

Denver  
1899 Wynkoop Street  
Suite 800  
Denver, CO 80202

## Fred H. Bartlit, Jr.

T: 303.592.3136  
F: 303.592.3140  
fred.bartlit@bartlit-beck.com

### PROFESSIONAL PRACTICE

Trial Counsel for President Bush in 2000 Tallahassee Presidential election "hanging chads" trial.

Tried over 70 major cases. Named one of America's "Lions of the Trial Bar". Trial techniques described in recent books on the leading trial lawyers in the United States. ("The Trial Lawyers," St. Martin's Press, NY; "America's Top Trial Lawyers -- Who They Are & Why They Win," Prentice Hall, NJ).

Described by *The National Law Journal* as "... personally one of the most successful corporate defense litigators ever, with a long history of big wins." "The 100 Most Influential Lawyers," *The National Law Journal*.

### EDUCATION & HONORS

United States Military Academy, West Point, N.Y., B.S., Engineering

University of Illinois College of Law, J.D., Top academic record in history of College of Law

### PUBLIC SERVICE

Four years military service: U.S. Army Ranger (Distinguished Graduate Ranger Detachment);

Counsel to Federal District Court, Northern Dist. of Illinois re investigation of lawyers involved in Greylord judicial bribery indictments

Counsel to Sierra Club in Four Corners SO2 pollution litigation. Secured \$400 million remediation after trial.

Chief Counsel, National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, Washington D.C., 2010-2011

The Chief Counsel's report is available here: [www.oilspillcommission.gov](http://www.oilspillcommission.gov)

National trial practice - trials in state and federal courts and before Federal regulatory agencies in Akron, Albuquerque, Alexandria, Atlanta, Chicago, Cleveland, Orange County, Dallas, Denver, Des Moines, Detroit, Erie, Hartford, Hawaii, Houston, Kansas City, Minneapolis, New York, New Orleans, Pittsburgh, Rockford, Sacramento, Salt Lake City, San Antonio, San Diego, San Francisco, San Jose, St. Louis, St. Thomas (U.S. Virgin Islands), Tallahassee, Tampa, Topeka, United Kingdom (Scotland), Washington, D.C., White Plains, and Wilmington. Acted as lead trial counsel in British courts (North Sea Piper Alpha offshore platform disaster litigation).

### *Technical, Patent, and Product Litigation*

Automotive; aviation; chemical; oil and gas exploration, production, transportation (pipeline, tanker disaster) and processing (North Sea, Middle East, Alaska North Slope, Gulf of Mexico, on shore U.S.); satellite design and operation; optical systems; false/unfair advertising; mechanical, fluid, electrical and combustion engineering (including diesel engine, gas turbine, engine design and aircraft litigation); natural gas and petrochemical processing; organic/inorganic chemical IP litigation; data processing (computer/system operations, algorithm IP issues, marketing and software design and theft); computer graphics and imaging; drug efficacy testing; patent infringement (jury and non-jury); environmental impact and insurance coverage aspects of a wide variety of chemicals; ethical pharmaceutical issues, including patent and

[www.bartlit-beck.com](http://www.bartlit-beck.com)

antitrust.

## *White-Collar Criminal*

Criminal trials, grand jury representations and pre-indictment presentations in price-fixing, securities, procurement fraud, consumer fraud and federal regulatory fraud (FERC, FDA (drug testing disclosures), etc.).

## *Financial/Securities*

Extensive securities, financial disclosure, auditing and accounting standards, and asset appraisal/valuation litigation, including fraud/failure to disclose and GAAP/GAAS disputes in financial statements, registration statements, proxy statements, tender offers, regulatory filings and other corporate transactions.

## *Antitrust*

Twelve trials and numerous representations in Sherman § 1 price-fixing and § 2 monopoly cases, including trial counsel for General Motors in Detroit Fleet Discount criminal jury trial and related \$2 billion private treble damage trial involving Justice Department's "price signaling" theory (both defenses successful). Five successful defenses in monopoly jury trials (Amoco (2), Dun & Bradstreet, Monsanto, United Technologies). Trial techniques in antitrust jury trial described in "The Trial Lawyers," St. Martin's Press, NY.

