economics & Service, Vladivostok, Russia (2011)

Recognition:

Fellow, College of Commercial Arbitrators

Substitute Arbitrator, Iran-U.S. Claims Tribunal (The Hague) 1984-1988

Listed for a number of years in The Best Lawyers in America for Arbitration, International Arbitration, Mediation, Commercial Litigation and Intellectual Property Litigation.

Regional Panelist (Arbitration and Mediation) CPR International Institute for Conflict Prevention and Resolution Panel of Distinguished Neutrals and member of CPR Insurance, Healthcare and Life Sciences, General Counsel, Franchise, Employment, Special Arbitrator and Challenge Panels

Commercial; Large, Complex Case; Joint Venture, M & A, Consumer and Employment Panels of Arbitrators of the American Arbitration Association

Chartered Arbitrator, Fellow (FCIArb.) and Panel of Arbitrators of The Chartered Institute of Arbitrators (London)

London Court of International Arbitration North American Users' Council

International Centre for Dispute Resolution Panel of Arbitrators and Mediators

Fed Arb's Panel of Commercial Neutrals

Panel of Mediators of the American Arbitration Association

Panel of Mediators of the International Mediation Institute, The Hague. Certified IMI Mediator

Chicago International Dispute Resolution Association Panel of Arbitrators and Mediators

Chair Fee Arbitration Committee, Milwaukee Bar Association, 2000-2010

Chair Committee on Resolution of Fee Disputes, State Bar of Wisconsin, 1994-1995

Representative Litigation and Arbitration Experience

Intellectual Property

• *Advanced Software Design Corp., et al. v. Federal Reserve Bank of St. Louis, et al.*, 2007 WL 3352365 (E.D. Mo.), aff'd, 583 F.3d 137 (Fed. Cir. 2009). Lead counsel for three Federal Reserve Banks and Fiserv, Inc. in obtaining summary judgment dismissing all claims against the Banks and against Fiserv insofar as they allegedly infringed the plaintiffs' patents when encoding data on U.S. Treasury checks to detect fraud on the grounds only proper defendant was the U.S. Government, who must be sued in Federal Court of Claims.

• *Manpower Inc. v. Manpower Unternehmens-und Personalberatung Ges.m.b.H.* (1991-1998). Lead counsel for Claimant in licensing/franchise dispute with Austrian joint venture partner in arbitration before International Arbitral Centre of the Federal Economic Chamber of Vienna. All three Tribunal awards were in favor of Claimant, including grant of injunctive relief and a seven figure damage award (SCH-4311/MAG). The awards were upheld by the Austrian Supreme Court on 26 April 2006 (Ob236/05i).

• *George Fischer Foundry Systems, Inc. v. Adolph H. Hottinger Maschinenbau GmbH*, 1994-1 CCH Trade Cases ¶170,566 (E.D. Mich. 1994), aff'd, 55 F.3d 1206 (6th Cir. 1995). Lead counsel for German licensor in this patent licensing antitrust case in which dismissal obtained on basis of the United States Supreme Court's decision in *Mitsubishi Motors Corp. v. Soler Chrysler Plymouth, Inc.* Successfully represented client in arbitration of antitrust claims before Zürich Chamber of Commerce.

- **Good Humor Corporation v. Popsicle Japan KK.** Lead counsel for Unilever subsidiary (Good Humor) in international trademark licensing dispute. 810 F. Supp. 1001 (E. D. Wis. 1992). Obtained summary judgment dismissing bulk of licensee's claims leading to favorable settlement.
- **Bostrom Seating Inc. (USA) v. JMH Bostrom Europe Ltd.** (United Kingdom). Obtained favorable settlement for client in this international licensing dispute after initial hearings in ICC arbitration. (1987-1989) (6035/BDG).
- **Rexnord Inc. v. On-Line Software International, Inc.** (1985). Obtained favorable settlement for Rexnord after 12 days of hearings and issuance of award in Company's favor by American Arbitration Association arbitral tribunal in this software licensing dispute.

