



## Dwight G. Rabuse

partner

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- Minneapolis

### Service Areas:

- Construction
- Insurance Coverage
- Intellectual Property
- Intellectual Property Litigation
- Litigation
- Personal Injury

### Education:

- J.D., *cum laude*, University of Michigan Law School, Editor, Journal of Law Reform Campbell Moot Court Champion
- B.A., *summa cum laude*, Macalester College, Valedictorian, Phi Beta Kappa

### Admissions:

- Minnesota
- U.S. District Court for the District of Minnesota
- U.S. District Court for the Eastern District at Michigan
- U.S. Court of Appeals for the 2nd, 4th, 5th, 8th & 9th Circuits
- U.S. Court of Appeals for the District of Columbia
- U.S. Court of Appeals for the Northern District at Illinois

Dwight Rabuse focuses his law practice in civil litigation and dispute resolution. He also offers broad-based general counsel support to commercial clients in Minnesota and around the country. In both federal and state courts, in trials and on appeal, he has secured substantial victories for his clients in construction law, employment law, intellectual property, contract law, and personal injury cases.

Following graduation from law school, Dwight practiced for several years with the United States Department of Justice in Washington, D.C. He supported senior Justice Department officials on judicial selection and legal policy matters and served as a speechwriter for the Attorney General. As a Special Assistant in the Civil Division, he briefed and argued more than 25 federal appeals and authored numerous certiorari petitions and briefs to the United States Supreme Court.

A native Minnesotan, Dwight returned to the Twin Cities in 1990 and practiced in the area of construction law where he represented clients from all sectors of the industry, including general contractors, subcontractors, design professionals, and sureties. In 1994 he joined Honeywell as Senior Counsel for the Home and Building Control business unit, becoming the company's lead construction lawyer. At Honeywell, he led efforts to reform and improve contract documents, practices, and training and managed outside counsel. After leaving Honeywell and before joining DeWitt, he founded and managed a successful Twin Cities law firm.

Dwight has built a broad and successful national litigation and transactional practice. He serves regional, national, and international

clients across a broad spectrum of civil law matters, including the negotiation of business contracts, protection of intellectual property, and employment-related issues.

Outside the office, for several years Dwight hosted a locally produced political news and commentary radio program. He makes regular guest appearances on local and national radio programs and contributes to a variety of legal and academic publications. Dwight is a past president of the Twin Cities Chapter of the Federalist Society, an active member of the Construction Law section of the Minnesota State Bar Association. An Eagle Scout, he serves in a variety of volunteer and leadership roles in the Boy Scouts and the Catholic Church.

## **Articles & Presentations**

- "The Defendant Strikes Back! (Well, Maybe)" – DeWitt North Star Update, April 2019
- "Bonds, Liens & Insurance" – Federal Publications 1995
- "Amendment to the Rules Governing Alternative Dispute Resolution" – Proposal to the Minnesota Supreme Court on behalf of the Construction Law Section of the Minnesota State Bar Association, Nov. 2019
- "Performance Contracting" – Presentation to the Construction Law Section of the Minnesota State Bar Association, 1997

## **Notable Representations**

### **Appellate Cases Briefed and Briefed and Argued for the United States Department of Justice**

- Peterson v. United States, 808 F.2d 839 (8th Cir. 1986)
- Scheppan v. United States, 810 F.2d 461 (4th Cir. 1987)
- Immigration and Naturalization Service v. Federal Labor Relations Authority, 855 F.2d 1454 (9th Cir. 1988)
- Rosas v. Brock, 826 F.2d 1004 (11th Cir. 1987)
- Herring v. Wilson, 827 F.2d 775 (11th Cir. 1987)
- Nitschke v. Blue Cross of Montana, 231 Mont. 113, 751 P.2d 175 (Mont. 1988)
- Hartenstine v. Superior Court of the State of California, 196 Cal. App. 3d 206, 241 Cal. Rptr. 756 (1987)
- New Orleans S.S. Ass'n v. Plaquemines Port. Harbor and Terminal Dist., 816 F.2d 1074 (5th Cir. 1987)
- In re Secretary of the Department of Health and Human Services; Morales v. Pan American Life Insurance Co. (Petition for Writ of Mandamus to 5th Circuit), 914 F.2d 83 (5th Cir. 1990)
- Immigration and Naturalization Service v. Federal Labor Relations Authority, 885 F.2d 1068 (8th Cir. 1988)  
Gometz v. Culwell, 850 F.2d 461 (8th Cir. 1988)
- American Federation of Government Employees Local 1749 v. Federal Labor Relations Authority, 842 F.2d 102 (5th Cir. 1988)
- United States of America, Farmers Home Administration v. Erickson Partnership, 856 F.2d 1068 (8th Cir. 1988)
- Blue Cross of California, et al. v. Superior Court of the State of California for the County of Sacramento (amicus for OPM), No. 3 CIV C003010
- In re West Electronics, Inc., United State Air Force v. West Electronics, Inc., 852 F.2d 1068 (8th Cir. 1988)
- Asociacion De Compositores Y Editores De Musica LatinoAmerican v. Copyright Royalty Tribunal, 854 F.2d 10 (2d Cir. 1988)
- Department of the Air Force Sacramento Air Logistics Center, et al. v. Federal Labor Relations Authority, et al., 877 F.2d 1036 (D.C. Cir. 1989)
- Robinson v. Bowen, No. 89-163One (8th Cir. 1988)  
National Wildlife Federation v. Agricultural Stabilization and Conservation Service, 901 F.2d 673 (8th Cir. 1990)
- In re Plaza De Diego Shopping Center, Inc., 911 F.2d 1577 (11th Cir. 1989)
- Dickerson v. United States, 875 F.2d 1577 (11th Cir. 1989)
- Desart v. United States, 883 F.2d 1023 (9th Cir. 1989)
- Brazzell v. United States, 880 F.2d 84 (8th Cir. 1990)
- City of Boston v. United States Department of Housing and Urban Development, 898 F.2d 828 (1st Cir. 1990)

