

Paul M. Shotkoski

Partner

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Paul Shotkoski, a former tax accountant prior to attending law school, has focused his practice on litigation and commercial projects that utilize the skills he developed from his experience as both an accountant and a lawyer.

Throughout his career in the law, Shotkoski has focused his practice on complex commercial litigation disputes for clients including international telecommunications companies, national and local insurance companies, providers of federal crop insurance coverage, international suppliers of manufacturing equipment, and associated maintenance and repair parts and equipment, residential real estate and commercial real estate general contractors, and a large variety of small to mid-sized companies engaged in business on both a local and national level.

Shotkoski's insurance defense practice involves primarily the defense of insured drivers or entities in tort claims brought by third-party litigants and usually relates to automobile accidents and premises liability claims. Shotkoski also has extensive experience representing companies and shareholders in a variety of disputes involving the governance and control of the corresponding entities.

Shotkoski also served as corporate counsel for an international distributor of maintenance repair and operating parts and equipment for the manufacturing industry from 2001 through 2003. As a result of that experience, Shotkoski continues to represent clients with complex

Legal Services

- Business & Corporate
- Business & Commercial Litigation
- Corporate Compliance & Administrative
- Real Estate
- Litigation
- Appellate
- Complex Divorce

Who I Serve

- Business Entities
- Commercial Trucking & Transportation
- Insurance & Financial Services
- Professional Service Providers
- Construction
- Telecommunications

Admissions

- Nebraska
- Illinois
- U.S. District Court for the District of Nebraska
- U.S. Court of Appeals for the Eighth Circuit



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transactions involving creditors' rights, security liens, Uniform Commercial Code issues, and matters of general business and corporate law.

Experience

Notable Cases:

- On behalf of the firm's insurance clients, Shotkoski has successfully obtained favorable verdicts from juries dating back to 2004. Most notably, Shotkoski has secured defense verdicts on behalf of insured drivers in the District Court of Douglas County, Nebraska in *Shaffer v. Sprenger*, Doc. 1066, No. 167, *Hobbs v. Bahmer*, Doc. 1095, No. 189, and *Lowman v. State Farm Mutual Insurance Company*, CI12-9030.
- In 2016, Shotkoski was the lead trial counsel in the matter of *Multivac, Inc. v. Rotella's Italian Bakery, Inc.*, U.S. District Court for the Western District of Missouri, 14-cv-01003. Shotkoski represented Rotella's in that breach of contract case and secured a defense verdict after a six-day jury trial.
- In 2016, Shotkoski was the lead trial counsel in the matter of *West Plains, LLC, d/b/a CT Freight Company v. Retzlaff Grain Company Inc. et. al.*, United States District Court for Nebraska, 13-cv-47. Following a multiple-week jury trial in federal court, Shotkoski secured a seven-figure verdict in favor of West Plains. The verdict was upheld by the Eight Circuit Court of Appeals in 2017.
- In 2015, Shotkoski represented Computershare Trust Company, Inc, in an alleged securities fraud claim in the matter of *Stalnaker et. al. v. Computershare*, United States District Court for Nebraska, Case No. 14-CV-8310. Shotkoski secured a summary judgment in favor of Computershare on all claims asserted by the plaintiff in that securities claim.
- In 2011, Shotkoski was lead counsel in defending a client in a complex commercial lawsuit filed in the Circuit Court of Benton County, Arkansas, captioned *Hydro-Works, Inc., et al. v. Precision Industries, Inc., et. al.*, CV-2008-306-5. Shotkoski represented Precision Industries in that

Education

J.D., Creighton University
School of Law, 1995

B.S., Business Administration
(Accounting), Creighton
University, 1989



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lawsuit.

- In 2010, Shotkoski was lead trial counsel on behalf of a corporation in defending claims brought by a shareholder against the corporation and the majority shareholders of the corporation. That matter was tried before a jury in the District Court of Mills County, Iowa, captioned *Montgomery C. Dixon v. Pinnacle Construction, Inc., et. al.*, EQCV024477.
- In 2008, Shotkoski was lead counsel on behalf of an investor in an action to recover an investment in a failed start-up business. That case was maintained in the District Court of Douglas County, Nebraska, captioned *Stephen Dryden v. Wilcox, et. al.*, Doc. 1048, No. 344. Shotkoski obtained a summary judgment in favor of his client.
- In 2007, Shotkoski was lead trial counsel on behalf of an international telecommunications carrier in a dispute over monthly regulatory charges brought by a commercial customer. The matter was tried in the United States District Court for the District of Nebraska, captioned *West Corporation v. AT&T Corporation*, Case No. 8:05CV88. Shotkoski represented AT&T Corporation in that matter.

Featured Published Cases:

- *Ann White v. Timothy White*, Supreme Court of Nebraska, 304 Neb. 945 (2020). The Supreme Court of Nebraska upheld the majority of the district court's judgment in favor of the plaintiff represented by Shotkoski.
- *West Plains, L.L.C. v. Retzlaff Grain Co.*, United States Court of Appeals for the Eighth Circuit, 870 F.3d 774 (2017). The Eighth Circuit Court of Appeals upheld a verdict in favor of Shotkoski's client on a tortious interference claim.
- *Opal Lowman v. State Farm Mutual Automobile Insurance Company*, Supreme Court of Nebraska, 292 Neb 882 (2016). The Supreme Court of Nebraska upheld a defense verdict in favor of State Farm following a jury trial on the plaintiff's claim for breach of contract related to underinsured motorist benefits.
- *Schropp Industries, Inc. v. Washington County Attorney's Office*, 799



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N.W.2d 685 (Neb. 2011). Mr. Shotkoski along with several colleagues successfully pursued recovery of documents from Washington County that were allegedly privileged, confidential, and protected documents.

- *Briant T. Moffett v. Key Associates, LLC*, 2009 WL 3777664 (Neb. 2009). Mr. Shotkoski was lead counsel in representing a former owner and member of a Nebraska limited liability company in his claim against the company and its members for recovery of his financial interest in the company.
- *Wayne Reinbrecht v. Walgreen Co*, 742 N.W.2d 243 (Neb. 2007). Mr. Shotkoski was associate counsel in successfully representing Walgreen in a claim requesting class-action status for alleged violations of various state consumer laws.
- *Custom Fabricators of Granite and Marble, Inc. v. Lenarduzzi*, 610 N.W.2d 391 (Neb. 2000). Mr. Shotkoski was lead appellate counsel in successfully representing a client in substantiating a lower court ruling in favor of the client.

Honors & Awards

- Fellow – Nebraska State Bar Foundation

Professional Associations

- American Bar Association
 - Uniform Commercial Code Sub-Committee to the Commercial & Business Litigation Committee – Co-Chair (2010-2014)
- Illinois State Bar Association
- Nebraska State Bar Association
- Omaha Bar Association
- Nebraska Defense Counsel
- Robert M. Spire American Inns of Court – Life Member

Community Involvement

- Member – Omaha Bar Campaign Committee for Legal Aid of Nebraska (2010-2016)



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- Board Member – Creighton University Alumni Association, Omaha (2004-2010)
- Board Member – Downtown Omaha, Inc. (2006-2008)
- Board Member – American Red Cross, Loess Hills Chapter (1999-2001)

Presentations & Publications

- Presenter – Continuing Legal Education, National Business Institute