Pat Lundvall, Partner

Chair, Commercial & Complex Litigation

plundvall@mcdonaldcarano.com
D: 702.257.4591; P: 702.873.4100

Areas of Practice

Commercial & Complex Litigation
Appellate

Bar Admission - Nevada

Education

- J.D., Valedictorian, with Great Distinction, Order of the Coif, University of the Pacific, McGeorge School of Law, 1989
- M.S., Exercise Sciences, University of Nebraska at Lincoln, 1983
- B.S., Exercise Sciences, University of Nebraska at Lincoln, 1980

Pat Lundvall is a highly skilled litigator and Chair of McDonald Carano's Commercial & Complex Litigation Practice. Since 2001, Pat has been Board Certified in Civil Trial Law and Civil Practice Advocacy by the National Board of Trial Advocacy (which awarded her a President's Award in 2023) and is also Board Certified as a Civil Trial Advocacy Specialist by the State Bar of Nevada (the first attorney certified in the State).

Pat, and the statewide litigation practice she leads, are ranked in the highest Band 1 category by *Chambers USA: America's Leading Lawyers for Business,* the premier global resource for selecting outside counsel. Clients describe Pat to *Chambers* researchers as "very accomplished in her field." "I cannot rate Pat Lundvall high enough. She's a great lawyer." "Pat is the best attorney we've ever worked with." "Pat's ability to develop legal strategies and implement those strategies with her team on multiple complex litigations is beyond compare." "Pat is highly respected in Nevada, an outstanding strategic thinker and very creative in crafting winning strategies." "She has an excellent in-court presence." "She provides a clear understanding of the legal process every step of the way." "Pat is a zealous advocate and an excellent litigator." "She is extremely knowledgeable and an expert in her field." "Pat is one of the best trial lawyers I've ever seen, possessing perseverance, tenacity, good judgment and composure under intense pressure." "Pat is our partner on serious litigation matters and has provided outstanding client service. She has our best interests in mind at all times." "Pat is just outstanding."

Pat's clients include local, state, national and international businesses of all sizes operating in nearly every sector of Nevada's economy. She represents them as their primary outside counsel in every phase of complex commercial litigation. Pat also serves as Nevada counsel in complex multiparty and multidistrict litigation, and out-of-state law firms regularly select Pat to represent their clients when suit is necessary in Nevada.

Pat has successfully represented clients in judge and jury trials in state and federal courts, as well as on appeal to the Nevada Supreme Court, the Ninth Circuit Court of Appeals, and the U.S. Supreme Court. She has extensive experience handling class actions and complex commercial litigation involving business entity disputes and dissolutions, joint venture and partnership disputes, shareholder derivative litigation, merger-related litigation and control disputes, breach of contract, claims of government fraud, unfair trade practices, unfair competition, RICO matters, antitrust issues, and fraud, breach of fiduciary duty and tortious interference claims, among others. Pat also handles matters involving employment law, defamation, deprivation of constitutional rights, and wrongful death.

Pat also dedicates time and expertise to pro bono work, including a recent case she successfully tried before Judge Joanna S. Kishner. The case was brought on behalf of a young female Navy recruiter who is responsible for the care of her mother and young son. The recruiter purchased a home with a latent defect that was known to the seller but not disclosed at the time of sale. The judge awarded compensatory damages and trebled them per the statute, and the statute also allowed for an award of fees. The case settled for the full amount of compensatory damages and costs. Pat accepted the case through the Office of Military Legal Assistance under the Attorney General's Office, which is a pro bono service program that McDonald Carano helped create.