Distribution, Franchise & Trade Regulation

- **DSD Distributors Inc. v. Hansen Beverage Co., et al.,** (Cir. Ct. Rock County 07 CV 1120; 6 August 2007) Successfully represented this NASDAQ-listed beverage company in vacating ex parte temporary restraining order, defeating motion for preliminary injunction and obtaining stay of action pending arbitration in California in this distributor termination case.
- **Frohling Farm Equipment, Inc. v. CNH America LLC.** Lead counsel for major, multinational manufacturer of agricultural equipment in defeating terminated dealer's motion for a temporary injunction in this Wisconsin Fair Dealership Law action resulting in settlement of the case. (Jefferson County Cir. Ct., 21 Nov. 2005)
- **Beer Capitol Distributing, Inc. v. Guinness Bass Import Co.** Defeated terminated distributor's motion for a preliminary injunction for alleged violation of Wisconsin Fair Dealership Law. 2000-2001 CCH Bus. Franchise Guide ¶11,914 (E. D. Wis., 4 August 2000). On eve of trial obtained summary judgment dismissing case in its entirety. 2001-2002 CCH Bus. Franchise Guide ¶12,155 (E. D. Wis., 27 Aug. 2001); aff'd, 290 F.3d 877 (7th Cir. 2002).
- **Edison Liquor Corporation v. United Distillers & Vintners of North America, Inc.** Obtained summary judgment dismissing this dealer termination case. 2000-2001 CCH Bus. Franchise Guide ¶11,957 (Waukesha County Cir. Ct., 6 Sept. 2000), aff'd 2001-2002 CCH Bus. Franchise Guide ¶12,216. (Wis Ct. of App., 12 Dec. 2001)
- **Maryland Staffing Services, Inc. v. Manpower, Inc.,** 936 F. Supp. 1494 (E.D. Wis. 1996). Lead counsel for Manpower in this franchise dispute in which dismissal of the bulk of the claims was obtained leading to a settlement.
- **Ziegler Co., Inc. v. Rexnord Inc.** Defeated motion for preliminary injunction in dealer termination case and obtained grant of summary judgment, which was affirmed by Court of Appeals. The Wisconsin Supreme Court reversed [139 Wis. 2d 593 (1987)], but subsequently granted Rexnord's motion for reconsideration and ruled in its favor [147 Wis. 2d 308 (1988)]. Favorable settlement obtained for client in 1992.
- **Pillar Corp. v. Enercon Industries Corp.** After nine days of trial, obtained dismissal of antitrust conspiracy and monopolization counterclaims. 1986-1 CCH Trade Cases ¶ 67,187 (Milwaukee County Cir. Ct. 1986).
- **Swan Sales Corp. v. Jos. Schlitz Brewing Co.,** Obtained summary judgment for Schlitz, which was affirmed by Wisconsin Court of Appeals, in this Wisconsin Fair Dealership Law termination case. 126 Wis. 2d 16 (1985).
- **FTC v. Imperial Chemical Industries, Ltd.** (FTC 1972). Helped successfully defend ICI's acquisition of then-New York Stock Exchange company, Atlas Chemical Industries, Inc., from § 7 Clayton Act attack by FTC and negotiate consent decree.

Corporate, Commercial, Securities, Class Actions, and Accounting Malpractice

- **Ori v. Fifth Third Bank and Fiserv, Inc.** Lead counsel for defendants in now-settled consolidated class actions arising under the Fair Credit Reporting Act. 603 F. Supp. 2d 117 (E.D. Wis. 2009), 674 F. Supp. 2d 1095 (E.D. Wis. 2009).
- **DMT S.A. v. Enercon Industries Corporation,** 2008WL1869031 (E.D. Wis., 24 April 2008). Obtained summary judgment dismissing claim by French

purchaser against seller of allegedly defective corona treating equipment transshipped to Iranian customer on grounds of illegality because of circumvention of U.S. export controls.

