

# Holly M. Logan

## Representative Engagements

### Jury Trial Victory for Former VP Against Company

*A-One Geothermal, Inc. v. L. Dale McNair et al. (Madison County 2020)*

I successfully defended the company founder and Vice President against claims by the company (through his soon-to-be ex-wife) that he performed jobs and allowed jobs to be done by his co-defendants outside of the company in breach of his fiduciary duty to the company, among other claims. The jury entered a verdict in favor of the defense in roughly an hour.

### Jury Trial Victory for Farm Co-op Against Claims by Farmer

*Agriland FS v. William Topp (Monroe County 2020)*

When a farm co-operative filed a claim against a former farmer customer for debt owed to the co-op, I defended the co-op against the farmer's counter-claims that he could not pay his debt because of the co-op's action. The jury entered a verdict in favor of the co-op in less than an hour.

### Trial Victory for Estate Against Ex-Wife

*June Fitzpatrick v. Estate of Thomas Fitzpatrick (IA Ct. of Appeals 2020)*

Deborah Tharnish and I successfully defended the estate at trial against a claim by the decedent's ex-wife that she should take her spousal share of the estate because of alleged fraud in the dissolution proceedings. The trial verdict was upheld on appeal and the Iowa Supreme Court denied further review.

### Jury Trial Victory for Physicians and Clinic

*Pierce Street v. Tri-State Specialists et al. (Blackhawk County 2019)*

Stan Thompson and I successfully defended a group of six physicians and their practice group against claims that they violated their non-compete agreements and related claims. Two doctors were dismissed on the strength of our summary judgment motion. The jury found no liability for two other doctors. The only doctor with a counterclaim succeeded in his claim entirely. Two doctors were found liable for \$250,000 each and the practice group was found liable for \$750,000. We considered this verdict a win given the plaintiff's request that the jury award a total of \$25 million in damages.

### Three Years Imprisonment for Trade Secret Theft – Client Initially Faced 15 Years

*United States v. Mo Hailong (S.D. Iowa 2016)*

After a lengthy investigation and multiple motion hearings, my law partner and I successfully negotiated a plea agreement that capped a potential 15-year sentence for theft of trade secrets from Pioneer and Monsanto at five years. We then obtained a three-year sentence for the client despite the government's request for five years. This case is said to be one of the most significant and complex white-collar cases prosecuted in the Southern District of Iowa in the last 15 years. It included prosecutors from Main Justice and use of the Foreign Intelligence Surveillance Act (FISA). There were at least 73 different FBI agents involved in the case. I was trial counsel along with my law partner and a lawyer from California. We appeared at all court proceedings. My law partner and I managed a team of approximately 12 other attorneys working on the case from three law firms in California.

## No Prison Time in Bribery Case

[United States v. David Schiltz \(S.D. Iowa 2016\)](#)

I represented a traffic control device company and its owner in a lengthy investigation into bribes to city officials in order to maintain and guarantee future business from the cities. We persuaded the government, despite its initial plan, not to charge the company. Pursuant to an agreement we negotiated, the business owner pled guilty to one count of conspiracy to commit bribery concerning programs receiving federal funds. Though the sentencing guidelines called for more than three years in prison, we persuaded the judge to require only six months in a halfway house.

## No Prison Time Arising from Charges for Major Government Program Fraud

[United States v. Ram Hingorani \(S.D. Iowa 2015\)](#)

I represented the owner of a commercial construction company that performed over \$23 million in government contracts that the government later claimed it was ineligible to receive. After a lengthy investigation and criminal prosecution, the business owner pled guilty to two counts and the government dismissed 28 counts. Although the government argued for 24 months imprisonment and the advisory guideline sentencing range was much higher, we persuaded the federal judge to require only six months in a halfway house.

## No Charges in Bankruptcy Fraud

[Bankruptcy Fraud Investigation \(N.D. Iowa 2015\)](#)

I represented a couple who had been referred for federal criminal prosecution by the bankruptcy trustee for the Northern District of Iowa. We relied upon the advice of counsel defense, proffered our clients, and were able to keep them from being charged criminally.

## Acquittal Across the Board in Pharmacy Health Care Fraud Trial

[United States v. Michael Stein \(S.D. Iowa 2014\)](#)

I defended the owner of an Iowa City pharmacy against 15 counts of health care fraud in a trial against the U.S. Attorney for the Southern District of Iowa. The government alleged that my client, in conjunction with a Florida company, engaged in a nationwide scheme to defraud health insurers out of the cost of drugs for treating hemophiliacs, drugs that can cost hundreds of thousands of dollars per patient per year. We countered that all of the drugs delivered by our client had been medically necessary and eligible for insurance coverage and that the prosecution was a misguided extension of a purely civil contract dispute. The jury acquitted Mr. Stein on all charges.

