



DAVID M. WILK

CONTACT

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PRACTICE AREAS

Employment



David, a partner with Larson • King, focuses his practice on employment litigation and counseling. David has successfully litigated numerous sex, race, age, transgender and disability discrimination cases and ERISA lawsuits. He has extensive experience counseling employers on ERISA matters, reductions-in-force, harassment investigations, violence in the workplace and other human relations matters. David also serves as the firm's managing partner.

Prior to joining Larson • King, David served as in-house counsel at Imation Corp. Before that, David was a partner at Oppenheimer Wolff & Donnelly LLP.

LAW SCHOOL

University of Minnesota School of Law, J.D., *cum laude*, 1991

COLLEGE

Hamline University, B.A., *magna cum laude*, 1988
Phi Beta Kappa

MEMBER

Minnesota State Bar Association
Minnesota Defense Lawyers Association

ADMITTED

United States Supreme Court
Minnesota Supreme Court
U.S. District Court, District of Minnesota
Fourth Circuit Court of Appeals
Eighth Circuit Court of Appeals
Ninth Circuit Court of Appeals
U.S. District Court, Western District of Wisconsin

HONORS & AWARDS

Recognized by Minnesota Super Lawyers (2012-2022) (top five percent of Minnesota attorneys)
Listed in *The Best Lawyers in America*® (2021-2026) for Employment Law - Management; Labor and Employment Litigation

PUBLICATIONS & SEMINARS

Ethical Issues for In-House Labor/Employment Attorneys (2019) USLAW Network Fall Conference

Assessing Witness Credibility in Investigations: He Said, She Said, Now What? (2018) USLAW Network Employment & Labor Law Exchange

LGBTQ - A Legal Update and Practical Implications in the Workplace (2017) Upper Midwest Employment Law Institute

LGBTQ - The Changing Landscape, Current Considerations, and Risk Mitigation Strategies (2017) USLAW Network Fall Conference

Expanding Sexual Orientation Protections in the Workplace – Legal Risks and Practical Solutions (2016) Upper Midwest Employment Law Institute

Advancement to Partnership (2016) USLAW Network Managing Partner Forum

Are They Employees or Independent Contractors? Making Sure Your Classification Is Correct (2015) Upper Midwest Employment Law Institute

Religious Accommodation in the Workplace (2014) Upper Midwest Employment Law Institute

The Basics of Drafting Separation Agreements (2013) Upper Midwest Employment Law Institute

Important Recent Developments in Employment Law and Practice (2012) Upper Midwest Employment Law Institute Faculty Webinar

Introduction to Religious Accommodation in the Workplace (2011) Upper Midwest Employment Law Institute

Strategic Discovery Practice (2010) Upper Midwest Employment Law Institute

RIFs: A 360-Degree View (2009) Upper Midwest Employment Law Institute; and *Highlights of the Upper Midwest Employment Law Institute* (2009)

RIF Risks and Strategies to Avoid Costly Layoff Litigation, USLAW, Fall/Winter 2008 (co-authored with Yvonne Shorts and Melissa Weldon)

The Reduction-In-Force Desk Reference (2008) (co-authored with Yvonne Shorts and Melissa Weldon)

RESULTS

Dulinski v. Northern Homes, Inc., 2022 WL 3370944 (D. Minn. Aug 16, 2022) (granting motion for summary judgment on claims under ADA, FMLA and MHRA)

Eilefson v. Park Nicollet Health Services, 2022 WL 3149256 (Minn. Ct. App. Aug 8, 2022) (affirming summary judgment on claim of religious discrimination)

Lissick v. Andersen Corp., 996 F.3d 876 (8th Cir. 2021) (affirming summary judgment on whistleblower, FMLA, sex discrimination, retaliation and age discrimination claims)

J. P. and M. K. v. BCBSM, Inc., 2021 WL 131234 (D. Minn. Jan. 14, 2021) (denying motion for class certification)

Calgaro v. St. Louis County, 919 F.3d 1054 (8th Cir. 2019) (affirming dismissal of Section 1983 claim)

Nash Finch Co. v. Casey's Foods, 762 Fed. Appx. 218 (6th Cir. 2018) (affirming summary judgment on breach of contract case)

Dowls v. Select Comfort Retail Corp., 2016 WL 6923699 (Minn. Ct. App. Nov. 28, 2016) (affirming determination regarding unemployment benefits)

