



## CHRISTA D. WITTENBERG

# O'NEILCANNON

HOLLMAN DEJONG & LAING S.C.

Shareholder

### CONTACT

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Christa is a commercial litigator with a focus on business relationships that break down. She also serves on the firm's Board of Directors.

With attention to detail, Christa especially enjoys tackling challenging procedural issues and working with complicated facts and large sets of data. Whether her client's goal is to fight to win or resolve a dispute through settlement, Christa works hard for the best possible result for her client, relying on her good judgment and experience to give honest and practical advice.

### PRACTICE GROUP

- Litigation

#### Christa Assists Clients With

- Complex contract disputes
- Health care litigation
- Indemnification claims
- Shareholder disputes
- Debt collection practices and consumer protection claims
- Trademark and copyright infringement claims
- Distributorship and franchise terminations
- Inheritance disputes
- Class action and whistleblower litigation
- Fraud and conspiracy claims
- Federal and state lawsuits
- Mediations and arbitrations

#### Experience/Representative Client Work

- Successfully defended large publicly traded corporation against trade secret claims by former vendor and pursued counterclaims for breach of contract and fraud that resulted in multi-million-dollar settlement payment to client
- Pursued breach of contract claims on behalf of health care provider in arbitration against large health insurance company involving slow payment on thousands of claims, resulting in favorable settlement
- Prevailed on appeal, defending the results of a jury trial that awarded client damages for trespass and unjust enrichment for use of its property, *Mid-America Steel Drum Props., LLC v. Container Life Cycle Mgmt. LLC*, Appeal No. 2021API603
- Recovered funds for health care provider in multiple disputes with health insurance companies and other payors for non-payment and under-payment of commercial and Medicare Advantage claims
- Obtained favorable settlement for petitioner in complex estate dispute involving capacity issues, undue influence allegations, and insane delusion

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- Defended European manufacturer against warranty and design claims in *Kreuziger Drainage, LLC v. Inter-Drain Sales BV, et al.*, Case No. 21-cv-908 (Eastern District of Wisconsin)
- Defended petition to cancel client's trademark pending before Trademark Trial and Appeal Board, resulting in petitioner voluntarily dismissing claim
- Represented Canadian distributor of equipment in dispute with Wisconsin manufacturer over termination of relationship in *Putzmeister America, Inc. v. Pompacktion Inc.*, Case No. 21-cv-356 (Eastern District of Wisconsin)
- Successfully defended HVAC subcontractor against indemnity claims by performance contractor for school facility upgrades, obtaining summary judgment in client's favor with award of attorneys' fees and costs in *Columbus School District v. Cooperative Educational Service Agency 10*, Case No. 17-CV-121 (Columbia County, Wisconsin), affirmed on appeal, Appeal No. 2020API152
- Prevailed at summary judgment to defeat claims that financial institution violated Truth in Lending Act (TILA) and Equal Credit Opportunity Act (ECOA) in *Ball v. Landmark Credit Union*, Case No. 22-cv-69 (Eastern District of Wisconsin)
- Successfully defended health care provider from fraud and other tort claims, prevailing on motions to dismiss
- Defended director of publicly traded corporation against breach of fiduciary duty claims by stockholder, prevailing on a motion to dismiss in *SPI Solar, Inc. v. Analytics Plus, LLC*, Case No. 19-CV-599 (Waukesha County, Wisconsin)
- Successfully represented mortgage company pursuing claims in arbitration against multiple former employees who diverted business and misused employer's trade secrets and confidential information; defended officer and director against breach of fiduciary duty claims
- Part of litigation team achieving favorable settlement after pursuing claims against former officer of company who left to start competing venture and other individuals violating or assisting in violating restrictive covenants
- Successfully represented small business in dispute with software vendor through litigation and mediation
- Assisted client with developing strategy and preparation of lawsuit and motion for temporary restraining order after former salesperson violated non-competition clause and other restrictive covenants in employment agreement, resulting in pre-suit settlement
- Successfully represented multiple financial services companies and other businesses against Fair Debt Collection Practices Act and Wisconsin Consumer Act claims for debt collection activities, including putative class action claims, in the Eastern and Western Districts of Wisconsin and in Wisconsin and Illinois state courts
- Assisted in obtaining dismissal of breach of contract and promissory estoppel claims against construction subcontract bidder in connection with the construction of a downtown Milwaukee high-rise office building on summary judgment, affirmed on appeal: *C.G. Schmidt Inc. v. Permasteelisa N. Am.*, 825 F.3d 801 (7th Cir. 2016)
- Successfully represented clients in certified class action alleging that health plan administrators breached fiduciary duties by failing to administer health claims in a manner consistent with employee health plan language covering "usual, customary and reasonable" charges for out-of-network services in *George v. CNH Health & Wealth Benefit Plan*, Case No. 16-CV-1678-JPS (Eastern District of Wisconsin)