## *U.S. Supreme Court Experience*

Argued two landmark criminal and civil antitrust price-fixing cases before U.S. Supreme Court: *U.S. v. U.S. Gypsum* (economic intent required for criminal conspiracy antitrust defendants); *Spray-Rite v. Monsanto* (new standard for proof of § 1 vertical conspiracies).

## **PRESS HISTORY OF FRED'S BIG WINS**

Cert denied: Bartlit Beck Plays Key Role in End to Federal Cipro Antitrust Class Actions  
Bayer Cipro Antitrust (2005)

Bartlit Beck Successfully Defends Pratt & Whitney Against \$624 Million Claim  
United States v. United Technologies Corp. (2008)

Fred Bartlit, Peter Bensinger and Mike Valaik Win Federal Circuit Appeal on Behalf of Bayer in Leading Patent-Antitrust Case, In re Ciprofloxacin Hydrochloride Antitrust Litigation  
Bayer Cipro Antitrust (2005)

Bartlit Beck Wins Complete Defense Verdict in \$400 Million Patent Case  
Applied Medical v. United States Surgical (2008)

Bartlit Beck Wins Summary Judgment, Defeating \$10 Billion Antitrust Claims Against Bayer Corp.  
Bayer Cipro Antitrust (2005)

Bartlit Beck Wins Defense Verdict in High-Stakes Patent Infringement Case Involving Medical Devices  
Applied Medical v U.S. Surgical (2004)

Bartlit Beck Defeats Billion Dollar Claim, Wins Jury Trial for Forstmann Little  
Connecticut v. Forstmann Little & Co. (2004)

Bartlit Beck Defends Patent on Blockbuster Antibiotic Cipro  
Bayer v. Carlsbad (2002)

Bartlit Beck Wins Historic Presidential Election Contest Trial in Bush v. Gore  
Gore v. Bush (2000)

Jury Hands Bartlit Beck Complete Victory in Dispute Over Key Chemistry Patent and License Rights  
Kaiser Aluminum v. Phosphate Engineering Co. (1997)

Bartlit Beck Defeats Antitrust Challenge to Pratt & Whitney  
Chromalloy v. United Technologies (1996)

Bartlit Beck Wins Non-Infringement and Invalidity Judgments on Medical Diagnostics Patent  
Ortho v. Miles (1994)

## **PRESS REPORTS ON FRED'S CAREER**

Bartlit Beck Profiled as "Litigation Powerhouse"

Cert denied: Bartlit Beck Plays Key Role in End to Federal Cipro Antitrust Class Actions

Presidential Oil Spill Commission Releases Report from Chief Counsel, Fred Bartlit

Fred Bartlit Named Lawyer of the Year

Fred Bartlit and Sean Grimsley Present Preliminary Findings to BP Oil Spill Commission

Fred Bartlit Named Chief Counsel To The National Commission On The BP Deepwater Horizon Spill

Chambers USA 2010 Client's Guide Places Bartlit Beck Attorneys at the Top

Fred Bartlit and Phil Beck named to National Law Journal's "Winning Hall of Fame"

Fred Bartlit Cited as "Lion of the Trial Bar" and "John Wayne in Pinstripe Suit"

Fred Bartlit, Peter Bensinger, Mike Valaik and Paul Skiermont Win Federal Circuit Appeal on Behalf of Bayer in  
Leading Patent-Antitrust Case, In re Ciprofloxacin Hydrochloride Antitrust Litigation

# BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP

---

Fred Bartlit, Glen Summers, Sean Grimsley and Bryan Leach Win Complete Defense Verdict for Covidien in \$400 Million Patent Infringement Action

Fred Bartlit Named One of the Most Influential Lawyers in America

Chambers USA 2005 Client's Guide Places Bartlit Beck Attorneys at the Top  
Chambers USA

Bartlit Beck Wins Jury Victory for Forstmann Little & Co. in Case Closely Watched by Wall Street

America's Top Trial Lawyers -- Who They Are and Why They Win

Fred Bartlit Wins Two Key Federal Circuit Victories

Excerpts from Jeffrey Toobin's book, "Too Close to Call"

