



## Rick E. Kubler

Partner

Minneapolis

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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

### Areas of Focus

#### Services

[Environmental Law](#)

[Insurance Recovery & Counseling](#)

[White-Collar Defense & Investigations](#)

[Litigation](#)

[Real Estate & Development](#)

[PFAS \(per- and polyfluoroalkyl substances\)](#)

[Land Use](#)

[Real Estate Litigation & Disputes](#)

[General Business & Complex Commercial Litigation](#)

[Contaminants & Toxic Torts](#)

[Environmental Issues in Business Transactions](#)

[Environmental Insurance](#)

[Analysis & Recovery](#)

[Environmental Litigation](#)

[Environmental Regulatory Compliance](#)

#### Sectors

[Education](#)

[Health Care](#)

[Energy](#)

[Agribusiness & Food](#)



## 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. 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)
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## Credentials

### Education

- University of Iowa College of Law, J.D., 1987, with distinction
- University of Northern Iowa, undergraduate degree, 1984

### Court Admissions

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

## Recognition

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

- Panelist, "Legal Liability Issues with Brownfield Project Deals," Minnesota Brownfields Emerging Developers Workshop, October 9, 2024
- Panelist, "Applying Guidance to Brownfield Projects," Minnesota Brownfields MPCA Guidance Workshop, September 18, 2024
- 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

## Professional Activities

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