## Medicaid Fraud Investigation Closed with No Action

[Iowa Medicaid Fraud Control Unit: Social Services Agency Investigation \(2012\)](#)

I represented a prominent social services agency that was investigated by the Iowa Medicaid Fraud Control Unit (IMFCU) for both suspected billing improprieties and alleged physical mistreatment of the agency's clients at the agency's facilities. We conducted our own extensive internal investigation of the agency's operations, shadowed the government's investigation, and then presented our findings to the IMFCU. That agency closed the investigation without any action against the social services agency or any of its management or employees.

## No Charges Against Client in Film Tax Credit Investigation

[Attorney General's Investigation of Iowa Film Office \(2010-2012\)](#)

The operation of an aggressive tax credit program to attract filmmaking to Iowa resulted in a statewide scandal, multiple criminal charges, and some prison sentences. My client fared better, however. I represented a filmmaker and that filmmaker's production company for more than two years during the investigation. We presented the government with an analysis of the facts regarding the film project in question, and ultimately we persuaded the Attorney General's office to bring no charges against either the filmmaker or the production company.

## Lengthy Environmental Investigation Ends with No Charges

[Clean Water Act Grand Jury Investigation \(N.D. Iowa 2007-2011\)](#)

I represented a business entity that owns and operates a 10,000-head cattle feedlot in Iowa. The entity became the subject of a federal grand jury investigation into alleged violations of the Clean Water Act arising from a manure spill that allegedly entered into protected waters of the United States. Over the course of an investigation that lasted more than three years, we advocated to the government's criminal prosecutors that no crime had occurred. In early 2011, the government advised the entity that it would take no criminal action in the case.

## Complete Acquittal in 83-Count Child Labor Prosecution

[State v. Sholom Rubashkin and Aaron Rubashkin, Iowa District Court for Allamakee County \(2010\)](#)

I co-defended Sholom Rubashkin, the general manager of Agriprocessors, Inc. in Postville, Iowa, in a five-week jury trial. The 83-count complaint alleged that Mr. Rubashkin permitted the employment of minors in a meatpacking plant and under certain dangerous conditions in violation of Iowa law. At the close of the State's evidence, the district court granted our defense motion to dismiss 16 of the counts. The jury acquitted Mr. Rubashkin on the remaining 67 counts. The case arose from the immigration enforcement raid against Agriprocessors in May 2008, then the largest workplace immigration enforcement action in United States history. When the charges were originally filed in September 2008, they also named Mr. Rubashkin's father, plant owner Aaron Rubashkin. We represented Aaron Rubashkin from the inception of the case until the State voluntarily dismissed all charges against him.

## Won Majority/Minority Ownership Dispute; Case of First Impression in the Iowa Supreme Court

[Bottoms v. Stapleton, 706 N.W.2d 411 \(Iowa 2005\); Iowa District Court for Polk County \(2008-2009\)](#)

I represented two Iowa businesses and their majority owner in a dispute in the heavy equipment industry. A minority owner of one of the businesses sued our clients alleging breach of fiduciary duty and other claims. The clients counterclaimed and impleaded the plaintiff's own heavy equipment company alleging that the plaintiff pirated business relationships and employees from the clients. Before the Iowa Supreme Court, we successfully argued an interlocutory appeal of a district court order disqualifying a law firm. In a case of first impression in Iowa, the Iowa Supreme Court held that there was no conflict of interest in the same law firm representing both a closely held company and its majority owner in litigation against the minority owner. Then, in 2008 and 2009, we tried the compensatory and punitive damages phases of the case, resulting in dismissal of the plaintiff's claims and compensatory and punitive judgments of several hundred thousand dollars each in favor of our clients and against the plaintiff and his company.

## Acquittal on all 28 Counts in Insider Trading

[United States v. Iannone \(S.D. Iowa 2003\)](#)

I defended a nationally prominent cardiologist at a jury trial. Our client was accused of insider trading in connection with options trades in advance of a merger announcement which earned the client over \$1 million. Dr. Iannone was charged with 28 counts of conspiracy, insider trading, and wire fraud. The jury acquitted Dr. Iannone on all 28 counts.