



MARK A. HUTCHISON

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AREAS OF PRACTICE

Administrative &
Regulatory Law

Appellate Litigation

Business Law &
Commercial Litigation

Constitutional Law

Election, Campaign, &
Political Law

Healthcare
Professionals
Advocacy

Professional Liability
Defense

Trust & Probate
Litigation



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ATTORNEYS

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As the Firm's most experienced trial lawyer, Mark A. Hutchison brings a mastery of turning complex fact patterns into simple, persuasive trial presentations. Mark first achieved national prominence when he attained one of the largest jury verdicts in the United States while representing the inventor of the microchip in a four-month jury trial. Mark's verdicts and legal expertise have been frequently reported in national and local newspapers and magazines, as well as national and local television, cable, and radio stations. Recognized as both a knowledgeable and experienced counselor and as a skilled and aggressive trial lawyer, he has been a key figure in some of Nevada's most significant governmental activities at the intersection of law and politics. Mark was appointed as special lead counsel by two Nevada governors to represent the State of Nevada in the national litigation challenging the constitutionality of the proposed federal healthcare laws.

Mark's fellow Nevadans elected him as the State's 34th Lieutenant Governor following his service as a State Senator. As Lieutenant Governor Mark served as the President of the State Senate, Chairman of the Commission on Tourism, Chairman of the Governor's Committee on Energy Choice, and Vice-Chairman of the Board of Transportation, among other positions. In the State Senate Mark was a member of the Judiciary Committee and Commerce, Labor, and Energy Committee. Prior to those positions, Mark served as a member and the Chairman of the Nevada Ethics Commission. Mark has also been a member of numerous professional and community boards and associations, including President of the Federal Bar Association, member of the Executive Board of the Boy Scouts of America, and member of the Board of Trustees of the Las Vegas Metro Chamber of Commerce.

Mark has over 30 years of experience handling complex and high-stakes litigation. He has represented companies and individuals in a broad range of industries and practice, including business litigation, complex tort litigation, constitutional litigation, trust and probate litigation, professional liability defense, and appellate litigation.

A two-week trial in a trust and estate dispute among siblings involving claims against the client-trustee and special administrator for undue influence, fraud, duress, and conversion resulting in complete judgment in favor of the client in the *Matter of the Estate of Marjorie M. Desmet*, Case No. P-16-088781 (Dept. 26, 2020).

Mark is an AV-rated attorney by Martindale-Hubbell®. He has been recognized repeatedly by Best Lawyers® in Nevada in Commercial Litigation and Bet-the-Company Litigation, including Lawyer of the Year in its 2021 edition, as Mountain States Super Lawyer®, as Nevada's Legal Elite by Nevada Business magazine, and Best of the Bar by Las Vegas Business Press. Mark received his J.D., *magna cum laude*, from Brigham Young University, where he earned the high academic distinction of the Order of the Coif and

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served as Lead-Articles Editor of the Law Review. Following law school, Mark clerked for the Honorable Kenneth F. Ripple of the United States Seventh Circuit Court of Appeals located in Chicago. After his clerkship, Mark practiced for the national law firm of Kirkland & Ellis in both Chicago and Los Angeles.

Most importantly, Mark enjoys spending time with his wife, Cary, their six children, and 14 grandchildren. Despite a very busy schedule, he stays involved in his children and grandchildren's lives. Mark is an avid runner, reader, and writer. He also enjoys serving in his church and participating in political life.

REPRESENTATIVE ENGAGEMENTS

Mark has tried numerous cases in both state and federal courts and before administrative agencies. His cases include:

- Lead trial counsel in a 17-week jury trial (after 10 years of litigation) against the State of California's taxing authority involving numerous torts and resulting in a jury verdict in the client's favor of over \$138 million in compensatory damages and \$250 million in punitive damages—one of the largest jury verdict awards to a single plaintiff in U.S. history—after the Nevada Supreme Court and United States Supreme Court affirmed the client's right to proceed to trial despite constitutional defenses asserted by the taxing authority in *Hyatt v. Franchise Tax Board*, Case No. A382999 (Dept. 9, Las Vegas, Nev. 2008).
- Lead trial counsel in a jury trial and preceding litigation involving federal and state anti-trust claims seeking damages in excess of \$350 million between business competitors, resulting in a settlement during trial favorable to client in *Switch, Ltd. adv. V5 Technologies, LLC*, Case No. 2:17-cv-02349-KJD-NJK (U.S.D.C., Las Vegas, Nev. 2021).
- Special lead counsel for the State of Nevada appointed by two governors in challenging the constitutionality of the Patient Protection and Affordable Care Act ("ACA") following the Attorney General's refusal to represent Nevada in the federal litigation. Hutchison served as counsel for the two years of litigation involving 25 other states, which proceeded from U.S. District Court through the U.S. Court of Appeals and eventually to the U.S. Supreme Court in *State of Florida, et al. v. Sebelius*, Case Nos. 11-393 & 11-400 (U.S. Sup. Ct. 2012).
- A two-week jury trial involving claims of professional negligence and wrongful death based on alleged contracting of Covid-19 and resulting in no liability or damages against skilled nursing facility client in *Heights of Summerlin adv. LaMonica*, Case No. A-21-833091-C (Dept. 7, Las Vegas, Nev. 2025).
- A class action lawsuit alleging violations of state and federal anti-trust and anti-competition laws resulting in favorable settlement on behalf of local realtor association and individual brokers in *Nevada Realtors et al. adv. Whaley*, Case No. 2:24-cv-00105-ARTMDC (U.S.D.C., Las Vegas, Nev. 2024).
- A one-week federal court jury trial involving parties to complex real estate transactions and plaintiffs' claims for fraud, breaches of contract, and related torts, resulting in a complete defense verdict in clients' favor in *Todd Lee Leany, et al. v. San Diego Steel Holdings Group, Inc., et al.*, Case No. 2:15-cv-01349-MMD-CWH (U.S.D.C., Las Vegas, Nev. 2019).
- A week-long trial representing a prominent oncology medical practice and its physicians involving claims of breach of employment contract and breach of lease agreement, resulting in a favorable settlement for the clients post-trial based on mitigating damages at trial in *Faylona, Gollard, Kaushal, Nyamuswa & Park, Ltd., et al. adv. Ann M. Wierman, M.D., et al.*, Case No. A-15-725662-B, Dept. 27, 2019).
- A one-week trial and multiple evidentiary hearings involving multi-beneficiary loan agreements and restructuring under NRS 645B.340 and claims against clients for breaches of contract, breaches of implied covenant of good faith and fair dealing, and civil conspiracy resulting in favorable judgment approving clients' restructuring of loan agreement in *Desert Land Loan Acquisition, LLC, et al. adv. Sher Development, LLC, et al.*, Case No. A-16-743298-B, Dept. 11, 2018).
- A week-long trial involving competing insurance agencies and non-compete agreement resulting in defense judgment in favor of the client on plaintiffs' claims for civil conspiracy, intentional interference with prospective business advantage, and intentional interference with contractual relationships in *360 Insurance & Investments, LLC, et al. adv. Robert L. Johnson, et al.*, Case No. A-16-737203-B (Dept. 11, 2018).

