

George D. Sax

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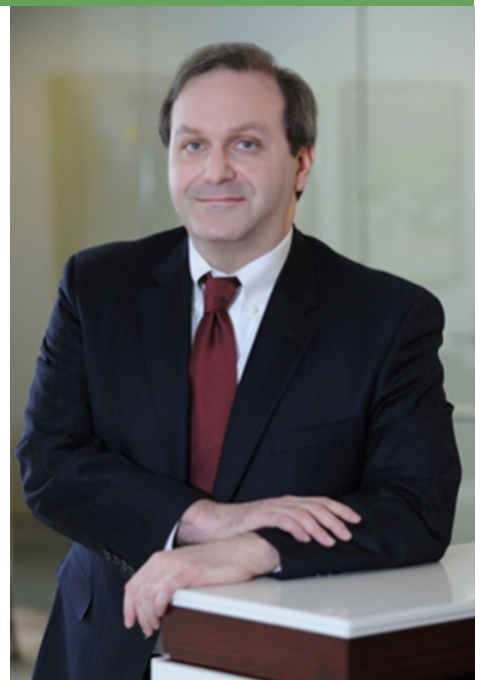
George D. Sax concentrates his practice in civil litigation. Mr. Sax has represented numerous individual and business clients in a variety of matters, including employment litigation and counseling, breach of contract, class actions, commercial litigation, Chapter 11 restructuring, consumer fraud, insurance coverage, medical negligence, multi district litigation, personal injury defense, product liability (both on behalf of defendants or contribution plaintiffs), trade secrets and restrictive covenants litigation, toxic tort defense, intellectual property and technology.

In addition, Mr. Sax has considerable experience in government practice litigation. He has served more than two dozen times as a Special Assistant State's Attorney for Cook County as lead counsel for the Cook County Sheriff's Office and its officers in a variety of civil litigation matters. Mr. Sax has also been engaged by the City of Chicago in connection with various civil litigation matters, and has represented a former cabinet member of a foreign government in connection with high-profile tort litigation against other former members of that government.

Mr. Sax is recognized as an Illinois "[Rising Star](#)" in the field of business litigation for the 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 editions of [Super Lawyers Magazine](#). In 2015, 2016, and 2017, The Daily Law Bulletin Publishing Company recognized Mr. Sax as an "Emerging Lawyer" in Illinois in the fields of commercial litigation and employment law.

Mr. Sax received a B.S.J. from Northwestern University in 2000, *summa cum laude*. He graduated from Stanford Law School in 2003 where he was a member of the Stanford Law Review and co-president of Volume 14 of the Stanford Law & Policy Review.

Mr. Sax is a member of the Trial Bar for the United States District Court of the Northern District of Illinois, and in 2017, and his work



Practice Areas:

- Complex Litigation
- Employment
- Food
- Insurance
- Intellectual Property
- Life Sciences

Education:

- J.D., Stanford Law School, 2003 (Law Review)
- B.S.J. Northwestern University, *summa cum laude*, 2000

Admissions and Qualifications:

- Illinois
- U.S. Supreme Court
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the Northern District of Illinois (Trial Bar)
- U.S. District Court for the Eastern District of Wisconsin

Prior Experience:

- Kirkland & Ellis, LLP (2003-2008)
- Schoeman, Updike, Kaufman & Scharf (2009-2012)

as appointed Trial Bar counsel was recognized with an Excellence in Pro Bono Service Award from the Northern District and Federal Bar Association.

Experience

Commercial Litigation

- Mr. Sax has served more than two dozen times as a Special Assistant State's Attorney for Cook County as lead counsel for the Cook County Sheriff's Office and its officers in a variety of civil litigation matters, including defeat of labor unions' collective bargaining and contractual claims against the Sheriff's Office and County.
- Defeated multimillion dollar class-action consumer fraud and breach of contract claims against client, a distance-learning company. Principal author of successful brief to the Illinois Appellate Court resulting in the published opinion at *Deweese v. Stratford Career Inst., Inc.*, 2014 IL App (1st) 140074.
- Representation at bench trials of plaintiff insureds in long-tail bodily injury liability insurance coverage disputes with liability insurers.
- Defeat at trial court and Seventh Circuit level of securities and breach of contract claims against multiple client entities. See *Wu v. Prudential Fin., Inc.*, 651 Fed. Appx. 549 (7th Cir. 2016).
- Successful defense and early resolution of contract lawsuit filed against estate co-executor by plaintiff nursing home.
- Defended financial services company and private equity fund in Central District of California lawsuit filed by sellers accusing clients of breaching asset purchase agreement following clients' acquisition of a hairspray and cosmetic product distributor. Developed and filed fraud and contract counterclaims against sellers prior to resolution.
- Defended the City of Chicago in preliminary injunction lawsuit filed by two major airlines seeking to stop multibillion-dollar construction of new runways at O'Hare International Airport. Responsibilities included authorship of expedited dispositive motions and coordination of voluminous and expedited

document productions and pre-hearing depositions. Litigation resolved successfully prior to hearing and runway construction proceeded.

