



## Taylor D. Sztainer

Attorney

150 South Fifth Street  
Suite 1200  
Minneapolis, MN 55402

612-877-5381

Taylor.Sztainer@lawmoss.com

**PRACTICE AREAS:** Professional Liability, Litigation, Employment Law, Financial Services

---

Taylor co-chairs Moss & Barnett's Professional Liability team where she focuses on litigation, loss prevention, risk management, and serves as outside general counsel for her clients. As a business litigator, Taylor's approach is aggressive, but disciplined. She is a trusted advisor to her clients and is dedicated to achieving results that advance her clients' goals. Taylor works vigorously to find creative and comprehensive solutions to her clients' problems. While she stands ready to litigate, Taylor also strategically resolves disputes early, before litigation erupts, to serve her clients' best interests.

Taylor works closely with her clients to ensure they receive reasoned, practical, and exceptional legal representation. She has litigated cases in federal and state courts throughout Minnesota and the United States focusing on:

- Professional liability claims against accountants and attorneys
- Trust and shareholder litigation
- Professional licensing, compliance, and ethics complaints/investigations
- Business and employment-related disputes
- Real estate litigation

### Experience

### Recent Appellate Decisions

- *Freer v. CliftonLarsonAllen LLP* (Ariz. Ct. App. May 5, 2022)
- *In re Estate of Ecklund*, A23-0210, \_\_\_ N.W.2d \_\_\_, 2023 WL WL 8009402, at \*1 (Minn. Ct. App. Nov. 20, 2023)

## Case Studies

- **Successfully defended a \$10 million failed audit claim.** Our client, a CPA firm, audited the financial statements of a company that later sold all of its assets and made financial warranties in the asset purchase agreement. The company and its sole shareholder were then sued by the asset buyer for breaching those financial warranties. Alleging negligence and negligent misrepresentation in connection with the audit, the company and its shareholder then sued our client, claiming that the CPA firm was responsible for the costs incurred to defend the lawsuit brought by the asset buyer and the amount paid to settle that case. We obtained dismissal of all of the company's claims on a motion to dismiss and dismissal of the shareholder's remaining claims on a motion for summary judgment.
- **Successfully defended against a city's attempt to use an emergency injunction to accomplish an unlawful taking.** A Minnesota city attempted to secure an easement by temporary injunction over a stormwater retention basin, buffer areas, and other infrastructure on our client's land, which were the remnants of an abandoned development project. Our team convinced the court to deny the city's motion for a temporary injunction and secured dismissal of the city's action, in which it was seeking a permanent easement over our client's land.
- **Defense of \$8 million claim for theft of trade secrets,** including employee disloyalty, breach of non-solicitation agreement, and aiding and abetting. Our client was charged after successfully recruiting more than half the plaintiff company's workforce for a new branch of its truck parts company. Plaintiff contended that the employee "lift-out" irreparably damaged their North Dakota business. After a three-week jury trial in North Dakota federal court, the jury returned a defense verdict on all counts.
- **Successfully defended commercial landlord against multi-million-dollar breach of contract claim involving the question of which party was required to pay the cost to build out a large sporting goods retail store, after the complex commercial lease was found to be ambiguous.** After a week-long trial, the court found that the sporting goods tenant was on the hook for its own multi-million-dollar build-out costs.
- **Exoneration of Ponzi scheme auditor.** Our client, a CPA firm, was accused of negligently failing to detect the fraud after the collapse of a massive Ponzi scheme resulting in \$116 million in damages. After a two-week trial, the arbitration panel rejected the claim and awarded a total defense victory to our client.
- **Successful resolution of a non-compete and non-solicitation dispute.** Client was a top executive of a national retail grocery, supply chain, and wholesale distribution company. After leaving the company to take a position at one of its largest competitors, our client and his new employer were sued in federal court for breach of a non-competition and non-solicitation agreement, misappropriation of trade secrets, and interference with contractual relations. After persuading the court to refrain from issuing a temporary restraining order against our client that would have prevented him from working for the competitor, we successfully settled the dispute, and our client now enjoys unencumbered employment with his new employer.
- **Settling a former shareholder's claims.** The majority owner of a successful company was sued by a former minority shareholder she had previously bought out. Our team of trial lawyers first

persuaded the court to dismiss the employment claim, then resolved the rest of the claim successfully.