■ A week-long evidentiary hearing in consolidated cases among property owner, employee, and tenants and involving complex claims for breach of contract and tortious conduct resulting in injunctive relief judgment in favor of client and subsequent favorable settlement in *BPS Management Services, LLC adv. A&E Marketing, LLC et al.*, Case No. A-19-802701-C (Dept. 11, 2020).

■ A one-week arbitration trial in contract dispute between world-renowned UFC mixed martial arts fighter and his manager resulting in arbitration award of approximately \$1 million in client's favor in *Strategic Leadership Services, Inc. et al. v. St-Pierre*, (JAMS Arbitration, Las Vegas, Nev. 2013).

■ A two-week trial before a three-judge arbitration panel regarding claims by a shareholder against officers and directors of an energy company raising issues of corporate governance, breach of fiduciary duties, and buy-out of minority interest resulting in a judgment in favor of clients in *Mitchell v. Freeman, et al.*, Case No. A503996 (Dept. 20, Las Vegas, Nev. 2009).

■ A three-week jury trial involving a wrongful death claim arising from alleged abuse and improper care of a nursing home resident where the plaintiff requested \$6 million in closing arguments and the jury returned a verdict for \$300,000, nearly half of the amount the client offered to settle the case before trial in *Delmar Gardens of Green Valley, Inc. adv. Volk*, Case No. A444157 (Dept. 13, Las Vegas, Nev. 2004).

■ Lead trial counsel for state political party in a lawsuit challenging the constitutionality of the federal congressional and state legislative boundaries following the legislature's failure to pass redistricting legislation before district court and Nevada Supreme Court, resulting in superior boundaries to those vetoed by governor in *Guy, et al. v. Miller*, Case No. 11-OC00042-1B (Dept. I, Carson City, Nev. 2011).

■ A federal-court trial between two national pharmaceutical companies concerning a non-competition and business interference dispute, resulting in a settlement during trial favorable to the client in *Micro Bio-Medics, Inc., et al. v. PSS World Medical, Inc.*, Case No. CV-S-03-0998-RCJ-(RJ) (U.S.D.C., Las Vegas, Nev. 2005).

■ A week-long trial involving breach of contract between medical services provider and a PPO, resulting in a judgment in the client's favor totaling nearly \$1 million and more than ten times the amount offered before trial in *Convention Center Drug, Inc., et al. v. h/mx Health Management Solutions, Inc., et al.*, Case No. A419252 (Dept. 15, 2005).

■ A one-week trial involving allegations of products liability and negligence against the client, a major high reach equipment rental company, and resulting in a judgment favorable to the client in an amount of approximately ten-percent of what plaintiff demanded to settle before trial in *Ahern Rentals, Inc. adv. Guy DePew, et al.*, Case No. CIV227292 (Superior Court, Semi Valley, Cal. 2004).

■ A one-week jury trial where the client's damages were contained arising from a negligence action in *Hirschi Masonry, Inc., Darrel Trowbridge adv. Schilling*, Case No. A373376 (Dept. 9, Las Vegas, Nev. 1999).

■ A two-week jury trial where plaintiff requested \$7.5 million in closing arguments in a negligence action and the jury returned a defense verdict in favor of the client in *Sears Roebuck & Co. adv. Alan Chenin*, Case No. A353747 (Dept. 3, Las Vegas, Nev. 1999).

■ A one-week jury trial where the jury awarded the plaintiff half of the client's offer of judgment in a negligence case in *Sears Roebuck & Co. adv. Richard Jergis*, Case No. A389161 (Dept. 9, Las Vegas, Nev. 2000).

■ A jury trial in a multi-million dollar action involving construction defects where the client—a developer of a large multi-family complex—favorably settled the case after four weeks of trial in *KCN Partnership adv. Opulence Homeowners Association*, Case No. A408661 (Dept. 13, Las Vegas, Nev. 2001).

■ A trial involving alleged damages for constructive trust and interference with prospective business advantage and profit resulting in defense judgment in client's favor in *Conte et al. adv. Reed*, Case No. A416459 (Dept. 3, Las Vegas, Nev. 2002).