- ***Rich Products Corporation v. Kemutec, Inc.***, 66 F. Supp. 2d 937 (E. D. Wis. 1999), aff'd, 241 F.3d 915 (7th Cir. 2001). Obtained dismissal on summary judgment and affirmance on appeal of all tort claims in this multi-million dollar food contamination case on basis of economic loss doctrine.
- ***Chr. Hansen v. CK Witco Corp. n/k/a Crompton Corp.*** (1999-2000). Obtained seven figure settlement for U.S. subsidiary of Danish company on eve of hearings in dispute arising out of breaches of representations and warranties in stock purchase agreement as to FDA and environmental compliance. (Amer. Arb. Assn. Case No.13E1810010600).
- ***Beverly L. Halquist v. Halquist Stone Co., Inc. et al.*** Court-appointed Independent Panel to act in lieu of disinterested majority of board of closely-held corporation to investigate and recommend disposition of derivative claims. Thereafter successfully mediated the dispute. (Waukesha County Cir. Ct. 1998-2000).
- ***Aid Association for Lutherans v. Morgan Stanley & Co., Incorporated, Goldman Sachs & Co. and Merrill Lynch, Pierce Fenner & Smith, Incorporated.*** Represented underwriters in this securities case arising out of the failure of the Bank of New England Corporation. Obtained summary judgment on 1933 Act claims on statute of limitations grounds which led ultimately to favorable settlement (Milwaukee County Cir. Ct., 1991-1993).
- ***Torphy v. Touche Ross & Co.*** (Dane County Cir. Ct.). Retained by Office of the Commissioner of Insurance of the State of Wisconsin as lead counsel to prosecute multimillion dollar accounting malpractice claims arising out of 1981 collapse of Wisconsin domiciled insurance company. Substantial settlement obtained in 1989 after first week of jury trial projected to last 4 to 6 months.
- ***Briggs & Stratton Corp. v. Cross Co. and Cross & Trecker Corp.*** Represented Briggs in multi-million dollar breach of contract action and helped negotiate very favorable settlement (E.D. Wis. 1987-88).
- ***Rexnord Inc. v. Islamic Republic of Iran*** (1983). Obtained million dollar plus recovery for Rexnord after hearings before Iran-U.S. Claims Tribunal (The Hague) (first million dollar plus Tribunal award) (Case No. 132).
- ***In Re Equity Funding Corp. of America Securities Litigation***, 416 F. Supp. 161 (C.D. Cal. 1976). Successfully defended Coopers & Lybrand and related entities in what at the time was one of the largest securities fraud class actions ever and ultimately negotiated favorable settlement for the client.
- ***Allis-Chalmers Mfg. Co. v. Gulf & Western Industries, Inc.*** Involved in successful trial and appeal of short-swing profits securities case in which \$2.5 million was recovered for Allis-Chalmers. 372 F. Supp. 570 (N.D. Ill. 1974), aff'd, 527 F.2d 335 (7th Cir. 1975).
- ***Zahn v. International Paper Company***, 410 U.S. 925 (1973). Principal responsibility for preparing International Paper's briefs in both the Second Circuit and United States Supreme Court in this class action case in which the client prevailed.

Insurance Regulation, Insolvency and Bad Faith

- ***In the Matter of the Rehabilitation of Northwestern National Insurance Company of Milwaukee, Wisconsin.*** Principal counsel for the Wisconsin Commissioner of Insurance in this successful rehabilitation of this Wisconsin-domiciled insurance company. (Dane County Cir. Ct., Case No. 06 CV 3585).
- ***Wisconsin Patients Compensation Fund v. Physicians Insurance Company of Wisconsin, Inc.*** Successfully represented this statutory excess medical malpractice insurer in trying to verdict in 1999 the only statutory bad faith and breach of fiduciary duty case it had ever brought against a primary insurer. The judgment (approximately \$1.2 million) was affirmed by the Wisconsin Court of Appeals in 2001 (No. 00-0505).
- ***Wisconsin Patients Compensation Fund v. St. Mary's Hospital of Milwaukee.*** Successfully represented this statutory excess medical malpractice insurer in recovering \$4.8 million from a health care provider who wrongfully represented it had obtained coverage for professional liability claims when in fact it was an unapproved self-insured. 209 Wis. 2d 17, 561 N.W.2d 797 (Ct. App. 1997).

- *In the Matter of the Liquidation of American Star Insurance Co.* Principal counsel to the Wisconsin Commissioner of Insurance in this fifteen year liquidation of a San Francisco-based, Wisconsin-domiciled insurance company. (Dane County Cir. Ct., Case No. 92 CV4579).

Fraud & RICO

- *City of Milwaukee v. Universal Mortgage Corp.*, 692 F. Supp. 992 (E.D. Wis. 1988). Lead counsel for Marshall & Ilsley Corp. and M&I Grootemaat Mortgage Corp. in obtaining dismissal of RICO and Wisconsin Little RICO claims brought by City of Milwaukee against inner city mortgage lenders arising out of successful criminal prosecutions of brokers involved in schemes to defraud HUD.

Indian Law

- *Forest County Potawatomi Community v. Judge James B. Mohr* (Forest County Potawatomi Tribal Court 04-CV-27) and *Judge James B. Mohr v. Forest County Potawatomi Community* (Oneida County Cir. Ct. 04-CV-152). Lead Counsel for the Tribe in obtaining favorable ruling from Tribal Court and State Court Judges in unique inter-jurisdictional conference that held Tribal Court action to enjoin State case seeking to compel arbitration of this seven-figure contract dispute should proceed and State Court action should be stayed. This led to settlement of the case.

Professional Activities and Recognition

Active Member of the Bars of the States of California, New York and Wisconsin

Admitted to practice before the United States Supreme Court and State and Federal Courts of California, New York and Wisconsin as well as various other Federal Courts

Appointed and reappointed by Governor of Wisconsin as a Trustee of State of Wisconsin Investment Board, one of the ten largest public pension funds in the United States (May 2003 - September 2015) with over \$100 billion of assets under management. Was Chair of the Strategic Planning and Governance Committee and a member of Compensation Committee.