Presentations and Publications

- Presenter, "Litigation v. Arbitration: What to Choose and Why," Litigation Counsel of America, Spring Retreat, April 17-19, 2024
- Leadership Q&A, "How I Made Practice Group Chair," *Law.com*, March 22, 2024
- Feature Interview, "Legal Goddess Leads the Way in Commercial Litigation at Every Judicial Level, including the High Bench," *Of Counsel: The Legal Practice and Management Report*, November 2023
- Scheduled Presenter, Women In Law Series – Appellate Law, Southern Nevada Association of Women Attorneys, August 3, 2023
- Quoted, "Lawyers Must Navigate Client Privacy Before Suits See Public Eye," *Bloomberg Law*, June 2, 2022
- Presenter, "Nevada Supreme Court Roundup," Association of Corporate Counsel, May 25, 2022
- Quoted, "'This Is Not a Criminal Trial,' Ford's Lawyer Tells Judiciary Republicans," *National Law Journal*, September 25, 2018
- Quoted, "How Companies Can Avoid Pitfalls of a Bad Sexual Harassment Policy," *Corporate Counsel*, November 22, 2017
- Quoted, "Lawyers as HR Leaders? The Jury's Still Out," *Bloomberg BNA – Human Resources Report*," July 10, 2017
- Quoted, "Avoiding a Business Foul: Practical Steps to Dodge Business Litigation," *Nevada Business Magazine*, March 1, 2017
- "Gender Blindness: Meet Pat Lundvall IP," *My Vegas* magazine, January 1, 2017
- Author, Chapter on Pretrial Conferences, *Nevada Civil Practice Manual*
- Author, "The Rise and Fall of the Antitrust Exemption for the Business of Insurance," John Stauffer Memorial, University of the Pacific McGeorge School of Law, June 1989

Professional Certifications

- Board Certified in Civil Trial Law and Civil Practice Advocacy by the National Board of Trial Advocacy (since 2001)
- Board Certified as Civil Trial Advocacy Specialist by the State Bar of Nevada (first attorney certified in Nevada)

Awards and Recognition

- *Martindale-Hubbell* – AV Preeminent Peer Review Rating (since 2001)
- *Chambers USA: America's Leading Lawyers for Business* – Band 1 in Commercial Litigation (2022-2026) (ranked in *Chambers* since 2011)
- *The Best Lawyers in America* – Lawyer of the Year in Appellate (2027)
- *Lawdragon* – 500 Leading Litigators in America (2027 edition, published September 2026)
- *The Best Lawyers in America* – Lawyer of the Year in Labor Law-Management (2026)
- *Lawdragon* – 500 Leading Litigators in America (2026 edition, published September 2025)
- *Alumnus of Honor Award* – University of the Pacific McGeorge School of Law (2025)
- *Lawdragon* – 500 Leading Litigators in America (2025 edition, published September 2024)
- *Top 100 Alumni* – University of the Pacific McGeorge School of Law, 100-Year Anniversary celebration of "100 Exceptional Alumni" (2024)
- *The Best Lawyers in America* – Commercial Litigation (2006-2027), Appellate (2023-2027), Healthcare Litigation (2025-2027), Mass Tort Litigation/Class Actions-Defendants (2025-2027), Employment and Labor Litigation (2011-2027), Employment Law-Management (2024-2027), Labor Law-Management (2025-2027), Trusts & Estates Litigation (2027)
- *National Board of Trial Advocacy* – President's Award (2023)
- *Business Today* – "Top 10 Remarkable Nevada Commercial Litigation Lawyers" (2023)
- *Nevada Business Magazine* – "Women to Watch" (2023 and 2003)
- *Profiles in Diversity Journal* – "Women Worth Watching in Leadership" (2023)
- *Vegas Inc* – "Top Lawyers" in Appellate (2024) and Business Litigation (2024, 2023)
- *Real Las Vegas* – "Leading Lawyers of Las Vegas" (2021-2025)
- *Mountain States Super Lawyers* – "Super Lawyers" (2007-2026)
- *Mountain States Super Lawyers* – "Top 50 Women Lawyers" (2010-2026)
- *Mountain States Super Lawyers* – "Top 100 Lawyers" (2022-2026)
- *Vegas Inc* – "Women Inspiring Nevada" award (2022)
- *Top Verdicts & Settlements of the West* "Top 25 Verdicts 2021" – #1 largest in Nevada, #1 largest in Contract Law in the 13-state West region, and #9 largest in all areas of law in the 13-state West region, (*Fremont Emergency Services vs. UnitedHealth Group,* 12/7/2021)
- *Vegas Magazine* – "Vegas Gives Honoree" (2019)
- *Nevada Business Magazine* – "Top Rank Attorneys" (2009, 2011, 2015, 2017)
- "Distinguished Nevadan" Award presented by the Nevada System of Higher Education Board of Regents (2012)
- "New Thinking About Thinking" Award from Keep Memory Alive/The Cleveland Clinic Lou Ruvo Center for Brain Health (2011)
- *Las Vegas Sun* – "Women to Watch" (2010)

