



## Mark F. Foley

Attorney

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Mark F. Foley is a Shareholder at von Briesen & Roper, s.c. with more than 25 years experience meeting the complex business and legal needs of clients ranging from individual business owners to industry trade associations and Global 500 companies.

Mark has successfully tried cases before judges and juries in federal and state courts, represented debtors and creditors in bankruptcy courts throughout the United States, and arbitrated matters before AAA and NASD panels. He has directed and conducted the nationwide defense of recurring product litigation, conducted recalls, and negotiated standards with regulatory agencies. Mark has successfully argued appeals to the Wisconsin Supreme Court and the U.S. Courts of Appeals for the Seventh and Eighth Circuits.

Mark has established data privacy, security, SOX whistleblower, and data retention policies and procedures for multinationals operating in dozens of countries; negotiated information technology licenses, and acquisition and development agreements; developed effective product warning and litigation avoidance programs; created software applications to manage and report on litigation; and designed and implemented e-discovery processes. Mark authored the eBook "What Every CEO Needs to Know About Data Security", part of the Digital Thought Leadership Series.

Mark's practice encompasses four primary areas:

### **COMMERCIAL AND BUSINESS LITIGATION**

Mark has extensive experience in general business and commercial litigation, including breach of contract and business torts cases, distributorship terminations, joint venture dissolution, secured and unsecured debt collection, commercial warranty, fraud and fraudulent conveyance claims, Uniform Commercial Code disputes, domain name, trademark, unfair competition, and patent disputes.

Mark has particular expertise in matters related to electronic discovery and computer forensics, having both litigated and consulted for major corporations on how to prepare for and meet e-discovery challenges and directed forensic investigations of computer systems.

### **INFORMATION TECHNOLOGY, DATA PRIVACY AND SECURITY**

Mark has successfully litigated software and hardware purchase/sale disputes, software developer contract disputes, and micro-chip patent infringement claims. Mark has also counseled, negotiated, or litigated computer technology-related matters for a variety of domestic and international clients, counseled multinational companies on global data privacy and security compliance and policy implementation, and directed data breach investigations and response.

### **FINANCIAL AND BANKRUPTCY**

Mark has represented debtors and every creditor type in bankruptcy, insolvency and other financial matters such as reorganizations, liquidations, workouts, and foreclosures, in federal bankruptcy cases, state insolvency proceedings, and civil courts. Mark was lead counsel on the first pre-packaged bankruptcy reorganization in Wisconsin.

### **PRODUCT LIABILITY**

Mark has handled both plaintiff and defense tort and warranty litigation for products as diverse as recreational vehicle generators, automobiles, trucks, packaged foods, cook tops, personal watercraft, industrial coatings, gasoline tanks, computer hardware and software, electric fans, ladder hinges, manufacturing equipment, hazardous materials containers, highway markers, go-carts, tanker trucks, fuel tanks, camping equipment, and high-end refrigeration and cooking equipment.

Mark has also served as national product defense counsel for a manufacturer of compressed gas cylinders and gasoline cans. He has handled or supervised hundreds of cases involving injuries, property damage, or deaths associated with fires, explosions, and carbon monoxide exposure.

As an adjunct to product litigation, Mark counsels individual business clients and trade associations on product liability prevention, the development of effective and defensible warnings and instructions, recalls, warranty limitations and defense, Consumer Product Safety Commission reporting obligations, standards development, and related matters.

Mark is a member of various bar associations related to his practice areas, has been listed in one or more categories in *The Best Lawyers in America*® continuously since 1995, has been AV Preeminent® Peer Review Rated by *Martindale-Hubbell*®, has been named a *Wisconsin Super Lawyer*®, and is a Certified Information Privacy Professional.

Practice Areas:

- Appellate
- Bankruptcy and Creditors Rights
- Commercial and Business Litigation
- Consumer Litigation Defense
- Litigation and Risk Management
- Product Liability
- Strategic Risk and Crisis Management

- Information Technology, Data Privacy and Security
- Trademarks

Education:

- University of Michigan Law School, J.D., *cum laude*, 1981
- Yale University, B.A., *magna cum laude*, 1975

Bar Admissions:

- Wisconsin
- U.S. Court of Appeals, 7th and 8th Circuits
- U.S. Supreme Court