Bartlit and Beck Named Lead Lawyers in Election Contest

Baker Names New Legal Team for Bush in Election Contest  
CNN.com.law center

Tobacco Road  
Canadian Lawyer

Local Lawyer Joins Fight for Online Movies  
Chicago Sun-Times

Scour Draws Big-Name Lawyers to Copyright Suit  
The New York Times on the Web

Fred Bartlit Has Been Selected as One of the Best 20 Trial Lawyers in the World by Euromoney Legal Media Group After Year Long Selection Process

The 100 Most Influential Lawyers  
The National Law Journal

Canada Chooses Bartlit to Smoke R.J. Reynolds in Court  
American Lawyer Media

The Best of the Best 2000  
Reprinted from: Euromoney Legal Media Group

Fred Bartlit and Philip Beck Named by NLJ as Two of the Top 10 Litigators in Illinois

[www.bartlit-beck.com](http://www.bartlit-beck.com)

Big Shoulders  
The National Law Journal

Law Firm Makes Its Move  
The Denver Business Journal

Northwestern University Dedicates the Fred Bartlit Center for Trial Strategy

Fred Bartlit Center for Trial Strategy Formed

Business Goliaths' Advocate Taking on One of the Biggest  
The Wichita Eagle

The 100 Most Influential Lawyers  
The National Law Journal

Diamonds Are This Firm's Best Friend  
The American Lawyer

Playing Defense Had Its Moments in 1994  
The National Law Journal

## CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

### ***Applied Medical Resources Corp. v. United States Surgical Corp.* (2008)**

Represented defendant United States Surgical Corporation, a subsidiary of Covidien, in patent infringement suit. Applied Medical alleged that U.S. Surgical infringed a medical device patent and sought up to \$300 million in damages and an injunction. Won non-infringement jury verdict after five-week trial. Prior to Bartlit Beck's representation, U.S. Surgical had twice previously been found to willfully infringe the same patent.

### ***In Re Ciprofloxacin Hydrochloride Antitrust Litigation (1997-2011)***

Represented Bayer AG and Bayer Corporation in nationwide class action antitrust litigation related to Bayer's settlement of patent litigation against Barr Laboratories. Bayer owns the patent on Cipro, one of the world's leading antibiotics. Barr brought a generic challenge to the Cipro patent and Bayer initiated "Hatch-Waxman" litigation in the Southern District of New York. On the eve of trial, Bayer paid Barr \$400 million to settle and thereafter submitted the Cipro patent to the U.S. Patent Office for re-examination. The patent reissued and Bayer defeated three later generic challenges. Fred represented Bayer in each of the three generic challenges, winning two Federal Circuit appeals along the way. The antitrust plaintiffs consist of a class of direct purchasers of Cipro (like drug store chains) and a class of indirect purchasers (consumers). They alleged that it is an antitrust violation for a brand to pay a generic challenger to settle Hatch-Waxman litigation. The MDL proceeding was before Judge David G. Trager in the Eastern District of New York. Plaintiffs moved for summary judgment on the ground that Bayer's settlement payment to Barr was a per se antitrust violation. Judge Trager

ruled in Bayer's favor and adopted Bayer's analytical framework for analyzing Hatch-Waxman settlements. Thereafter, the Eleventh and Second Circuits adopted Judge Trager's reasoning. Following his per se ruling, Judge Trager invited Bayer to file a motion for summary judgment, which Judge Trager granted. Plaintiffs appealed to the Second Circuit, which transferred the Indirect Plaintiffs' appeal to the Federal Circuit. Fred argued and won both the Second Circuit and Federal Circuit patent/antitrust appeals.

***United States v. United Technologies Corp.*** (2005)

Represented United Technologies in 10-week bench trial of False Claims Act case brought by the Department of Justice. Government sought \$624 million, alleging price inflation on jet engine sales by UTC division Pratt & Whitney to the Air Force from 1985-1991. Trial court's judgment rejected the government's \$624 million damages claim, held that the government suffered no actual damages, and imposed statutory penalties of \$7 million.

***Treasurer of the State of Conn. v. Forstmann Little, et al.*** (2004)

Represented Forstmann Little in litigation brought by the State of Connecticut, a limited partner in Forstmann Little investment funds, alleging breach of fiduciary duty and breach of contract. Plaintiff sought nearly \$1 billion in damages. Jury trial in Connecticut State Court. Complete victory at trial.

