



Gavin L. Wardzala

Associate

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Milwaukee, WI – 414.260.7685

Gavin Wardzala represents insurers and their insureds in all stages of civil litigation. His practice focuses on the defense of claims related to products liability, premises liability, insurance coverage disputes, and construction matters. He is well versed in defending municipal liability claims and litigates cases with an eye toward evaluating crucial details that can make or break a case.

Prior to joining Wilson Elser, Gavin worked at a Milwaukee-based insurance defense firm where he successfully defended clients before state and federal courts. During law school, Gavin's diverse law clerk experience included assisting at a personal injury practice where he gained substantial experience in subrogation negotiations and motion practice, working for Student Legal Aid Services, and serving as a judicial extern for the Honorable Robert Awsumb in the Second Judicial District Court, Ramsey County, Minnesota.

Education

- University of Minnesota Law School (J.D., 2021)
 - Civil Litigation Concentration
 - Robins Kaplan Civil Practice Clinic
 - Civil Rights/Civil Liberties Moot Court
- University of St. Thomas (B.A., 2018)

Bar Admissions

- Wisconsin

Court Admissions

Services

- Aviation & Aerospace
- Complex Tort & General Casualty
- Construction
- Municipal/Local Government
- Professional Liability & Services
- Transportation

- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. Court of Appeals, Seventh Circuit

Professional Affiliations

- State Bar of Wisconsin Young Lawyers Division
- State Bar of Wisconsin, Construction & Public Contract Law Section
- State Bar of Wisconsin, Litigation Section
- Wisconsin Defense Counsel (WDC)

Representative Matters

Obtained a defense verdict following an evidentiary hearing where the plaintiff sought injunctive relief related to a municipality's raze order.

Obtained summary judgment dismissal of 42 U.S.C. § 1981, 1982, and 1983 claims brought against the client insured.

Client Wins

Loring and Wardzala Secure Affirmance of Dismissal by Wisconsin Court of Appeals in Professional Liability Matter

John Loring (Partner-Milwaukee, WI) and Gavin Wardzala (Associate-Milwaukee, WI), after obtaining dismissal of a negligence action at the circuit court level last year, successfully defended their appraiser client before the Wisconsin Court of Appeals. The case involved negligence claims against the appraiser, who had testified in a prior divorce hearing in which the plaintiff was a party. The court held that the appraiser was entitled to the absolute testimonial privilege because his testimony was relevant to issues before the divorce court. Accordingly, the Wisconsin Court of Appeals affirmed the dismissal, finding that the appraiser was immune from civil liability and that the plaintiff's claims were barred from proceeding. As a result of this successful defense raised at the earliest possible stage of the litigation, the client avoided the need for costly and time-consuming discovery and the retention of subject-matter experts.

Wardzala and Loring Secure Dismissal with Winning Arguments on Quasi-Judicial Immunity and Absolute Testimonial Privilege

Gavin Wardzala (Associate-Milwaukee) and John Loring (Partner-Milwaukee) secured dismissal in the Waukesha Circuit Court in a professional negligence suit brought against Wilson Elser's clients, a real estate appraisal services company, and its appraiser/employee. The clients had previously conducted a valuation of marital real estate in the context of a divorce proceeding. The plaintiff in this matter argued that our client's appraiser employee was negligent when he allegedly conducted a "reappraisal" of

the residence while preparing to testify at trial. Gavin and John filed a motion to dismiss, arguing that the appraiser was a court-appointed expert entitled to quasi-judicial immunity; our clients were entitled to an absolute testimonial privilege from liability due to the plaintiff's allegations that damages sustained were a direct result of the company employee's testimony; and the doctrine of issue preclusion applied to the family court's determination that the clients were court-appointed, rather than jointly-retained experts. The court concurred with Wilson Elser's position, liberally construing the appointment order in favor of immunity to protect quasi-judicial officials like our clients from the chilling effect of retaliatory litigation, thereby extending quasi-judicial and testimonial immunity and dismissing the complaint.