- Represented manufacturer/importer in a complex royalties and merger contract dispute in federal court. After discovery, the litigation was successfully resolved through mediation conducted under auspices of the court.
- Defense of life insurers in breach of contract and bad faith litigation resulting from alleged mismanagement of policies used as partial investment vehicles.
- Defended Fortune 500 company in highly contested lawsuit claiming breach of \$2 billion merger agreement; client prevailed on summary judgment in trial court, with case settling while appeal was pending.
- Defense of consumer fraud and breach of contract class actions against large corporate clients in arenas including the Illinois Supreme Court, the United States Court of Appeals for the Sixth and Seventh Circuits, the Judicial Panel on Multidistrict Litigation, and trial level federal and state courts in Illinois, California, Florida, Indiana, Michigan, Ohio, Pennsylvania, and Texas.
- Representation of debtor corporation in insurance policy recovery trial dispute as appointed counsel under 11 U.S.C. 327 including significant work as trial counsel at bench before the U.S. Bankruptcy Court for the Eastern District of Louisiana. Won court approval of \$1.5 billion plan of reorganization, on behalf of the client, a manufacturer of asbestos-containing products. Bankruptcy Court and District Court rejected bankruptcy plan objections by client's liability insurers who attempted to avoid insurance coverage for future asbestos personal injury claims submitted to the bankruptcy trustee.
- Representation of large tobacco manufacturer in several related judicial and arbitral proceedings involving claims for more than \$1 billion in "non-participating manufacturer" adjustments to payment obligations under 1998 Master Settlement Agreement between tobacco companies and 46 states.
- Defended pharmaceutical company in putative nationwide

consumer fraud class actions and federal multidistrict litigation in connection with alleged improper off-label marketing of prescription drugs.

- Representation of plaintiff frac sand provider in wide-ranging business dispute with multiple defendants/former business partners alleging contractual bad faith, violations of the Wisconsin Limited Liability Company Law, and other claims relating to defendants' default on a mortgage loan; successfully defeated defendants' summary judgment motion.

Civil Rights Litigation & Employment

- First-chair trial lawyer for civil rights plaintiff in lawsuit alleging failure to provide medical care by former physicians at the clinic at Stateville prison, as well as Monell claim against their corporate employer. Won Daubert-based motion to strike opinions of defendants' testifying expert, see *McDonald v. Wexford Health Sources, Inc.*, No. 09-4196, 2016 U.S. Dist. LEXIS 47286 (N.D. Ill. Apr. 7, 2016).
- Representation of nonparty former Cabinet member of foreign government in pending civil rights lawsuit against other former government officials, following hostile successor government's waiver of sovereign immunity.
- Successful defense as lead counsel for sheriff's department officers, by appointment as Special Assistant State's Attorney, in federal lawsuit involving allegations of First Amendment violations.
- Represented municipality and/or individual police officers in numerous cases involving alleged civil rights violations by police officers, including but not limited to high-profile Section 1983 civil rights and Americans With Disabilities Act case. All representations resolved prior to trial, either by settlement or dispositive rulings on behalf of clients.
- Representation of respondent employers accused of discrimination in successful administrative proceedings before the U.S. Equal Opportunity Employment Commission (EEOC).
- Employment counsel for small, mid-sized and large businesses on matters relating to discrimination claims, employment

contracts and non-compete obligations and related matters.

Product Liability & Mass Tort Litigation

- Co-authored Illinois Supreme Court amicus curiae brief on behalf of the Product Liability Advisory Council, Inc. (PLAC) in successful challenge to an unprecedented \$10.1 billion consumer fraud judgment against the defendant corporation. See *Price v. Philip Morris, Inc.*, 2015 IL 117687.
- Trial counsel for plaintiff liability insurer in high-profile multimillion dollar claim under the Illinois Joint Tortfeasor Contribution Act against a manufacturer whose defective product allegedly caused serious injury and death, resulting in tort liability of the client's insureds. Case was tried before a jury in the Law Division of the Circuit Court of Cook County and resolved prior to verdict.
- Successful defense of alleged manufacturers and distributors of defective food flavoring products in dozens of cases throughout Illinois.
- Successful forum non conveniens challenge to rural farmer's product liability claim filed in Chicago against leading pesticide manufacturer, followed by immediate resolution of the case after venue transfer to the proper county.
- Successful defense and resolution of premises liability lawsuit against industrial plant operator arising from alleged injury to railroad conductor, including development of a defense based on trespass and pre-existing medical conditions.
- Trial counsel for regional hospital client in trial and retrial of serious medical injury claims tried to a jury in the Law Division of the Circuit Court of Cook County. Won complete defense verdict for client at first trial, with a codefendant found liable for millions of dollars; upon retrial, the case resolved prior to jury verdict.
- Trial counsel for refinery equipment manufacturer in the largest defective product case ever tried to verdict in the Law Division of the Circuit Court of Cook County, Illinois. Helped develop contributory negligence and comparative fault defenses in case of admitted defect that caused sudden refinery fire, with jury

