



## Eric A. Bartsch

Partner

Seattle, WA

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### Industries Serviced

#### [Agribusiness](#)

Food Processing

### Service Areas

Antitrust & Unfair  
Competition

Class Action Defense

Commercial Litigation

Litigation

### Bar Admissions

Washington (pending)

Admitted only in Minnesota  
and Wisconsin

U.S. District Court for the  
Eastern District of Arkansas

U.S. District Court for the  
District of Colorado

U.S. District Court for the  
District of Minnesota

U.S. District Court for the  
District of North Dakota

U.S. District Court for the  
District of Ohio

U.S. District Courts for the  
Eastern and Western  
Districts of Wisconsin

U.S. Court of Appeals for the  
Eighth and Ninth Circuits

### Education

William Mitchell College of  
Law, J.D., cum laude

St. Olaf College, B.A.,

### ABOUT ERIC

After over twenty years' experience working for commodity procurement, marketing, and food processing companies, Eric Bartsch's practice is now divided among corporate finance, transaction, and commercial litigation matters. Acting in the role of corporate general counsel, Mr. Bartsch regularly assists clients with debt and equity financing, joint-venture formation, contracting, and litigation. In that capacity, he oversaw a \$44 million acquisition of food processing assets in the Midwestern United States, a build-to-suit contract and equipment lease for a Pennsylvanian East coast food processing facility, and the acquisition, permitting and renovation of a juice extraction and bottling facility in Southern California, all for a publicly traded food processing company.

Mr. Bartsch has served as counsel for some of the leading cooperatives in the United States. He acted as lead counsel for over 100 feed mills in their recovery of overcharges relating to price-fixing in the vitamin industry. As outside general counsel to one of the largest natural food companies in North America, Mr. Bartsch has overseen 1934 Act compliance, mergers and acquisitions, improvement of financial and contracting controls, class wage and hour litigation, and general commercial and appellate litigation. When a client wanted to streamline its capital structure, Mr. Bartsch organized a team of the firm's attorneys and served as team counsel for the engagement. The negotiation and preparation of co-pack, contract manufacturing, and license agreements rounds out the work Mr. Bartsch is frequently asked to undertake for his clients.

### EXPERIENCE

#### Representative General Counsel Work

- \$44 million purchase of sunflower roasting and packaging assets located in Western Minnesota.

- Acquisition of juice extraction and bottling assets in Southern California for a confidential sum.
- Acquisition of food bar processing assets in Nevada for a confidential sum.
- Comprehensive restructure, consolidation and simplification of parent/subsidiary relationships, through tax-neutral fold-in mergers, for a publicly traded multi-national corporation.
- Tax and ownership restructure of a US subsidiary of a Dutch Company owned by a foreign parent to normalize reporting obligations and secure foreign tax advantages.
- '33 and '34 Act compliance work for a \$1 billion publicly traded company.
- Collapse of a financing tower and simplification of syndicated debt.
- Procurement, off-take, co-pack, and tolling agreements for food and ag processing facilities.
- Intellectual Property, formulation, licensing and joint-venture/co-brand agreements for consumer packaged goods product development and launch.
- Organized an IC-DISC and related sales, export, agent and licensing agreements for exporter of software products.
- Securitized supply and export CPG transaction to destinations in Central and Southern America, with agricultural input financing rider.
- Prepared agreements relating to sale and export of shelf-stable dairy milk to China.
- Prepared agreements relating to procurement and import of Guatemalan strawberries.
- Resolved disputes regarding allegations of non-conformity of agricultural goods exported to India, South Africa, Peru and Japan.
- Negotiated crisis agreements, including re-provisioning and start-up agreements, on behalf of co-packer relating to voluntary recall of baby food product by branded marketing company.
- Food Safety Modernization Act, Food Liability, FDA Registry compliance & recalls, HACCP/HARBPC Plans, Foreign Supply Verification, FCPA, and embargo compliance.
- Seed round financing for a retail goods technology company.
- Formation, Angel round, Series A, and Series B financing for an iOS application technology company.
- Creditor's Rights and Bankruptcy