***Bayer Corp. v. Carlsbad Technology*** (2001)

Represented Bayer in its suit for patent infringement to enjoin other generic drug manufacturers from obtaining FDA approval to market and sell a generic version of Bayer's antibiotic Cipro®. Four-week trial on issue of obviousness. Won at trial.

***U S WEST, Inc. v. MediaOne Group, Inc.*** (2001)

Represented MediaOne/AT&T Broadband in a contract dispute over responsibility for telephone consumer class action law suits brought against U S WEST. The dispute was tried to a 3-member arbitration panel. Case won.

***Gore v. Bush, et al.*** (2000)

Represented President George W. Bush in election contest filed by former Vice President Al Gore in Leon County, Florida, contesting the results of the 2000 Presidential election in Florida.

***Hoover v. BISSELL*** (1999)

Patent infringement action by Hoover seeking \$120 million damages from BISSELL. (Northern District of Ohio) Represented BISSELL at *Markman* hearing and jury trial. Case settled favorably during trial.

***Supracor v. Reebok*** (1999)

Breach of license action by Supracor, seeking \$100 million damages from Reebok. Represented Reebok at damages trial (Northern District of California). Case settled at trial.

***Koch v. Koch*** (1998)

Represented selling shareholders in largest private company in US in litigation over fairness of price received for shares. 3-month jury trial (Topeka, Kansas). Jury found misrepresentations, but not material.

***Simmons v. Simmons*** (1997)

Represented trustee Harold Simmons, Dallas investor, in litigation over \$1.5B trust. 2-month jury trial (Dallas, Texas). Plaintiffs represented by Jackson & Walker and McKool Smith (Dallas). Jury deadlocked. Mistrial.

***Kaiser v. DuPont*** (1997)

Represented DuPont in suit over ownership of patented phosphate chemistry technology. 3-week jury trial (Tampa, Florida). Kaiser represented by Robert M. Daisley of Annis, Mitchell (Tampa). Jury verdict for DuPont on all issues. Sustained on appeal.

***Chromalloy v. United Technologies*** (1996)

Represented Pratt & Whitney unit of UT in antitrust litigation claiming Pratt monopolized jet engine parts aftermarket. 16-week jury trial. State Court (San Antonio, Texas). Chromalloy represented by Weil, Gotshal (New York). Jury verdict for Pratt. Chromalloy takes nothing. Sustained on appeal.

***Husman v. Kiewit*** (1996)

Represented Peter Kiewit in 10b-5 claimed failure to disclose litigation involving public offering of fiber optic unit. 3-day jury trial. Case settled after opening statements and cross of first witness. Plaintiffs represented by Lowell Sachnoff (Chicago).

***Schneider USA, Inc. (a division of Pfizer) v. Cordis Corporation*** (1995)

Represented Cordis in a suit alleging infringement of a patent covering the tips of catheters used to perform angiography and angioplasty. Jury trial scheduled for the United States District Court (D. Minn.) (Judge Rosenbaum). Patent owner represented by Berj Terzian of Pennie & Edmonds firm. Case favorably settled after opening arguments.

***Johnson & Johnson v. Miles*** (1994)

Represented Miles in optical systems patent case alleging infringement by Miles of Johnson & Johnson flow cytometry patents. 3-week jury trial, United States District Court (S.D.N.Y.) (Judge Conner). Patent owner Johnson & Johnson represented by William G. Todd (Hopgood, Calimafde, Kalil, Blaustein & Judlowe) (NY). Case won. Jury verdict finding no infringement and holding Johnson & Johnson patents invalid.

***FMC v. Lloyd's of London and Liberty Mutual*** (1993)

Represented FMC in insurance coverage case for environmental cleanup costs against several insurance companies. Jury trial in state court, San Jose, California (Judge Cliff). Insurance defendants represented by Barry Bunshoft and John Bentley. Case won. Jury verdict of coverage on all sites. Subsequent jury finding of bad faith denial of coverage in second jury trial.

***Moseley v. General Motors*** (1993)

Defended GM in truck products liability case. Jury trial in state court in Atlanta. Plaintiff represented by Jim Butler (Atlanta). Case lost. Reversed on appeal.

***West Indies Automotive v. GMAC*** (1992)

Defended General Motors Acceptance Corporation in a \$40 million lender liability case. Jury trial in federal court in St. Thomas, U.S. Virgin Islands (Judge Farnan). Plaintiff-creditors represented by Gordon Rhea of St. Croix. Case won.

