



## Rick E. Kubler

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### MINNEAPOLIS

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### Assistant

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### PRACTICE AREAS

Environmental Law

PFAS (per- and polyfluoroalkyl  
substances)

Insurance Recovery &  
Counseling

Energy

Investigations & White-Collar  
Defense

Litigation

Real Estate & Development

Land Use

Real Estate Litigation &  
Disputes

Health Law

### INDUSTRIES

Agribusiness & Food

Education

Health Care

Rick Kubler practices in the areas of environmental and land use law, insurance and risk management and real estate litigation. His areas of focus include Brownfield redevelopment and identifying and evaluating potential environmental hazards associated with business and property transactions, commercial mortgage foreclosure, eminent domain, federal and state Superfund administrative proceedings and litigation, and underground storage tank issues. Rick also regularly advises policyholders regarding a broad range of insurance issues, and represents them in pursuing claims against their carriers.

### Experience

- Conducts environmental due diligence, seeks liability assurance letters and assists in preparation and obtaining approval of environmental response action plans for numerous Brownfield properties, including former pole treating facilities, ammunition plants, rail yards, manufacturing plants, and landfill sites
- Assists with environmental and insurance due diligence and drafting for mergers & acquisitions, asset sales and other transactions for corporate, nonprofit and higher education institutions and health care providers
- Represents business and institutional clients in administrative proceedings and litigation arising from Superfund, underground storage tank, hazardous waste, and industrial storm water discharge issues
- Successfully represented business clients in recovery of millions of dollars from liability and property insurers

### Representative Cases

- *Regents of the University of Minnesota v. United States of America and E.I. du Pont de Nemours and Co., File No. 17-cv-3690 (D.*

## COURT MEMBERSHIPS

- State and Federal District Court for the District of Minnesota
- U.S. Court of Appeals Second Circuit
- U.S. Court of Appeals Eighth Circuit

## EDUCATION

University of Iowa College of Law, J.D., with distinction, 1987

University of Northern Iowa, 1984, undergraduate degree

Minn.)

- *Auto-Owners Insurance Company v. AmeriTrak Fleet Solutions, LLC and Concaten, Inc.*, Court File No. 27-CV-15-1136 (Henn. Cty. Dist. Ct.)
- *University of Minnesota v. Union Pacific Railroad Co. et al.*, File No. 11-cv-56 (D. Minn.)
- *Chicago Title Ins. Co. v. Midland Title Ins. Co., et al.*, File No. 27-cv-09-3 (Minn. Dist. Ct., Fourth Jud. Dist.)
- *United Nat'l Ins. Co. v. Gunderson, Inc., et al.*, 2010 WL 1924453; 2010 U.S. Dist. LEXIS 46914
- *Bank of the West v. Sexton Lofts, LLC, et al.*, File No. 27-cv-07-17067 (Minn. Dist. Ct., Fourth Jud. Dist.)
- *Sun Life Assur. Co. of Can. v. Paulson, et al.*, 2008 WL 5120953 and 2008 WL 451054; 2008 U.S. Dist. LEXIS 99633
- *Teachers Ins. and Annuity Ass'n of America v. Mall of America Assocs.*, 2006 WL 1888491; 2006 U.S. Dist. LEXIS 56364
- *Teachers Ins. and Annuity Ass'n of America v. BGD5 Limited Partnership, et al.*, 2004 WL 1941529 (Minn. Dist. Ct., Third Jud. Dist., July 28, 2004)
- *State of Minn. v. Kalman W. Abrams, et al.*, 155 F. 3d 1019 (8th Cir. 1998)
- *ABB Indust. Systems, Inc. v. Prime Technology, Inc. et al.*, 120 F. 3d 351 (2d Cir. 1997)
- *Fairview Hospitals & Heath Care Services v. St. Paul Fire & Marine Ins. Co.*, 535 N.W.2d 337 (Minn. 1995)
- *Anderson v. Minnesota Ins. Guaranty Ass'n, et al.*, 520 N.W.2d (Minn. 1995)