### **Representative Litigation Work**

- Defended Target Corp. in *In re Aurora Dairy Corp. Organic Milk Marketing & Sales Practices Litigation*, resulting in a class settlement in which Target was required to pay no economic remuneration.
- Lead Counsel for one of the largest egg producers in the United States in *In Re: Processed Egg Products Antitrust Litigation* (MDL No. 2002 E.D. Pa.). Direct purchaser case settled against client for no economic remuneration.
- Received a \$2.5 million verdict and dismissal of defendant's \$4 million counter-claim for a public company to enforce complex trade secret, trademark and contract rights in federal court, affirmed on appeal by the

Ninth Circuit (lead trial and appellate counsel).

- Secured a multimillion-dollar judgment and award of attorney fees in 2017 from the United States District Court, District of Arkansas in favor of a retail brokerage firm against a merchandise supplier (lead counsel).
- Secured a full compensatory damage arbitration award in Kansas City, Missouri for unpaid brokerage commissions against a retail products company (lead counsel).
- Settled a California class Wage and Hour case, alleging millions of dollars in damages, for six figures on a reversionary basis (lead counsel).
- Secured Sec. 363 sale of debtors assets, and enforcement of capital leaseholders interest, in bankruptcy of failed joint-venture in Colorado Bankruptcy Court.
- Settled antitrust case for a substantial and undisclosed sum following investigation and litigation of complex econometric, jurisdictional, procedural and remedial arguments for 150 agricultural businesses from 12 states to recover overcharges paid to a multinational cartel of vitamin manufacturers (co-lead plaintiff's counsel).
- Settled case just prior to trial for significant sum in favor of Australian investment banking firm against joint venturer accused of misappropriation of corporate opportunity and breach of fiduciary duty during development of a biodiesel refinery (lead trial counsel).
- Secured a confidential settlement for full compensatory damages, attorneys' fees and costs for shareholders in an interstate securities fraud case (lead plaintiff's counsel).
- Won one of the largest multi-million dollar jury verdicts in Minnesota in 2001 involving neuropsychological damages, with experts from the Mayo Clinic (lead trial counsel).
- Secured a multimillion-dollar eminent domain settlement for landowners in a condemnation action (lead trial counsel).
- Obtained a dismissal for the St. Paul Port Authority in a section 1983 case on shareholder standing grounds with a pretrial motion, which was affirmed on appeal by the Eighth Circuit.
- Obtained dismissal of all claims on a pretrial motion for summary judgment on behalf of Walgreens in a pharmacy malpractice case.
- Prevailed in a Minnesota Court of Appeals case of first impression involving Minnesota's Farm Credit Act (lead appellant counsel).
- Engaged by a Canadian cellulosic ethanol fiber preparation and pretreatment technology company to enforce trade secret and technology contract rights in federal court in Missouri (lead trial counsel).
- Prevailed in first impression Eighth Circuit Court of Appeals case concerning tort of reckless fraud in Minnesota.
- Secured confidential settlement in favor of biofuels developer against large multi-state engineering firm for breach of contract and engineering malpractice (lead plaintiff's counsel).
- Obtained Ninth Circuit reversal and remand for additional consideration of a parsimonious attorneys' fee award originally ordered under the Uniform Trade Secret Act (lead appellee counsel).

## HONORS & ACTIVITIES

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- AV Preeminent Peer Review Rated with [Martindale-Hubbell](#)<sup>®</sup>
- Member, Wisconsin State Bar Association
- Member, Federal Bar Association
- Member, Federalist Society

## INSIGHTS & PRESENTATIONS

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- “Caught in the Middle: Navigating Common Contract Clauses When Multiple Parties Are Involved” (presenter), MNACCA Annual In-House Counsel Conference (June 2014)
- “Interest Bearing Patron Credit Balances: A Liability Trap for Everyone” (coauthor), *The Cooperative Accountant* (Winter 1997)