### **Appellate Cases Briefed and Argued in Private Practice - Minnesota State Cases**

- Sioux City Brick & Tile Co. v. St. Paul Fire and Marine Ins. Co., 1992 WL 20710 (Minn. Ct. App. Feb. 11, 1992)
- Ceco Corp. v. Building Constructors, Inc., 1992 WL 333611 (Minn. Ct. App. Nov. 17, 1992)  
Northern Minnesota Paving, Inc. v. Asphalt Surface Technologies, Corp., 1194 WL 637801 (Minn. Ct. App. Nov. 15, 1994 review den. Jun. 13, 1995)
- Northern Minnesota Paving, Inc. v. Asphalt Surface Technologies, Corp., 1995 WL 783227 (Minn. Ct. App. 1995)
- Wiebusch v. City of Champlin, 2003 WL 21220047 (Minn. Ct. App. May 27, 2003)
- Data Recognition Corporation v. Scan-Optics, Inc., 2003 WL 1962252 (Minn. Ct. App. Apr. 29, 2003)

- In re: Silicone Implant Ins. Coverage Litigation, 667 N.W. 2d 405 (Minn. 2003)
- Dew Corp. v. Mathwig Development, 2010 WL 1541294 (Minn. Ct. App. Apr. 20, 2010)
- Environmental Trust, LLC v. Hi-Tek Rubber, Inc., 2016 WL 4421191 (Minn. Ct. App. Aug. 22, 2016)
- Appliance Recycling Centers of America, Inc. v. Skybridge Americas, Inc., 2019 WL 1006799 (Minn. Ct. App. Mar. 4, 2019).

## **Federal Cases**

- Travelers Indem. Co. v. Hennepin County, 918 F.2d 66 (8th Cir. 1990)
- Triton v. Harddrives, Inc., 85 F.3d 343 (8th Cir. 1996)
- Burrell v. Adkins, 2004 WL 816416 (5th Cir. Apr. 15, 2004)
- St. Jude Medical, Inc., v. Tormey, 779 F.3d (8th Cir. 2015)
- Ayala v. CyberPower Systems, (USA), Inc., 891 F.3d 1074 (8th Cir. 2018) Rehearing

## **Notable Representations**

- Secured multi-million-dollar recovery for Minnesota corporation following jury trial in state court action with technology vendor for breach of contract
- Won dismissal of claims against Minnesota corporation in state court jury trial litigation alleging wrongful termination of former executive
- Secured arbitration award in favor of Fortune 100 company in discrimination and wrongful termination action by former employee
- Defeated contractor's claims and secured judgment on counterclaims on behalf of Minnesota governmental entity in state court litigation alleging wrongful termination and replacement of contractor
- Won summary judgment in state court action in favor of architect against design negligence allegations
- Won summary judgment against counterclaims and third-party claims in dispute between professional associations
- Secured multi-million-dollar recovery of behalf of Indian sugar and chemical company against American engineering firm in federal district and bankruptcy court proceedings.
- Defeated claims against solar panel manufacturer and secured award in manufacturer's favor in Arizona arbitration proceeding
- Secured recovery for wrongfully terminated association executive in arbitration against association
- Secured recovery for design professional in litigation for infringement and unpermitted use of copyrighted plans by customer
- Defeated contractor claims against engineer in Pennsylvania arbitration
- Obtained decision by State of Minnesota to cancel contract award and re-bid state contract following prosecution of bid protest on behalf of Minnesota corporation
- Prevailed on breach of contract and bond claims in Minnesota state court litigation on behalf of unpaid contractor against public owner
- Secured return of partnership's intellectual property through federal court litigation in Michigan
- Obtained recovery of client's interest in estate following state court litigation over alleged invalidity of will and trust instruments

## **Service Area Subspecialties**

- Litigation
  - Alternative Dispute Resolution