



David W. Asp

Partner

612-596-4091

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Practices

Health Care Law

ERISA Practice and Procedure

Employment Law

Campaign Finance and Election Law

Intellectual Property

Education

University of Minnesota Law School, *cum laude*

Bar Admissions

Minnesota

Court Admissions

U.S. District Court, District of Minnesota

U.S. District Court, Eastern District of Wisconsin

U.S. District Court, Western District of Wisconsin

U.S. District Court, District of North Dakota

U.S. Court of Appeals, Tenth Circuit

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Appeals, Seventh Circuit

Supreme Court of the United States

David W. Asp

David Asp has successfully represented clients in litigation across the country. He has briefed and argued cases in several different state and federal courts, and has taken leading roles in managing cases toward final decision or successful resolution.

David's practice focuses primarily on health care law, and particularly legal issues facing health care providers of all sizes. He has represented providers in response to allegations of fraud, and has advised providers on compliance with state and federal regulations governing billing, marketing, and privacy issues.

David also has significant experience litigating claims under the Employee Retirement Income Security Act, and representing clients in employment litigation, including defense of claims related to employee benefits or in defense of claims for retaliation or discrimination.

Representative Cases

- *Walker v. Hartford Life and Accident Ins. Co.*, 831 F.3d 968 (8th Cir. 2016) – Represented insurer on question of proper interpretation of provision in Minnesota's insurance code relating to group insurance policies. Briefed and argued appeal at the U.S. Court of Appeals for the Eighth Circuit where the district court order granting summary judgment was affirmed.
- *South Country Health Alliance v. Minnesota Department of Human Services*, Case No. 62-CV-15-5389 (Minn. District Court 2015) – Represented county based health plan in reversing state agency decision not to renew contracts for participation in prepaid medical assistance program.
- *Beck et al. v. Integra*, No. 12-cv-01759 (D. Colo. 2015) – Represented telecommunications provider in defense of claims for negligent misrepresentation. Took and defended depositions, and drafted summary judgment briefs. Prevailed on summary judgment.
- *Illinois Farmers v. Mobile Diagnostic Imaging, Inc. et al.*, No. 13-CV-02820 (D. Minn. 2014) — Represented health care provider in defense of 14-count complaint alleging RICO, anti-kickback, and fraud violations. Obtained complete dismissal on motion to dismiss.
- *State Farm v. Mobile Diagnostic Imaging, Inc. et al.*, No. 12-CV-1056 (D. Minn. 2014) — Represented diagnostic-imaging center in response to allegations that common-law corporate practice of medicine doctrine applied to invalidate all claims. Prevailed at summary judgment.

Professional Recognition

- Named a Minnesota Rising Star from 2013-2015 by Super Lawyers®

- *Niska v. Clayton*, No. A13-0622 (Minn. Ct. App. 2014) – Prosecuted claim for violation of Minnesota statute prohibiting false claims of political party support. Lead attorney during two-day administrative trial, resulting in successful decision; lead attorney briefing and arguing case at the Minnesota Court of Appeals, and briefing opposition to petition for certiorari at the Supreme Court of the United States.
- *Sampson v. Integra Telecom Holding, Inc., et al.*, Case No. 10-4227 (10th Cir. 2012) — Represented employer in defense of claims of racial harassment and retaliation in violation of Title VII of the Civil Rights Act of 1964. Prevailed at summary judgment.
- *Gadsen v. Kiffmeyer*, Case No. 3-0320-21609-CV (Minn. Office of Admin. Hearings 2010) — Represented former Minnesota Secretary of State in defense of claims under the Minnesota Campaign Practices Act. Prevailed in defense of claims following administrative trial.
- *Atrix Int'l., Inc. v. Hartford Life Group Ins. Co.*, Civil No. 06-4140, 2008 WL 151614 (D. Minn. 2008) — Represented life insurer in response to state common-law claim for negligent misrepresentation, ERISA claim for benefits, and third-party cross claims for contribution and indemnification. Prevailed on all claims at summary judgment.

Presentations

- Community Action Partnership of Hennepin County — Board of Directors (*representing Hennepin County Commissioner Jeff Johnson*) (2009-Present)
- Fourth Judicial District Ethics Committee — Investigator (2011-Present)
- TwinWest Chamber of Commerce, PAC Board Member (2016-Present)
- University of Minnesota Humphrey Policy Fellows Program (2011-2012)

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