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PROFESSIONAL PRACTICE

Bartlit Beck Herman Palenchar & Scott, LLP, 2000-Present, Partner
(since 2002)

Mayer, Brown & Platt, 1994-2000, Associate, Litigation Department

EDUCATION & HONORS

UCLA School of Law, 1994,
J.D.

Editor, *UCLA Law Review*

University of North
Carolina, 1991, B.A.,
honors

Phi Beta Kappa

BAR ADMISSIONS

Illinois

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Pro Bono work includes
successful representation
of applicants Social
Security Administration
benefits hearings and
successful representation
of clients referred by the
Northwestern University
School of Law Children and
Family Justice Center.

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Convolve, et al. v. Compaq and Seagate

Lead counsel for Compaq (now Hewlett-Packard) in patent and trade secret dispute with Convolve relating to disk drive technology in which Convolve sought hundreds of millions of dollars in damages. Retained in October 2007 to handle expert discovery and trial after case had been pending for several years. Won summary judgment on all patent and trade secret claims.

Turbon v. Hewlett-Packard Company

Lead counsel for Hewlett-Packard in lawsuit brought by Turbon against HP for trade secret misappropriation and false advertising. Won motion to dismiss on key counts. Case settled after motion to dismiss granted.

Metropolitan Mortgage & Securities Litigation (Seattle and Spokane, Washington 2006-2010)

Representing Ernst & Young in federal securities class action suit and related arbitrations surrounding the collapse and bankruptcy of Metropolitan Mortgage & Securities Co., a \$2 billion investment, real estate and insurance conglomerate. Plaintiffs alleged accountants' negligence relating to audit work. Won back-to-back complete defense verdicts in separate trials involving claims for hundreds of millions in investment losses brought by Metropolitan's insurance subsidiary and the bankrupt estate. Class action case settled favorably shortly before trial.

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Grand Eagle v. ABB, Inc., et al.

Representation of ABB entities and individuals in breach of contract, trade secret theft and fraud suit stemming from the sale of a business to Grand Eagle. Second chaired 5-day preliminary injunction hearing in which Judge denied Grand Eagle's motion for preliminary injunction and adopted ABB's findings of fact and conclusions of law.

Hewlett-Packard Company v. EMC Corporation and EMC v. StorageApps

Representation of Hewlett-Packard in both offensive and defensive patent infringement litigation relating to networked storage systems, computer peripheral devices, printers, and other electronic data systems. Case involved assertion of numerous patent claims from 13 different patents. Second chaired a 9-day jury trial in the District Court of Massachusetts in suit brought by EMC against Hewlett-Packard. The jury returned a finding of infringement. Cases settled as part of global settlement of multiple actions.

Nicor Gas v. ComEd

Lead counsel for Nicor Gas in arbitrations regarding cost allocation for remediation at over 30 manufactured plant sites in Illinois.

Carbajal v. Household International, et al.

Lead counsel for Morgan Stanley Dean Witter entity Greenwood Trust in class action litigation relating to refund anticipation loans. Successfully briefed and argued motion to dismiss the District Court. The District Court's dismissal was affirmed by the Seventh Circuit.

Winston Laboratories v. United States Adopted Names Council, et al.

Lead counsel for USAN, the American Medical Association, the United States Pharmacopoeia and others in litigation relating to drug naming. Briefed, argued and won a motion to dismiss the case with prejudice.

Vinson v. Casino Queen

Represented Casino Queen in action arising out of alleged statutory violation for encouraging gambling by minors. Summary judgment in the District Court affirmed by the Seventh Circuit Court of Appeals.

OTHER REPRESENTATIVE CASES

WeightSmart® Litigation

Co-lead counsel in consumer fraud class actions brought against Bayer relating to a vitamin in its OneADay® franchise. On July 21, 2011, the District Court in New Jersey refused to apply the New Jersey Consumer Fraud Act to a proposed nationwide class of WeightSmart consumers and denied Plaintiff's motion to certify a nationwide class. Plaintiff is now seeking certification of a Florida-only class.

Static Control Components, Inc. v. Intersolution Ventures, Ltd., et al.

Lead counsel for Static Control in prosecuting claims for copyright infringement, Lanham Act violations, and various RICO violations related to software code on computer chips used in laser printer toner cartridges. Case settled favorably after discovery.

E.I. du Pont de Nemours and Co. v. Cardinal Health 200, Inc.

Representation of 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 for over 8 figures immediately before opening statements.

Confidential

Lead counsel to Fortune 500 Company in dispute and eventual mediation arising out of the disputed sale price of two companies acquired by large private equity fund for over \$700 million. Case settled at mediation.

E.I. du Pont de Nemours & Co. v. Dyneon

Representation of DuPont in patent infringement suit relating to DuPont's polymer sold primarily for use in semiconductor manufacturing. Successful settlement reached after filing of claim construction briefs.

Attorney General of Canada v. R.J. Reynolds Tobacco Holdings, Inc. et al.

Representation of Canadian government in prosecution of civil RICO claim against R.J. Reynolds seeking more than \$1 billion in damages caused by tobacco companies' scheme to smuggle tobacco into Canada and avoid Canadian taxes. Investigated claims, interviewed witnesses, and drafted briefs in the District Court and Second Circuit Court of Appeals.

Terra International v. Commonwealth Insurance, et al.

Represented major agribusiness in insurance coverage litigation resulting from explosion at fertilizer plant. Client recovered over \$300 million in insurance proceeds. Coordinated damages case in related proceedings.

Ferguson Brothers, et al. v. CRL Industries, Inc.

Represented CRL in lawsuit involving the sale of family business to client. Case settled favorably after depositions of plaintiffs.

Gateway v. Ernst & Young

Represented Ernst & Young in suit against E&Y stemming from E&Y's software installation at Gateway. Case settled favorably after mediation.

Sears, Roebuck & Co.

Acted as in-house counsel for Sears for three months while at Mayer, Brown & Platt. Oversaw over 25 litigation matters, including Seventh Circuit Appeal, class action settlements, contract cases, real estate disputes and fraud claims.

NEWS

Bartlit Beck Defeats Nationwide Class in WeightSmart Litigation

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)*