Professional Affiliations

- Member, Standing Committee on Specialization, American Bar Association
- Member, Business Litigation Section, Dispute Resolution Section, Business Law Section, American Bar Association
- Senior Fellow, Litigation Counsel of America
- Co-Founder and Advisory Board member, Complex Commercial Litigation Institute
- Member, Southern Nevada Association of Women Attorneys
- Nevada Fellow, American Bar Foundation
- Former Commissioner and Past Chair (first woman Chair), Nevada State Athletic Commission (2007-2016)
- Member, Public Private Partnership Advisory Panel, NV Dept. of Transportation (2007)

Community Involvement

- Board Member, Nevada Military Support Alliance (since its founding in 2003)
- Board Member, Secretary, Friends of the Nevada Mansion (current)

REPRESENTATIVE ENGAGEMENTS

- *Fremont Emergency Services (Mandavia), et al. vs. UnitedHealth Group, Inc. et al.,* case number A-19-792978-B (December 7, 2021)
  Pat served as lead Nevada trial counsel in a case that upended the national out-of-network healthcare reimbursement system with a jury verdict that awarded $60 million in punitive damages and $2.65 million in compensatory damages to three Nevada-based emergency room provider practice groups affiliated with Tennessee-based TeamHealth. The three groups filed suit in 2019 against UnitedHealthcare for underpaying out-of-network emergency room healthcare providers. After five days of jury selection, Pat presented opening statement before Eighth District Court Judge Nancy Allf in Las Vegas. Pat's team at McDonald Carano conceived and directed all discovery; drafted, argued and won all of their 55 substantive pretrial motions; successfully convinced the court to sanction UnitedHealthcare with an adverse inference in the form of a jury instruction that was critical in closing arguments; and drafted and successfully opposed UnitedHealthcare's two petitions for writ review and two motions to stay before the Nevada Supreme Court that UnitedHealthcare had attempted to use to prevent the case from being tried promptly. Pat and her team also drafted the briefs and Pat argued a critical case before the Ninth Circuit Court of Appeals that established new precedent on ERISA preemption. Without a victory in that case, all cases across the nation brought by TeamHealth against UnitedHealthcare and other insurance carriers were at risk of being dismissed.

- *Endo Health Solutions, Inc., et al. v. The Second Judicial District Court (Washoe), et al. and City of Reno (Real Party in Interest) 81121*, before the Supreme Court of the State of Nevada, En Banc. (Opinion dated July 29, 2021)
  Pat led oral argument, representing her clients (Petitioners Endo Health Solutions, Inc. and Endo Pharmaceuticals, Inc.) as well as 25+ attorneys and their clients. The successful outcome involved the original petition for a writ of mandamus challenging a district court order denying in part a motion to dismiss in a tort action. The Supreme Court held that a city's power to

maintain a lawsuit must be derived from an express grant of power or fall within a "matter of local concern" as defined in applicable statutory language. Though the district court found that the action involved a "matter of local concern," it used its own definition of that term and misapplied the statutory definition. Thus, the Supreme Court remanded, directing the district court to reconsider the motion to dismiss and strictly apply the definition of a "matter of local concern" (as set forth in NRS 268.003) to the City's claims. The district court granted in full Pat's client's and other co-defendants' motion to dismiss all pending municipality and county cases filed in Nevada related to the opioid epidemic.