## **Clerkships**

Honorable Elizabeth H. Martin, Minnesota District Court, Tenth Judicial District

## **Education**

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

University of Minnesota-Twin Cities, B.A.; *summa cum laude*; with distinction; awarded best undergraduate honors thesis

## **Admissions**

Minnesota

North Dakota

South Dakota

Wisconsin

U.S. District Court for the District of Minnesota

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

U.S. Court of Appeals for the Eighth Circuit

U.S. Supreme Court

## **Honors & Recognitions**

*Minnesota Rising Stars* (2014-present)

*Best Lawyers: One to Watch* (2021)

## **News**

Deadline for Minnesota Employers to Begin Providing Earned Sick and Safe Time to their Minnesota Employees is January 1, 2024  
12.11.2023

Peter J. Kaiser and Taylor D. Sztainer Appointed Adjunct Directors to Moss & Barnett Board of Directors  
07.24.2023

Moss & Barnett Congratulates Our 2023 Minnesota *Super Lawyers* and *Rising Stars*  
07.17.2023

Alert: Noncompete Agreements Banned in Minnesota: Action Items for Employers  
05.31.2023

Alert: Employers: Good Reason to Review Your Separation Agreement Forms  
*Moss & Barnett Advocate (Winter 2023 edition)*, 03.21.2023

Making the Season Bright for Families of the Nonprofit "Breaking Free" (2022)  
*Moss & Barnett Advocate (Winter 2023 edition)*, 03.21.2023

Moss & Barnett Congratulates Our 2022 Minnesota *Super Lawyers* and *Rising Stars*  
07.18.2022

Making the Season Bright for Families of the Nonprofit "Breaking Free"  
12.15.2021

Moss & Barnett Congratulates Our 2021 Minnesota *Super Lawyers* and *Rising Stars*  
07.20.2021

Court Operations Update  
*Moss & Barnett Advocate (Spring 2021 edition)*, 05.26.2021

Fifteen Moss & Barnett Lawyers Named to 2021 *Best Lawyers*® List  
*The Best Lawyers in America*, 08.20.2020

Moss & Barnett Congratulates Our Lawyers Listed to Minnesota "Super Lawyers" and "Rising Stars" Lists for 2020  
07.20.2020

Moss & Barnett Spirit of Giving – Breaking Free I 2019  
*Moss & Barnett Advocate (Fall 2019 edition)*, 12.16.2019

Moss & Barnett Congratulates Its Lawyers Named to Minnesota "Super Lawyers" and "Rising Stars" Lists for 2019  
07.05.2019

Moss & Barnett Congratulates Its Lawyers Named to Minnesota "Super Lawyers" and "Rising Stars" Lists for 2018  
07.05.2018

Moss & Barnett Spirit of Giving – Breaking Free (2017)  
03.27.2018

Moss & Barnett Congratulates Its Lawyers Named to Minnesota “Super Lawyers” and “Rising Stars”  
Lists for 2017  
07.05.2017

Moss & Barnett Spirit of Giving  
04.06.2017

Aaron A. Dean, Susan A. King, and Taylor D. Sztainer Elected Shareholders of Moss & Barnett  
04.04.2017

Moss & Barnett is Pleased to Recognize Taylor D. Sztainer  
07.18.2016

Moss & Barnett Congratulates Its Lawyers Named to Minnesota “Super Lawyers” and “Rising Stars”  
Lists for 2016  
07.05.2016

Moss & Barnett Congratulates Its Lawyers Named to Minnesota “Super Lawyers” and “Rising Stars”  
Lists for 2014  
07.07.2014

## Speaking Engagements

**Moss & Barnett's Upper Midwest CPA Firm Summit**, in partnership with the Minnesota Society of CPAs (MNCPA) (Minneapolis, MN)

Fifth Street Towers Engage Conference Center, 150 South Fifth Street, Third Floor | 150 Tower,  
Minneapolis, MN 55402, May 2, 2024

Risk and Accounting Firms

Presented to multiple Minnesota-based Accounting Firms, 11.10.2022 and 11.11.2022

Current Issues in Minnesota Employment Law

MNCPA Management & Business Advisors 2022 Virtual Conference, 06.14.2022

Moss & Barnett is Pleased to Sponsor Accountants' Liability 2019

Washington, D.C., 10.17.2019

Moss & Barnett is Pleased to Sponsor Accountants' Liability 2018

Accountants' Liability 2018 Presented by ALI-CLE, Renaissance Washington, DC Downtown Hotel,  
Washington, D.C., 10.18.2018

## **Publications**

Planning for the Worst: Who Needs a Practice Continuation Agreement?

*Footnote, a publication of The Minnesota Society of Certified Public Accountants\* (December 2023/ January 2024), 12.04.2023*

Employment Law Legislative Update: Minimum Wage and Women's Economic Security Act

*Employment Law Legislative Update, 04.11.2014*

Attention Fiduciaries: Do You Know Your Duties

*Spring 2012 Firm Newsletter, 04.02.2012*

What Exactly Are the Duties of a Fiduciary?

06.01.2011

## **Professional Associations**

American Bar Association, Litigation Section

Minnesota State Bar Association

Hennepin County Bar Association

Minnesota Defense Lawyers Association

## **Board Memberships**

Voting trustee, Mid-Minnesota Legal Aid, The Fund for Legal Aid

## **Community Involvement**

Lead co-chair of Associates' Campaign, Mid-Minnesota Legal Aid

Mentor, William Mitchell College of Law

Vice chair of outreach committee, Minnesota State Bar Association – New Lawyers Section

Parent volunteer, Heilicher Jewish Day School and Sabes Jewish Community Center Early Childhood Center

Volunteer lawyer for "American Legal Profession" course, University of Minnesota Law School