***Lake County Forest Preserve District v. Carroll Family*** (1992)

Defended Carroll family in eminent domain and taking of family estate in Lake Forest. Jury trial. Nineteenth Judicial Circuit (Lake County) (Judge Terrence Brady). Lake County represented by Joe Morrison. Case won (largest condemnation jury verdict in Illinois history).

***McLendon v. Continental Can*** (1990)

Representation of Peter Kiewit Sons', Inc. in civil ERISA damage class action claiming \$800 million. 3-week bench trial (Chicago). Plaintiff class represented by Robert Plotkin (Chicago). Case settled during extended hearings.

***Mendenhall v. Barber-Greene*** (1990)

Representation of inventor in patent infringement case. 1-month jury trial (Chicago) (Judge Will). Defendant represented by Jones, Day (Chicago). Case won (\$8 million verdict).

***Piper Alpha North Sea Oil Platform Disaster*** (1989)

Representation of General Motors (Allison Gas Turbine) in UK civil proceeding regarding claim that Allison jet engines ignited gas cloud resulting in a \$2 billion Piper Alpha 1988 platform explosion. Trial in Aberdeen, Scotland (127 trial days) (Lord Cullen). Participated in proceeding as sole trial counsel for GM; eight other parties represented by UK counsel. Case won; GM engine exonerated.

***Leventhal v. Katy Industries*** (Securities Fraud) (1989)

Represented management in \$70 million class action 10b-5 litigation brought on behalf of shareholder class. Claimed failure to properly disclose negotiations to sell major asset. 1-month jury trial, District of Delaware (Wilmington) (Judge Farnan). Plaintiff class represented by Glen DeValerio (Boston). Case won.

***Eliassen v. Hamilton Brothers Oil Co.*** (Securities Fraud) (1988)

Represented Hamilton Brothers in Section 10b-5 securities class action litigation claiming fraud in merger of exploration company with parent company. Issue involved claimed failure to disclose value of oil and gas reserves in North Sea and elsewhere, accounting treatment of various assets, and proper accounting for asset transfers. 6-week jury trial, Northern District of Illinois (Chicago) (Judge Grady). Plaintiff represented by McDermott, Will & Emery (Chicago). Case settled during trial for amount offered plaintiff before trial.

***Capitol Steel v. Dun & Bradstreet*** (Defamation) (1988)

Represented Dun & Bradstreet in business defamation case. 7-week jury trial, Superior Court (Sacramento) (Judge Boskovich). Plaintiffs represented by Christopher Whelan (Sacramento). Case won.

***Valero Energy Corp. v. Houston Natural Gas*** (Antitrust) (1985)

Represented Valero in an antitrust challenge to largest pipeline merger in history. Injunction trial, Federal District Court (San Antonio). Houston Natural represented by Vinson & Elkins (Houston). Case settled during trial by large payment to client.

***Hackworth v. Amoco*** (Antitrust) (1984)

Represented Amoco in § 1 treble damage gasoline distribution price-fixing and monopoly antitrust case. Jury trial in District of Colorado (Denver) (Judge Moore). Jury verdict for Amoco. Plaintiff represented by Burns & Figa (Denver). Case won.

***Sunward v. Dun & Bradstreet*** (Defamation) (1984)

Represented Dun & Bradstreet in business defamation case. Jury trial, District of Colorado (Denver) (Judge Kane). Plaintiff represented by Bill Murane (Holland & Hart) (Denver). Argued case before Tenth Circuit Court of Appeals. Case won.

***Shamos v. King Trusts*** (Bankruptcy) (1982)

Litigation by trustee in bankruptcy attempting to set aside \$20 million transfer of property on eve of bankruptcy as allegedly violative of Federal Bankruptcy Law. Involved proper accounting treatment of large parcels of undeveloped Arctic properties. Trustee represented by Charles Goldberg (Denver). 1-month trial, District of Colorado (Denver) (Judge Moore). Case lost.