- California Franchise Tax Board v. Gilbert P. Hyatt

  After a complete defense victory, on April 6, 2022, the Clark County District Court awarded McDonald Carano's client $2,262,815.56 in recoverable costs, representing a conclusion to more than 24 years of litigation in a case that also overturned U.S. Supreme Court precedent dating back to 1979. Pat led a litigation and appellate team representing the California Franchise Tax Board since 1998 in a matter adverse to inventor Gilbert P. Hyatt which went before the U.S. Supreme Court three times and the Nevada Supreme Court numerous times. The case was closely watched throughout the country as it evolved from a simple state income tax dispute to a broader constitutional concern about state sovereignty and whether a private party may sue a non-consenting state in another state's courts. Hyatt, who had moved to Nevada from California, complained the FTB had committed torts while auditing him. In the first case, he won hundreds of millions of dollars in Nevada state courts, but the FTB appealed. In 2016, the second time the parties appeared at the Supreme Court, Hyatt's award was greatly reduced, but on the constitutional matter of whether Hall should be overturned, the court split 4-4 in the wake of Justice Antonin Scalia's death, spurring the FTB to come back in another attempt to overturn Nevada v. Hall. In a 5-4 decision from Justice Clarence Thomas, the justices overturned their 1979 precedent in Nevada v. Hall that had allowed such suits and handed a victory to the FTB. For California and more than 40 states that joined as amici, the decision is significant as a resident of one state will no longer be able to sue another state except in its own courts. *Law360* reported on the May 2019 SCOTUS ruling in an article titled "States Can't Be Sued In Other States' Courts, Justices Say."

- *Pardee Homes of Nevada v. Wolfram et. al.,* before the Southern Nevada Panel, Justice Hardesty Presiding 1/23/19 NSC Oral Argument

- *John B. Quinn, Michael T. Zeller, Michael I. Fazio, Ian S. Shelton, Elaine P. Wynn v. Eighth Judicial District Court of Nevada, in and for County of Clark;* and The Honorable Elizabeth Gonzalez, District Judge, Nevada Supreme Court Case No. 74519 12/4/17 NSC Oral Argument

- *Governor James Gibbons in Chrissy Mazzeo v. James Gibbons et. al.,* a case alleging assault and deprivation of constitutional rights

- *Amerco, the parent company of U-Haul International, in Paul Shoen v. Amerco et.al.,* a shareholder derivative case alleging insider dealing

- *Bristol-Myers Squibb in State of Nevada v. Bristol-Myers Squibb et. al., a* case alleging price fixing
- *D.R. Horton, Inc.,* in multiple homeowner cases alleging mortgage fraud
- *Pardee Homes of Nevada v. A.D. Seeno Construction,* a case concerning development of Coyote Springs
- *Five Mile Capital v. Jeff and Jackie Soffer*, a dispute over development to Town Square Lifestyle Center
- *Landmark Homes and Development in Sierra Gateway Ventures v. Landmark, et. al.,* a case alleging breach of contract and bad faith
- *Pardee Homes of Nevada and Weyerhaeuser Real Estate Company, in J.P. Morgan v. Pardee et. al.,* a case alleging breach of contract
- *Southwest Gas Corporation in Richard de los Reyes v. Southwest Gas Corporation,* a case alleging employment discrimination
- *George Stephanopoulos and Little Brown Company in Gennifer Flowers v. James Carville et. al.,* a case alleging defamation
- *Southern Wine and Spirits of America, Inc., in SWS v. Bacardi-Martini USA,* a case alleging unfair trade practices