concluding client was less than 50% responsible for the incident. Also responsible for motions and briefing as Section 327 bankruptcy counsel in the client's concurrent Chapter 11 restructuring which resulted in a significant limit on the client's uninsured liability to the plaintiffs after verdict.

- Defense of pharmaceutical technologies and packaging services company in product liability litigation; achieved voluntary dismissal in response to aggressive initial case assessment and early dispositive motions.
- Defense of pharmaceutical manufacturer in ongoing state court and multidistrict litigation involving alleged product defect in market-leading prescription drug.
- Defense of paper manufacturer in multidefendant personal injury claim involving intermodal railyard accident. Case resolved before trial after development of liability expert defense and medical defense of pre-existing condition.
- Defense of industrial plant owners in claims relating to employee or independent contractor exposure to alleged toxins at the work site.
- Defense of major tobacco manufacturer in pending personal injury litigation.
- Defense of medical device manufacturer in multidefendant personal injury claim alleging surgical injury.

Intellectual Property & Technology

- Defended leading international business and technology consulting firm in AAA arbitration concerning potential subcontractor's allegations that client violated Illinois Trade Secrets Act and Lanham Act when bidding on public contract.
- Defended leading international business and technology consulting firm in Illinois state court litigation alleging inducement of former employee's breach of fiduciary duty.
- Represented leading international business and technology consulting firm in negotiated dispute with former client over alleged problems with proprietary software and related

services.

- Represented former franchisee defendant in non-compete and franchise contract litigation with multistate pizza chain.
- Represented market-leading composite photography company in Illinois Trade Secrets Act and tortious interference and non-compete lawsuit brought by competitor in Kane County, Illinois; successfully resolved on the eve of preliminary injunction hearing.
- Defense of Illinois Trade Secrets Act and breach of non-compete claims in pending dispute in DuPage County, Illinois. Plaintiff's motion for temporary restraining order successfully defeated.

Professional Activities

- Product Liability Advisory Council Inc. (Sustaining Member; Co-Chair, fall 2019 Conference)
- American Bar Association
- Illinois State Bar Association
- McHenry County Bar Association
- Excellence in Pro Bono Services Award, Northern District of Illinois and Federal Bar Association, May 24, 2017
- Illinois Super Lawyers, Rising Star, 2011-2019
- Chicago Daily Law Bulletin, Emerging Lawyer, 2015-2019
- Stanford Law School, Class of 2003 Reunion Committee (Midwest Region Lead)
- Judge, American Bar Association, Law Student Division, 2017-2018. Negotiation Competition, Semifinal Round.
- Judge, American Bar Association, National Appellate Advocacy Competition, Regional Championship Round at Dirksen Courthouse, Chicago, IL, February 18, 2018

- Judge, American Bar Association - Law Student Division 2012-2013 Arbitration Competition Regional, The John Marshall Law School, November 2012
- Judge, first-year moot court, Northwestern Law School, Spring 2007

PUBLICATIONS

- "Product Liability Litigation Involving Children's Products," Product Liability Litigation: Current Law, Strategies, and Best Practices," Chapter 30B, Co-Author with Z. Mayo and S. Scharf, Practising Law Institute, 2012.
- "Expert Evidence - Law, Strategy, and Best Practices," Product Liability Litigation: Current Law Strategies, and Best Practices, Chapter 29, Co-Author with S. Scharf and S. Marmor, Practising Law Institute, 2011 and 2014.

SPEAKING ENGAGEMENTS

- Discussion leader at Today's General Counsel Institute Compliance and Ethics Institute, Chicago, Illinois, October 20, 2016. Discussion topics covered issues relating to document discovery and prelitigation document preservation, as well as impact of state social media laws on corporate employers.
- Panelist at American Arbitration Association (AAA) Roundtable Luncheon, Chicago, Illinois, October 13, 2016. Discussion topics included rules for arbitration of complex cases and whether AAA should consider any amendments.
- "New Changes to the Federal Rules of Civil Procedure: How Has the Litigation Landscape Changed?" Law Seminars International, April 2011 (online panel lecture).
- "New Changes to the Federal Rules of Civil Procedure: Practical Implications for Litigators," Law Seminars International, October 2010 (online panel lecture).