

Eric C. Tostrud



Health Care Law
ERISA Practice and Procedure

Of Counsel

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Eric Tostrud maintains a complex commercial litigation practice, with emphasis in the areas of complex insurance coverage, health care law and litigation, and ERISA practice and procedure. Mr. Tostrud's practice is concentrated almost exclusively in the federal courts, especially the federal courts in Minnesota and throughout the upper Midwest. He has litigated hundreds of cases to a successful conclusion, including many cases briefed and argued before the United States Circuit Courts of Appeals. He has handled large, complex insurance coverage cases brought as class actions and cases in which the amount in controversy exceeds \$100 million. Mr. Tostrud provides the firm's health care clients with sophisticated representation in health care litigation and regulatory matters, including defense of False Claims Act and other health care fraud cases brought against physicians and other providers. He also has represented physicians in hospital privileging and contracting disputes and disputes with third-party payers. He has particular expertise in Medicare regulation of anesthesiology services and reimbursement.

In addition to his busy law practice, Mr. Tostrud teaches frequently as an adjunct professor in subject areas directly related to his practice. These include: Federal Jurisdiction and the Law of the Federal Courts, William Mitchell College of Law (2000, 2001, 2004, 2007, 2009); and Civil Procedure, William Mitchell College of Law (2006, 2007, 2008); Federal Jurisdiction (2011, 2012, 2013) University of Minnesota Law School.

**LOCKRIDGE
GRINDAL
NAUEN**
P.L.L.P.

Attorneys at Law

From the Courtroom to the Capitol®

Eric C. Tostrud

Representative Cases

- *Blue v. Hartford Life and Accident Ins. Co.*, 698 F.3d 587 (7th Cir. 2012)
- *Hara v. USAA Casualty Ins. Co.*, 66 F.3d 1081 (8th Cir. 2012)
- *Matschiner v. Hartford Life and Accident Ins. Co.*, 622 F.3d 885 (8th Cir. 2010)
- *King v. Hartford Life and Accident Ins. Co.*, 414 F.3d 994 (8th Cir. 2005) (En Banc)
- *UnitedHealth Group Inc. v. Hiscox Dedicated Corp. Member Ltd.*, No. 09-CV-0210 PJS/SRN, 2010 WL 550991 (D. Minn. Feb. 9, 2010)
- *Abdel v. U.S. Bancorp*, 457 F.3d 877 (8th Cir. 2006)
- *Progressive N. Ins. Co. v. Alivio Chiropractic, et al.*, No. 05-951 JNE/RLE, 2007 WL 2122684 (D. Minn. July 20, 2007)

Presentations

- ASMAC Annual Meeting — "Providing Compliance Advice to Members" (2009)
- Speaker, ERISA Litigation Seminar sponsored by the Minnesota Institute for Legal Education — "Benefits Due Litigation" (2000)
- Speaker, Welfare Plans Conference sponsored by the Minnesota Institute for Legal Education — "Standard of Review in Welfare Benefits Cases" and "ERISA Preemption" (1999)

Publications

- "Recent Developments in Federal Civil Procedure: How Not to Play by the Rules" (with Mark Girouard), Federal Practice Seminar (MN FBA, June 2007).
- "What, Me Worry? ERISA Welfare Plan Litigation" (with William D. Hittler), Fundamentals of Employee Benefits Practice (MN CLE, September 2006).
- "A Defense Perspective on Recent Cases Against ERISA Fiduciaries" (with Matthew B. Newman and Gregory J. Myers), ERISA Litigation Institute (MILE, April 2000).
- "Doppelganger: The (Evil?) Twin Doctrines of Preemption" (with Martin A. Carlson), Welfare Plans Institute (MILE, October 1999).
- "Standard of Review in Employee Welfare Benefit Plan Litigation: Is It Arbitrary and Capricious?" (with Martin A. Carlson), ERISA Litigation Institute (MILE, February 1999).

Professional Associations

- Minnesota State Bar Association, Member
- Wisconsin State Bar Association, Member
- Federal Bar Association, Member
- American Bar Association, Member
- American Society of Medical Association Counsel, Member
- Defense Research Institute, Member

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Education

- William Mitchell College of Law, 1990, *summa cum laude*

Bar Admissions

- 1990, Minnesota
- 2010, Wisconsin
- 2013, Iowa

Court Admissions

- Minnesota
- 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. District Court, District of Nebraska
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Seventh Circuit