Kaste v. Amery Regional Medical Ctr., Inc., 2016 WL 4324880 (Wis. Ct. App. Aug. 16, 2016) (affirming dismissal of handbook claim)

Bloom v. Group Health Plan, Inc., 2014 WL 3955668 (D. Minn. Aug. 13, 2014) (summary judgment on FMLA claims)

Seretse v. Andersen Corp., 2013 WL 2434876 (D. Minn. June 4, 2013) (dismissing discrimination claim)

Radcliffe v. Securian Financial Group, 906 F. Supp. 2d 874 (D. Minn. 2012) (dismissing untimely Minnesota Human Rights Act allegations and pre-empted common law claims).

Caldas, et al. v. Affordable Granite & Stone, Inc., 820 N.W.2d 826 (Minn. 2012) (affirming summary judgment on prevailing wage act claim)

Feinwachs v. Minnesota Council of Health Plans, et al., 2012 WL 4329115 (Minn. Ct. App. Sept. 24, 2012) (affirming summary judgment on claim for tortious interference with employment relationship)

C.G.H., Inc. v. Nash Finch, Inc., 2012 WL 1070116 (Minn. Ct. App. April 2, 2012) (affirming dismissal of breach of contract and trade secret lawsuit)

Edney Distributing Co. v. Buhler Trading, Inc., 2012 WL 685250 (D. Minn. March 2, 2012) (distributor termination case)

Drapeau v. Airpax Holding, Inc. Severance Plan, 2011 WL 3477082 (D. Minn. Aug. 9, 2011) (ERISA matter)

Renstrom v. Nash Finch Co., 787 F. Supp. 2d 961 (D. Minn. 2011) (granting motion for summary judgment on Equal Pay Act, Title VII and MHRA claims)

McLain v. Andersen Corp., 567 F.3d 956 (8th Cir. 2009) (affirming summary judgment, claims of disability discrimination, reprisal and fraud)

Baker v. 3M Company, 2009 WL 799627 (D. Neb. March 24, 2009) (summary judgment for employer on race discrimination claim)

Jackson v. 3M Company, 07-5112-CV-SW-RED (W.D. Mo. April 13, 2009) (summary judgment for employer on retaliation claim)

Chinander v. Andersen Windows, Inc., 2008 WL 5104691 (D. Minn. 2008) (summary judgment for employer on FMLA and whistleblowing claims)

Brinkman v. Andersen Corp., 06-CV-04530-JRT-FLN (D. Minn. Sept. 2, 2008) (summary judgment on claims of retaliation and sex and age discrimination)

Schurmeier v. Nash Finch Company, 2007 WL 4179392 (D. Minn. 2007) (ordering trial on sex discrimination claim; defense verdict following trial)

Srch v. 3M Company, 259 Fed. Appr. 949 (9th Cir. 2007) (affirming summary judgment for employer on claim regarding compensation plan)

Fischer v. Andersen Corp., 483 F.3d 553 (8th Cir. 2007) (affirming summary judgment on ERISA interference claim)

McLain v. Andersen Windows, Inc., 2007 WL 710173 (D. Minn. March 6, 2007) (granting motion for partial summary judgment on failure to accommodate claim)

Alberts v. Nash Finch Co., 245 F.R.D. 399 (D. Minn. 2007) (certifying class actions and ordering trial under WARN ACT; defense verdict following trial)

Stidham v. Minnesota Min. & Mfg. Co., 399 F.3d 935 (8th Cir. 2006) (affirming summary judgment on age discrimination claim)

EQ Financial, Inc. v. Personal Financial Company, 421 F. Supp.2d 1138 (N.D. Ill. 2006) (granting motion for partial dismissal)

Minnesota Life Ins. Co. v. AXA Investment Mgr., 2005 WL 1475336 (D. Minn. June 22, 2005)

Eichinger v. Imation Corp., 2006 WL 852123 (Minn. Ct. App. 2006) (affirming summary judgment on sex discrimination claim)

Community Housing Corp. of America v. Alternative Building Concepts, Inc., 2003 WL 22999294 (Minn. Ct. App. 2003)

Ways v. Imation Corp., 589 S.E.2d 36 (W.Va. 2003) (affirming denial of class certification in age discrimination case)