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PROFESSIONAL PRACTICE

Bartlit Beck Herman Palenchar & Scott LLP, 2000-Present, Partner (since 2007)

EDUCATION & HONORS

Northwestern University
School of Law, 2001, J.D.,
magna cum laude

Order of the Coif
Associate Editor,
*Northwestern University
Law Review*

National Moot Court
Team

Colgate University, 1995,
B.A., *cum laude*

Dean's List, all semesters

GOVERNMENT SERVICE

Judicial Law Clerk,
Honorable Joel M. Flaum,
Chief Judge, United States
Court of Appeals for the
Seventh Circuit, 2001-2002

Judicial Extern, Honorable
Ruben Castillo, United
States District Court for the
Northern District of Illinois,
Fall 1999

Judicial Extern, Honorable
George Marovich, United
States District Court for the
Northern District of Illinois,
Summer 1999

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Grays Harbor Adventist Church v. Carrier Corp. (and related cases)

Represented Carrier Corporation in series of consumer fraud class actions alleging design defect in high-efficiency condensing furnaces. Obtained summary judgment and denial of class certification in favor of Carrier Corp. in Wisconsin. Cases settled following ruling.

In re Metropolitan Securities Litigation (and related cases)

Represent Ernst & Young in various accounting malpractice cases stemming from the failure of Metropolitan Mortgage & Securities, Inc. and related companies. Cases pending in the Eastern District of Washington, Western District of Washington, and arbitration forum. Obtained victories for Ernst & Young following separate multi-week arbitrations in Spokane, Washington (case captioned *Mike Kreidler, Insurance Commissioner for State of Washington v. Ernst & Young*) and Seattle, Washington (case captioned *Metropolitan Creditors Trust, et al. v. Ernst & Young*).

Confidential (AAA Arbitration, Washington D.C.)

Represented accounting firm in confidential arbitration against venture capital firms alleging negligence related to due diligence and audit work in connection with large private acquisition. Obtained verdict in favor of accounting firm following three week arbitration.

Agnes, et al. v. E.I. du Pont de Nemours and Company

Represented DuPont in toxic tort action by thousands of neighborhood residents alleging personal injuries and property damages due to VOC emissions from blasting cap factory. Case was resolved in arbitration forum after litigation in New Jersey federal court.

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BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP

U.S. Department of Justice,
Civil Division,
Constitutional Torts
Branch, Summer 2001
U.S. Attorney's Office, Law
Clerk, Fall 2001

BAR ADMISSIONS

Illinois

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Adjunct Professor,
Northwestern University
School of Law, 2006-2007,
Appointed to teach seminar
entitled *High Tech Trial
Techniques*

American Bar Association

Illinois Bar Association

Chicago Bar Association

Seventh Circuit Bar
Association

Flores v. A Taste of Heaven

Represented *pro bono* plaintiff in employment discrimination and wrongful termination case before Chicago Industrial Commission. Plaintiff awarded back pay, emotional distress damages and punitive damages after one-day administrative hearing.

Perry v. Bodman

Represented *pro bono* individual in age and gender discrimination lawsuit against the Department of Energy. Verdict in favor of Defendant after two day jury trial.

State Farm v. Nicor

Represented Nicor at one-day bench trial in defense of property damage claim when one of Nicor's employees was involved in a traffic accident. Damages reduced by 50 percent based on Plaintiff's contributory negligence.

Newsome v. McCabe

Assisted as law clerk in representation of James Newsome in Section 1983 civil rights action. Newsome, an African-American male, alleged that two Chicago police officers framed him for a murder he did not commit, causing him to spend 15 years in prison. Jury returned \$15 million verdict on Newsome's behalf. Verdict was upheld on appeal.

OTHER REPRESENTATIVE CASES

American Airlines v. Sabre Inc. (Tarrant County, TX, and N.D. Tex., 2010-present)

Trial counsel for Sabre in breach of contract and antitrust actions relating to the display of American's fares in Sabre's Global Distribution System. Cases pending.

Errico v. Stryker Corporation

Represent Stryker Corp. in breach of contract action regarding Stryker's acquisition of medical device company. Case pending in Southern District of New York.

Confidential Arbitration

Represented Fortune 500 medical device manufacturer in dispute with private equity firm stemming from the firm's acquisition of client's subsidiary. Case settled.

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Confidential Arbitration

Represented large health system in southeastern United States in purchase price dispute with private equity firm stemming from the health system's acquisition of large medical imaging company. Case settled.

Swift Transportation Co. v. Ernst & Young

Represented Ernst & Young in accounting malpractice action stemming from merger between Swift Transportation Company and M.S. Carriers, Inc.

Confidential

Provided litigation counseling to and represented Fortune 500 company in mediation arising out of the disputed sale price of two companies acquired by large private equity fund. Case settled favorably at mediation.

E.I. DuPont de Nemours and Co. v. Cardinal Health, Inc., et al.

Represented DuPont in breach of contract case in Davidson County, Tennessee. Case involved the manufacture of fabric used to make surgical drapes and gowns. Case settled favorably immediately before opening statements.

International Truck & Engine v. Ford Motor Co.

Provided litigation counseling to International Truck & Engine in various commercial disputes with Ford Motor Company.

Field Hybrids, LLC v. Toyota Motor Corp., et al.

Represented individual inventor in patent infringement lawsuit involving patents on hybrid electric vehicles. Case settled.

Data Innovation, LLC v. Time Warner Cable, et al.

Represented individual inventor in patent infringement lawsuit involving patents on information distribution system used in the provision of high-speed cable modem internet and interactive television services. Case settled.

Olson v. Bear Cartage and Intermodal

Represented injured plaintiff in personal injury action against interstate trucking company. Case settled favorably before ever filing Complaint.

Dorsey v. City of Chicago

Represented *pro bono* individual in employment discrimination lawsuit against City of Chicago. Case settled.

NEWS

Bartlit Beck Wins Second of Back-to-Back Complete Defense Victories for Ernst & Young

Phil Beck, Chris Lind, Chris Landgraff, and Andy Polovin Win Complete Defense Victory for Ernst & Young in Accountant Malpractice Claim

BIG WINS

Bartlit Beck Wins Second of Back-To-Back Complete Defense Victories for Ernst & Young, *In re Metropolitan Securities Litigation (2009)*

Bartlit Beck Wins \$15 Million for Wrongly Convicted Man, *James Newsome v. McNally & McCabe (2001)*