## Events

- Insurance Recovery 101 for Franchisors: Maximizing Your Coverage (Including COVID-19 Related Losses)  
April 9, 2020

- "Risk and Exposure," Minnesota Brownfields' Bootcamp  
March 13, 2019
- "Minnesota Brownfields ReScape Awards," Judge  
November 16, 2018
- "Minnesota Brownfields ReScape Awards," Judge  
November 9, 2017
- Minnesota Brownfields ReScape Awards, judge  
November 17, 2016
- Internal Investigations and the Role of the Audit Committee  
November 5, 2015
- "Phase I Environmental Site Assessments in Brownfield  
Transactions, Including Recent Changes Reflected in ASTM  
Standard E1527-13," ABA Insurance Coverage Litigation  
Committee  
September 9, 2014
- Insurance Coverage for Emerging Intellectual Property Claims  
November 17, 2011
- "Insurance Coverage for Emerging Intellectual Property Claims,"  
GPM and AON Risk Solutions  
November 17, 2011
- "Insurance Coverage for Social Media Risks, Should You Give a  
Tweet?," Insurance Coverage Litigation Committee CLE Seminar  
March 2011
- "Turn Out the Lights, the Party's Over': Mortgage Foreclosure  
Issues and Options," Real Estate Institute  
November 2009
- "Distressed Commercial Real Estate 2009," Minnesota State Bar  
Association  
May 2009
- "The Next Wave of Environmental Enforcement: Intrusion of Toxic  
Vapors into Indoor Air," GPM and Geomatrix Consultants, Inc.  
February 7, 2006

## Presentations

- Panelist, "Field Experience - PFAS Case Study Panel," Minnesota  
Brownfields PFAS Workshop, October 24, 2023
- Co-presenter, "Environmental Considerations in M&A Transactions,"  
ACC MN 11<sup>th</sup> Annual In-House Counsel Conference, June 16,  
2022

- Panelist, Minnesota Brownfields PFAS Forum, May 10, 2022
- Co-presenter, "PFAS Blueprint," Minnesota Brownfields, State of Brownfields Update, September 14, 2021
- Presenter, 2020 Vapor Intrusion Forum, Minnesota Brownfields, October 6, 2020
- Panelist, "Case Study: Rice Creek Commons," Minnesota Brownfields' Redevelopment Summit, 2019
- Panelist, "Vapor Intrusion at Commercial & Industrial Sites: Key Issues & Challenges - When Vapor Intrusion Strikes: Staying Ahead of the Plume," Minnesota Brownfields' Forum, March 7, 2018
- Speaker, "Brownfields Legal & Regulatory Landscape," Council of Development Finance Agencies, August 8, 2017
- Panelist, "Vapor Intrusion - Going Beyond the Basics & Learning from Implementation," Minnesota Brownfields, March 1, 2017
- Panelist, "Vapor Intrusion - Going Beyond the Basics & Learning from Implementation," Minnesota Brownfields, February 2, 2017
- Panelist, "Barr Speaks: Environmental Attorney Panel Discussion," Barr Engineering Company, March 1, 2016
- Panelist, "Internal Investigations and the Role of the Audit Committee," Gray Plant Mooty White Collar Roundtable, November 5, 2015
- Panelist, "Social Media—The Impact on Coverage Disputes and Litigation," ABA Insurance Coverage Litigation Committee, March 7, 2015
- Presenter, "Vapor Intrusion-Special Legal Considerations," Special Vapor Intrusion Forum Series, December 11, 2014
- Panelist, "Responding to Government Investigations: A Practical Anatomy," Gray Plant Mooty White Collar Roundtable, October 30, 2012

### Client Alerts And Blog Posts

- EPA Poised to Expand Federal Superfund to Include Key PFAS  
April 18, 2024
- EPA Finalizes First-Ever Federal Enforceable Drinking Water Standard for Certain PFAS  
April 17, 2024
- EPA Poised to Expand Federal Superfund to Include Key PFAS  
April 16, 2024

