



Trent Tanner

Partner

About

Trent represents sophisticated clients in civil litigation and appeals. He has first- or second-chaired several criminal jury trials during a secondment to the local county attorney's office. He was also a member of the trial team in a successful, two-week jury trial in a complex, medical-device patent case, and recently second-chaired a jury trial in a commercial dispute in Nebraska. Trent also has extensive experience taking fact- and expert-witness depositions, coordinating and leading several other attorneys in fact development, document production, and witness preparation, and drafting, responding to, and orally arguing a wide range of dispositive and non-dispositive motions.

Trent also regularly serves as local counsel in complex commercial litigation in Nebraska, in partnership with lead outside counsel from renowned law firms around the country.

Besides his prior experience as an associate at two renowned law firms in Denver and Washington, D.C., Trent was a law clerk to The Honorable D. Brooks Smith on the U.S. Court of Appeals for the Third Circuit.

Trent lives in Lincoln with his wife and four children and enjoys playing tennis, trap shooting, and reading (especially American frontier novels).

Contact

☎ 402-218-2106 (O) 402-260-1391 (D)

✉ ttanner@hilgersgraben.com

📍 1320 Lincoln Mall, Suite 200
Lincoln, NE 68508

Education

University of Chicago Law School, J.D., with Honors, Staff Editor, The University of Chicago Law Review
Brigham Young University, B.A., magna cum laude, English, with University Honors, Phi Kappa Phi

Admissions

- Arizona
- Colorado
- Nebraska
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Nebraska
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Tenth Circuit

Experience

- Wheeler Trigg O'Donnell LLP (Denver)
- Wilmer Cutler Pickering Hale and Dorr LLP (Washington, D.C.)
- U.S. Court of Appeals for the Third Circuit – Law Clerk

Awards

Thomas R. Mulroy Prize for Excellence in Appellate Advocacy and Oral Argument

Highlights

- *Postural Restoration Institute, LLC v. Anderson et al.* (D. Neb. 2023) – For decades, the Postural Restoration Institute® has been the trailblazer when it comes to developing and teaching the science of physiological asymmetry and its implications for physical therapy. When two former faculty members of the Institute began a competing physical therapy consulting business, the Institute hired Trent to protect the Institute’s valuable intellectual property—including its trademarks and copyrights—and to ensure consumers would not be misled regarding the former faculty’s affiliation with the Institute. With Trent’s help, the Institute was able to settle the litigation on terms favorable to the Institute, with robust protections for its intellectual property.
- *NuVasive, Inc. v. Alphatec Holdings, Inc.* (S.D. Cal. 2022) – Trent represented NuVasive in its patent infringement suit against Alphatec in connection with NuVasive’s eXtreme Lateral Interbody Fusion (XLIF) surgical platform and related suite of patents. As a member of the trial team, Trent helped NuVasive secure a jury verdict following a two-week trial, finding that Alphatec willfully infringed two of NuVasive’s asserted patents and awarding damages.
- *Crete Carrier Corp. v. State Farm* (Lancaster County D. Cr. 2021) – Trent represented Crete Carrier as lead counsel in a garnishment lawsuit based on State Farm’s refusal to pay a default judgment after its policyholder crashed into one of Crete Carrier’s freightliners. After State Farm won summary judgment, Trent obtained a complete reversal of the trial court’s decision on appeal. State Farm then agreed to pay not only Crete Carrier’s full damages award, but also all of Crete Carrier’s attorney fees.
- *Midwest Agronomy, LLC v. Ag-Co Chemical, LLC* (D. Neb. 2021) – Midwest sued Texas-based Ag-Co Chemical in Nebraska federal court for breach of contract. As lead counsel for Ag-Co, Trent successfully moved to dismiss Midwest’s complaint for lack of personal jurisdiction. In granting Trent’s motion, the Court agreed that subjecting Ag-Co to suit in Nebraska would violate Ag-Co’s due process rights under the U.S. Constitution and under Nebraska law.
- *The James Skinner Co. v. All Food Equipment, LLC et al.* (D. Neb. 2020) – As lead counsel for AFE and its affiliate company in a commercial dispute against the James Skinner Co. in Nebraska federal court, Trent won a motion to dismiss the case due to Skinner’s failure to comply with the parties’ contract requiring dispute resolution in Tennessee state court.

Highlights (cont.)

- *Signature Style, Inc. v. Roseland* (D. Neb. 2020) – Trent was lead counsel representing a small business owner sued by his former employer for alleged trade secret theft and breach of a non-compete agreement. After Mr. Roseland brought several counterclaims against Signature, and after the Court invalidated the non-compete agreement as facially overbroad, Signature eventually agreed to drop its lawsuit. As part of the settlement, Mr. Roseland did not have to pay Signature any money or otherwise agree to any restrictions on his ability to compete in the marketplace.
- *Stewart v. West* (D. Colo. 2019) – Trent represented the Stewarts in their suit against the sellers of a home in Eagle County, Colorado. When the Stewarts discovered a latent but pervasive mold and moisture problem throughout the home, they sued the sellers for fraudulent nondisclosure. As the lead associate on the case, Trent managed nearly every aspect of the litigation, including drafting the pleadings, successfully opposing the defendants' motion to dismiss – including by presenting oral argument to the Court – and taking and defending numerous depositions of both fact and expert witnesses. Shortly after the Stewarts submitted their motion for summary judgment, the sellers agreed to pay the Stewarts nearly half a million dollars to settle the dispute.
- *Peterson v. USAA Life Ins. Co.* (D. Colo. 2018) – Trent won complete summary judgment for USAA Life Insurance Company against claims that USAA wrongfully denied the plaintiff's life insurance benefits after her husband's death. The Court agreed with the arguments in USAA's summary judgment briefing that the insured knowingly misrepresented material facts about his medical history in his life insurance application.
- *Sunflower Condominium Assoc., Inc. v. Owners Insurance Co.* (D. Colo. 2018) – Trent was the lead associate representing Owners Insurance Company in a dispute stemming from hail damage to a condominium complex in the Denver metro area. Trent played a key role in drafting Owners' motion for leave to assert counterclaims for breach of the insurance policy's anti-fraud provisions, as well as Owners' motion for summary judgment. The Court granted both motions in their entirety, thereby dismissing all of Sunflower's claims against Owners, including for insurance bad faith, and allowing the case to proceed to trial on Owners' counterclaims.