



COMPLEX LITIGATION

We represent companies facing a broad array of complex business disputes at trial and in dispute resolution. Our broad experience includes commercial disputes, product and toxic tort defense, corporate insurance coverage, employment defense, antitrust, consumer fraud, trade secret disputes, securities fraud, non-competition, and more. Our lawyers have represented Fortune 100 companies, many national and global enterprises, large government entities, and closely-held corporations. We try cases in state and federal courts and before juries and judges. With our clients, we set business goals for each matter and implement strategies to meet those goals. We combine our big firm experience with the nimbleness and efficiency of a boutique trial practice. Every partner and counsel active in our Litigation Practice has been admitted to the Trial Bar of the Northern District of Illinois, and is allowed to appear as lead counsel in every court proceeding including testimonial proceedings.

Representative Matters by Lawyers in the Firm

Lead counsel for City of Chicago in multi-billion dollar contract dispute filed against the City to stop O'Hare Airport Modernization Program. After litigation, case settled favorably by continuation of the O'Hare Program.

Lead counsel in commercial dispute over liability for thousands of underlying tort claims recently arising out of the operation of a business that was acquired and later resold through a series of corporate mergers and transactions. Successful no liability judgment, affirmed on appeal.

Lead counsel representing private equity and financial services companies in breach of contract case over purchase of and investment in a portfolio company, with successful settlement of the dispute.

Lead counsel in toxic tort actions alleging that chemical emissions caused cancer, wrongful death and other serious personal injuries to children in the community. Highly favorable settlement and dismissal of claims after expert discovery.

Lead counsel for pharmaceutical manufacturer in multi-national dispute over supply of contaminated pharmaceuticals. Litigation in U.S. and Great Britain; dispute resolution in U.S. and Japan.

Lead trial counsel and appellate counsel representing a manufacturer of the anti-miscarriage drug, diethylstilbestrol. Resulted in coverage of defense costs and indemnities for over 1500 diethylstilbestrol personal injury cases, in a trial result affirmed by the California Supreme Court in the first decision by the Court regarding lost insurance policies.

Lead counsel in a claim for hurricane damages. Obtained a declaratory judgment that a windstorm exclusion did not apply to the insured's business interruption losses and the court awarded full coverage for the losses.

Lead trial counsel in insurance disputes filed in Michigan and Illinois over coverage of an Illinois jury's award of \$124 million in punitive damages involving use of a prescription pharmaceutical, obtaining judgment covering both punitive and compensatory damages.

Lead counsel for trials in Philadelphia and Denver for a significant private equity fund involving issues of fiduciary duty to creditors and claims of alter ego and fraud. Both trials resulted in defense verdicts for clients.

Represented a major foreign automobile manufacturer in a multiple death case resulting in complex multi-district litigation in the United States and achieved successful dismissal on jurisdictional grounds.

Member of national coordinating defense team for breast implant litigation, and part of the trial team in the largest breast implant class action ever certified, in Louisiana. Particular responsibilities included developing expert medical/scientific defenses and *Daubert/Frye* motions. Focus was on demonstrating that novel theories of disease were not supported by good science. The class ultimately was decertified and the case was dismissed.

Member of national coordinating defense team for tobacco litigation; second chair to counsel in 6 week trial before Jack

Weinstein in suit brought by the Johns Manville Asbestos Trust against the entire tobacco industry. Coordinated all motions in limine; won spoliation motion; prepared offensive case. Jury hung 10-2 in defendants' favor and case ultimately was voluntarily dismissed. This was one of the early efforts by plaintiffs to use consumer fraud statutes to advance product liability claims and was directly involved in briefing against that effort.

Lead counsel in unfair competition class action suits in 3 states against the manufacturer of Tidy Bowl ? California, Florida and Texas ? claiming the product caused damage to toilets. All three were dismissed with prejudice on FIFRA preemption grounds related to the approved labels for the product.

Defended simultaneous nationwide and state class actions and individual actions alleging defective building product. Developed successful procedural strategy and coordinated proceedings before the Multi-district Litigation Panel, resulting in defeat of nationwide class certification in federal court.

Defended landmark aggregated actions by asbestos companies/Trusts and medical recoupment actions by state attorneys general involving novel and developing legal theories. Second chaired seven-week trial on behalf of tobacco company. Mistrial followed by plaintiffs' voluntary dismissal.

Defended and resolved breach of contract and tortious interference claims by former employee after obtaining ruling precluding plaintiff's damages expert from trial.

Lead Counsel representing manufacturer/importer in a royalties and merger contract dispute, successfully resolved through mediation conducted under auspices of the court.

Trial counsel for global pharmaceutical company in federal trial of employment discrimination/off-brand marketing issues, resulting in defense verdict on all claims, Northern District of Illinois.

Lead counsel defending class action over purported fraud in the sale of online education programs, Circuit Court of Cook County.

Regional counsel/trial counsel in defense of multiple personal injury cases involving first-in-class treatment for diabetes. Focus on developing scientific defenses to under Frye/Daubert criteria, depending on jurisdiction. Cases filed in state and federal courts throughout Illinois.

Conducted multi-day Temporary Restraining Order hearing in cell phone dealer suit to prevent termination of dealer agreement. Case settled.

National coordinating counsel for contraceptive litigation. Cases involved trials in federal and state courts with defense verdicts/favorable settlements and defeat of plaintiff's attempt to obtain an MDL.

Successfully defended a university through appeal in an action filed by a student athlete who suffered a cardiac condition requiring an implantable defibrillator and was denied participation by the team physician in NCAA Division I basketball in a claim brought under the Rehabilitation Act.

Represented municipality and police officers in high profile § 1983 civil rights and Americans With Disabilities Act case.

Defense of life insurers in breach of contract and bad faith litigation resulting from alleged mismanagement of policies used as partial investment vehicles.

Representation of debtor corporation in Chapter 11 filing and reorganization, including participation in contested confirmation hearing before the U.S. Bankruptcy Court for the Eastern District of Louisiana resulting in court approval of client's \$1.5 billion plan of reorganization.