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- Obtained favorable summary judgment ruling in dispute between former business partners over trademark use and alleged fraud, breach of fiduciary duty, and defamation in *EastStar Solutions, Ltd. v. Owens*, Case No. 16-CV-1551 (Eastern District of Wisconsin)
- Successfully represented small business pursuing claim against financial advisors for recommendation of ineffective tax strategy
- Obtained summary judgment in favor of insured property owner in coverage dispute with title insurance company
- Successfully represented employer by obtaining early dismissal of false imprisonment and intentional infliction of emotional distress claims by disgruntled former employee
- Brought in to handle, assist with, or consult on numerous appeals
- Successfully represented architect defending against numerous claims related to home remodel project
- Assisted clients on many occasions with evaluating, responding to, and challenging subpoenas to minimize cost and risk and maximize protection of information
- Investigated and litigated false claims act cases
- Successfully represented numerous clients in personal injury matters, both through pre-suit settlements and through litigation
- Represented family members involved in numerous inheritance disputes, including in court cases in Wisconsin and in Illinois
- Forced removal of scam website mimicking client's website and infringing copyright and trademark rights
- Served as active local counsel in numerous complex cases in state and federal courts in Wisconsin

### Professional Associations & Affiliations

- State Bar of Wisconsin
- American Bar Association
- Eastern District of Wisconsin Bar Association, Treasurer
- Association for Women Lawyers
- Milwaukee Bar Association

### Court Admissions

- Wisconsin
- Illinois
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Eastern District of Wisconsin
- United States District Court for the Western District of Wisconsin
- United States District Court for the Central District of Illinois

### Awards/Distinctions

- Selected for inclusion on *The Best Lawyers in America: Ones to Watch* list, 2021–present
- Selected for inclusion in Wisconsin Super Lawyers Rising Stars, *Law & Politics and Milwaukee Magazine*, 2020–present
- 2019 and 2024 Winner of the Terence T. Evans Humor and Creativity in Law Competition
- Order of the Coif, honorary scholastic society for law students
- *Phi Beta Kappa*, academic honor society for undergraduates

- Certificate of Merit awards for highest grade in class in Contracts and Evidence courses at University of Michigan Law School
- Production Editor, *Michigan Journal of Race & Law*, 2011–2012
- Executive Editor, *Michigan Journal of Environmental & Administrative Law*, 2011–2012

#### Articles/Presentations

- Moderator, “The Appellate Experience: Judges Geenen and Colón Reflect on Their First Year Serving on the Court of Appeals,” Milwaukee Bar Association, September 2024
- Speaker, “Legal Research Strategies,” O’Neil, Cannon, Hollman, DeJong & Laing S.C., March 2022
- Co-Author, “A Litigation’s Reprise: Strategies for Requesting Attorney Fees,” *Wisconsin Lawyer*, January 2021
- Author, “Final Thought: Check Assumptions at the Door,” *Wisconsin Lawyer*, July 2020
- Co-Author, “Due Process in the Time of Coronavirus,” *Wisconsin Lawyer*, April 2020
- Panelist, “Due Process Uncertainty While Confronting a Measles Outbreak,” State Bar of Wisconsin PINNACLE Seminar “Annual Constitutional Law Symposium 2019,” December 2019
- Co-Author, “When Measles Meets Due Process,” *Wisconsin Lawyer*, November 2019
- Speaker, “Best Practices for Using Emails at Depositions,” O’Neil, Cannon, Hollman, DeJong & Laing S.C., August 2019
- Speaker, “Freedom from Litigation: Personal Jurisdiction and Sovereign Immunity,” State Bar of Wisconsin PINNACLE Seminar “Annual Constitutional Law Symposium 2018,” December 2018
- Speaker, “Precision v. Concision: Can You Have it All?,” State Bar of Wisconsin PINNACLE Seminar “Know Your Writes: Next Level Legal Writing,” May 2017
- Speaker, “Regulation of Abortion Providers and the Impact of *Whole Woman’s Health v. Hellerstedt*,” State Bar of Wisconsin PINNACLE Seminar “With Liberty & Justice: A Constitutional Law Symposium,” December 2016
- Author, “Testamentary Capacity: A Sliding-Scale Approach,” *Wisconsin Lawyer*, September 2016
- Speaker, “The Impact of Judicial Law Clerks and Staff on State and Federal Court Proceedings,” O’Neil, Cannon, Hollman, DeJong & Laing, Hot Topics for Small Firm and Solo Practitioners seminar, October 2015
- Author, “The Constitutional Framework for Public Health Responses to Disease Outbreaks,” *Health Law Litigation*, American Bar Association Section of Litigation, Health Law Litigation Committee Newsletter, Spring 2015
- Co-Presenter, “Post-Trial Motions in Federal Court,” Peoria County Bar Association’s Federal Practice Seminar, July 2013

#### Community Involvement

- Past Chairperson of Communications Committee of State Bar of Wisconsin
- Past President of Board of Directors for LOTUS Legal Clinic
- Mock trial judge for Wisconsin High School Mock Trial
- Member of St. Mark’s Lutheran Church in Cudahy, Wisconsin

#### Education

- University of Michigan Law School (J.D., *magna cum laude*)
- University of Wisconsin–Madison (B.A., *with honors*)