Listed for many years in Chambers USA Directory of America's Leading Business Lawyers (Wisconsin Commercial Litigation - most recently in 2014 as Senior Statesman); Currently listed in The Best Lawyers in America (Arbitration, International Arbitration, Mediation, Commercial Litigation and Intellectual Property Litigation); Who's Who in America, Who's Who in the Midwest, Who's Who in American Law, Who's Who in the World. Wisconsin Super Lawyer (Business Litigation).

Elected Member of The American Law Institute

Fellow of the American Bar Foundation

Fellow of the Wisconsin Law Foundation

President, 7th Circuit Bar Association (2002-2003)

Member, Advisory Committee on Circuit Rules for the Seventh Circuit Court of Appeals, 2001-2003

Contributor to the 4th edition of the College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration (2017).

Co-Author "Wisconsin's Experience in Allocating Jurisdiction Between State and Tribal Courts," 45 Court Review 20 (2009)

Co-Author "Surveying the Boundaries of Overlapping State and Tribal Court Jurisdiction," June 2006 Wisconsin Lawyer

Author of chapter entitled "An Introduction to ADR" in *Winning Legal Strategies for Alternative Dispute Resolution* (Aspatore Books 2005)

Contributor to American Bar Association, *Mergers and the Private Antitrust Suit: The Private Enforcement of Section 7 of the Clayton Act* (1977)

Speaker for Wisconsin Corporate Practice Institute, American Bar Association, International Institute for Conflict Prevention and Resolution, State Bar of Wisconsin, Seventh Circuit Bar Association, Eastern District of Wisconsin Bar Association, Practising Law Institute, State of Wisconsin Investment Board, University of Wisconsin School of Business, University of Chicago Booth School of Business, Ernst & Young, California Continuing Education of the Bar, Super Bowl of Indexing, World Pension Forum and various other groups on a variety of subjects

Chair, Board of Administrative Oversight of the Supreme Court of Wisconsin Office of Lawyer Regulation, 2001-2006

Member, District II (Milwaukee) Committee of the Supreme Court of Wisconsin Board of Attorneys Professional Responsibility, 1985-1992; Chair 1993-1994

Director, Milwaukee Bar Foundation, 2001-2003

Director, International Business Transactions Section, State Bar of Wisconsin, 1985-1992

President, Wisconsin Chapter, American Society of Corporate Secretaries, 1982-1983; Director 1981-1992

American Bar Association Section of Litigation Committee on Corporate Counsel, 1984-2013 (Chair Committee on International Litigation, 1990-1994)

State Bar of California Committee on Continuing Legal Education of the Bar, 1977-1979

Los Angeles County Bar Association Ethics Committee, 1976-1979; Federal Courts and Practice Committee, 1976-1979 and Executive Committee Human Rights Section, 1974-1977

Association of the Bar of the City of New York Criminal Courts and Practice Committee, 1973, and Secretary, Committee on State Courts of Superior Jurisdiction, 1970-1973

Criminal Indigent Defense Panels for the U.S. District Court for the Southern District of New York and Second Circuit Court of Appeals, 1970-1973 and U.S. Court of Appeals for the Seventh Circuit, 1990-2012

Civic Activities

Director, Aurora Health Care Inc., 1988-1993 (now Advocate Aurora Health)

Director, Aurora Health Care Ventures, 1993-2004; Chair 1997-1999 and 2001-2002

Board Member, Medical College of Wisconsin Cardiovascular Center, 1994-2020 and Chair 1999-2002

Trustee 1992-2008; Chair 2002-2004 and Vice Chair 2000-2002 Columbia College of Nursing Board of Trustees

Trustee, Mount Mary College 2002-2004

Director, Visiting Nurse Association of Wisconsin, 1980-1991; Chair 1985-1987

Director, Visiting Nurse Foundation, 1985-1995; Chair 1988-1991

Director, Wisconsin Humane Society, 1980-1990; President, 1986-1988

Director, Wisconsin Society to Prevent Blindness, 1981-1991

Representative to Association of Yale Alumni, 1976-1979, 1981-1984, 1990-1993

President, Yale Club of Southern California Inc., 1977-1979

Vice President and Director, Yale Alumni Association of Wisconsin, 1980-1982

Los Angeles Philharmonic Men's Committee 1978-1979

Executive Committee, India Council of the Asia Society (NYC) 1969-1971

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