DeWitt LLP Law Firm



Anthony R. Varda

Partner

Madison, Wisconsin

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Service Areas:

- Appellate
- Construction
- Eminent Domain
- Litigation
- Real Estate, Land Use & Construction
- Title Insurance & Litigation
- Transportation & Logistics

Education:

- J.D., University of Wisconsin Law School
- B.B.A., University of Wisconsin – Madison

Admissions:

- Wisconsin
- Kentucky
- U.S. Court of Appeals for the 7th and 8th Circuits
- U.S. District Court for the Eastern and Western Districts of Wisconsin
- U.S. Supreme Court

As a litigation attorney, Tony has practiced at all court levels, from small claims court and arbitration to the U.S. Supreme Court. His practice emphasizes a wide range of activities, but primarily focuses on commercial litigation.

Tony has litigated cases involving eminent domain disputes, theft of computer data, building contract disputes and theft by contractor claims, trade secrets, insurance coverage, and Wisconsin's truck, car and RV "Lemon Law." He helped a couple whose motor home was determined to be a lemon, and received one of the largest Lemon Law verdicts of the year. In another matter, he secured two new replacement tow trucks and legal fees for a local towing company through settlement negotiations, again under the Lemon Law.

Several cases with which Tony has been involved have gained national attention, including the U.S. Supreme Court cases that resulted in uniform nationwide standards for commercial vehicle length.

When not engaged with the law, Tony indulges his hobbies of carpentry and construction, which have been useful to him as an attorney. Both hobbies reinforce his ability to evaluate and present complex construction and engineering disputes. He also is able to counsel and guide contractors to avoid costly litigation and promote prompt and advantageous settlement of disputes.

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Tony represents construction contractors and subcontractors, small businesses, architects, owners of defective vehicles, and individuals that need judicial resolution of contract and property rights disputes.

Affiliations

- Dane County Civil Service Commission (1984-1990)
- Federalist Society Member (2005-Present)
- Madison Police Advisory Committee (1977-1981)
- Maple Bluff Village Board (1986-1988)
- Pro bono Counsel for Madison's St. Vincent De Paul Society (1980 – Present)
- Town Chair – Town of Berry (2007- Present)

Awards & Recognitions

- 2003 St. Vincent de Paul Society Certificate of Appreciation

Notable Representations

- Cascade Mountain Land Holdings, LLC v. American Transmission Company LLC et al., Columbia County Case No. 17-CV-368, (2019); lead counsel for a team that successfully represented a property-owner client involved in an eminent domain dispute, helping to obtain a multi-million dollar just compensation verdict against American Transmission Company ("ATC") following a two-week-plus jury trial, in connection to ATC's Badger-Coulee transmission line project. Because the condemnation verdict was more than 15% greater than ATC's final jurisdictional offer, ATC was also legally obligated to reimburse DeWitt's client for all reasonable attorneys' fees and expenses it incurred in the litigation
- Andre v. Willert and LaserMasters, LLC, Dane County, Wisconsin Case No. 17-CV-598; Andre vs. GPS Holdings, LLC, Dane County Case Number 2017-CV-925; Willert, et. al. v. Andre , et. al., Maricopa County, Arizona, Case No. CV 2017- 07445; Willert, et. al. v. Andre , et. al. Case No. 2:17-cv-01723-DLR (Dist. Ariz); Willert, et. al. v. Andre , et. al., Case No. 17-CV-496 – jdp (W.D.Wis,). Lead counsel in what started out in 2017 as a collection action on a Promissory Note with $1.5M remaining due, but ended in 2018 with a $2M settlement. At the outset, we defeated the debtors' vigorous attempts to move the action to Arizona, where more favorable case law would have allowed it to languish for years. The case spawned multiple parallel actions as the debtors tried unsuccessfully to avoid liability, delay our recovery and force substantial compromise. Our foresighted litigation tactics leading to Summary Judgment, defeated the debtors' meritless claims and counterclaims without trial. The settlement, in leu of entry of Judgment, recovered the entire principal owed, interest, and all litigation expenses, but allowed the debtor and their counsel to avoid then pending motions for sanctions
- Raymond v. Rice, 434 U.S. 429 (1978) and Kassel v. Consolidated Freightways, 450 U.S. 662 (1981); co-counsel on trial preparation and appellate submissions; both cases struck down state bans on 65-foot twin trailer trucks as an unconstitutional violation of the Commerce Clause
- Matter of Bilsie's Estate, 100 Wis. 2d 342, 302 N.W.2d 508 (Wis. App. 1981), lead counsel, responsible for all aspects of trial and appellate presentation; upheld constitutionality of Wis. Stat. 814.025, Wisconsin's Frivolous Action statute
- Minuteman, Inc. v. Alexander, et al., 147 Wis. 2d 842, 434 N.W.2d 773 (1989), sole counsel for plaintiff, responsible for all aspects of trial and appeal; defined and interpreted Wisconsin's then newly enacted Trade Secrets Act
- Four Feathers Casino Joint Venture v. City of Hudson, (Wis. App. No. 99-0229), lead counsel for plaintiff Indian tribes suing the City of Hudson for breach of implied contractual covenants of good faith and fair dealing, for having opposed approval by the Department of Interior of an Indian casino at an existing Hudson dog track. Information compiled during discovery has led to two Congressional hearings and the appointment of an independent counsel to determine whether DOI's refusal to approve was corruptly influenced; obtained and collected $85,000 in discovery sanctions against recalcitrant witnesses
- Milwaukee County v. Superior of Wisconsin, et al., 234 Wis. 2d 218, 610 N.W.2d 484 (Ct. App. 2000), lead counsel on trial and appeal of the companion case interpreting regulations determining the eligibility of certain recycled scrap for overweight hauling permits. The ruling superseded WisDOT interpretation and reversed an adverse trial court ruling that our client was ineligible for the permits in question
- Baumeister v. Automated Products, Inc., 277 Wis.2d 21, 690 N.W.2d 1 (2004). Sole counsel for Architect accused of failing to design construction bracing for truss erection on a large church, causing injury to construction workers when trusses collapsed during installation. The case against the Architect was dismissed on summary judgment based on interpreting the limits of his responsibility under the AIA contract involved, the Administrative Code and common law
- KBS Const., Inc. v. McCullough Plumbing, Inc. 2009 WL 4931573 (Wis.App., 2009) [unpublished] counsel for plumbing company accused by general contractor of defective work on large condominium project. Successfully defended against defect claims, and collected remaining amounts due on construction contract, after amending contract to again include $282,000, removed from the contract by change order, executed by mutual mistake.

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Service Area Subspecialties

- Litigation
  - Appeals in State & Federal Court
  - Trials in State & Federal Courts