- EPA Finalizes First-Ever Federal Enforceable Drinking Water Standard for Certain PFAS  
April 11, 2024
- EPA On the Cusp of Issuing First-Ever Federal Enforceable Drinking Water Standard for Certain PFAS  
April 1, 2024
- EPA On the Cusp of Issuing First-Ever Federal Enforceable Drinking Water Standard for Certain PFAS  
April 1, 2024
- U.S. Supreme Court Restricts EPA's Power Under Clean Water Act  
May 26, 2023
- EPA Unveils New Proposed National Limits for PFAS in Drinking Water  
March 16, 2023
- Federal Government and Private Sector Climate Change Developments  
March 17, 2021
- COVID-19 Insurance Considerations for Healthcare Providers, Including Long-term Care Facilities – Tips for Identifying and Pursuing Coverage Claims  
July 14, 2020
- COVID-19 Insurance Considerations for Healthcare Providers, Including Long-term Care Facilities – Tips for Identifying and Pursuing Coverage Claims  
July 8, 2020
- Real Estate Alert: Vapor Intrusion Fact Sheet  
May 9, 2019
- "Vapor Intrusion and Your Property," co-author  
March 15, 2019
- Insurance Alert: Better Late than Never—Except when it Comes to Notice Under Claims-Made Insurance Policies  
June 1, 2017
- "Social Media: Discovery and Use in Insurance Coverage Disputes," ABA Insurance Coverage Journal  
April 1, 2015
- Insurance Alert: Insurer's "Reservation of Rights" Creates a Conflict of Interest, Entitling the Insured to Independent Defense Counsel  
August 29, 2014
- Commercial Financial Services Brief: Sometimes It Just Does Not Pay to Get Up In the Morning

January 6, 2014

- Minnesota Policyholder Scores Victory On "Insured Contract" Coverage for Direct Liability Indemnification  
May 20, 2013
- Court Finds Coverage for Consequential Damages Arising from Product Recall  
January 16, 2013
- Wisconsin Court of Appeals Finds Coverage for Claimed Misappropriation of Internet Advertising System  
January 16, 2013
- Minnesota Court of Appeals Interprets "Additional Insured" Endorsement Broadly in Finding Coverage for Construction Contractor  
May 30, 2012
- Environmental Alert: ASTM Releases New Guidance on Continuing Obligations for Landowner Liability Protections under CERCLA  
October 7, 2011
- Commercial Financial Services Brief: October 2008  
October 31, 2008
- "Minnesota Joins State Regulating Vapor Intrusion," Minnesota Real Estate Journal  
September 1, 2006

### In The News

- "Biden Funds Waste Cleanups, Communities Cite Challenge," Bloomberg Law  
June 8, 2022
- "Development of Commercial/Industrial Vapor Intrusion Mitigation BMPs," Minnesota Pollution Control Agency  
2018
- GPM Litigation Spotlight: October 2016  
October 26, 2016
- "Duty to Defend Exists Even Without a Lawsuit, Court Says," Insurance Business America  
June 10, 2014
- "UMore Park Contamination: Want Paradise? Put Up A Parking Lot, " Apple Valley-Rosemount Patch  
May 24, 2012
- "Study Finds Pollution On UMore Property, Says Most Can Be Cleaned Up For Development," Rosemount TownPages

May 22, 2012

## News Releases

- Lathrop GPM Franchise Practice Group Closes Deal Between Home Health Care Giants  
August 13, 2021
- Lathrop GPM Franchise Practice Group Closes \$13.5 Million Deal with BBQ Holdings, Village Inn and Bakers Square  
August 3, 2021
- Gray Plant Mooty Names New Litigation Practice Group Chairs  
April 26, 2018

## Professional Affiliations

- Minnesota State Bar Association
- Hennepin County Bar Association
- Minnesota Brownfields Advisory Committee, committee member, 2017-current
- Minnesota Pollution Control Agency, Vapor Intrusion Mitigation Stakeholder Advisory Group, PFAS Stakeholder Advisory Team

## Honors

- "Minnesota's Top Lawyers," *Minnesota Monthly*, 2022