***U.S. v. Kairys*** (Constitutional/Citizenship) (1982)

Litigation relating to controversy between Justice Department, Office of Special Investigation and client. 4-week trial, Northern District of Illinois (Chicago) (Judge Moran). Judgment for government. Government represented by O.S.I.; trial counsel, Neal Sher (Washington, D.C.). Argued case before Seventh Circuit Court of Appeals. Case lost.

***Weid v. Valhi*** (Securities Fraud) (1982)

Represented Harold Simmons in litigation stemming from proxy contest raising claimed failures to disclose regarding aircraft valuation (727's) and duties of settling class representatives. Involved proper accounting treatment of assets, including aircraft. Trial before Chancellor Marvel, Wilmington, Delaware. Judgment for Mr. Simmons. Plaintiff represented by Melvin Weiss (of Milberg, Weiss, New York) and Irving Morris (Delaware). Argued case before Delaware Supreme Court. Case won at trial and on appeal.

***Audiovox v. General Motors*** ("X-car Case") (Antitrust) (1981)

Represented General Motors in injunction suit by competing suppliers of automotive radios to prevent introduction of General Motors new X-body car. Trial, Northern District of Virginia (Alexandria) (Judge Lewis). Plaintiffs represented by Sid Dickstein and David Shapiro (Washington, D.C.). Case won.

***Sierra Club v. Arizona Public Service, New Mexico Public Service, and Southern California Public Service*** (Environmental) (1981)

Represented environmentalists in litigation relating to SO<sup>2</sup> discharges from Four Corners, New Mexico, coal-fired power plant. Trial in New Mexico state court (Albuquerque). Defendants represented by Guy Gelbron of Snell and Wilmer (Phoenix). Case won. (Judgment required installation of over \$300 million in pollution control equipment).

***NBL v. Dun & Bradstreet*** ("Data Base Case") (Antitrust) (1980)

Represented Dun & Bradstreet in treble damage monopoly case involving computerized business information data bases. Copyright counterclaim by Dun & Bradstreet. 2-month jury trial, Northern District of Illinois (Chicago) (Judge Moran). Plaintiff represented by Lionel Gross of Altheimer, Gray (Chicago). Case won. \$4 million jury verdict against NBL on Dun & Bradstreet's counterclaim.

***SuperTurf v. Monsanto*** ("AstroTurf Case") (Antitrust) (1980)

Represented Monsanto in private treble damage monopoly antitrust case claiming monopoly of artificial turf. 6-week jury trial, Eastern District Missouri (St. Louis) (Judge Meredith). Jury verdict for Monsanto. Plaintiff represented by Joseph Alioto, Sr. (San Francisco). Case before Eighth Circuit Court of Appeals. Case won.

***Cenco v. Seidman*** (Accounting Malpractice) (1980)

Represented new management of corporation defrauded by prior management. Involved GAAP, GAAS, inventory accounting, etc. 2-month jury trial, Northern District of Illinois (Chicago) (Judge Crowley). Jury verdict against Cenco. Defendant represented by McDermott, Will & Emery (Sam Weisbard) (Chicago). Case lost.

***Spray-Rite v. Monsanto*** (Antitrust) (1980)

Represented Monsanto in private treble damage § 1 antitrust price-fixing case re distribution of agricultural herbicides. 6-week jury trial, Northern District of Illinois (Rockford) (Judge Roszkowski). Jury verdict against Monsanto. Plaintiff represented by Earl Jinkinson and Edward Foote of Winston & Strawn (Chicago) and James Rubin (Chicago). Argued case before Seventh Circuit Court of Appeals and before U.S. Supreme Court. Supreme Court made new law in adopting Monsanto's position on antitrust conspiracy standards. No reversal, case lost.

***Quad-County v. Burroughs*** (Unfair Competition) (1979)

Represented Burroughs in \$4 million unfair competition case charging use of one computer customer's software in servicing another customer. Argued case before Illinois Appellate Court, First District. Case won.

***Texas International v. Ling*** (Securities: Proxy Contest) (1979)

Represented Texas International in federal securities litigation involving proxy fight by James Ling for control of Oklahoma City oil company. Trial, District of Delaware (Wilmington) (Judge Schwartz). Ling represented by Morris, Nichols, Arsht and Tunnel (Wilmington, Delaware). Case against Ling won by Texas International. Texas International kept control.

***In re Plywood Antitrust Litigation*** ("Plywood Case") (Antitrust) (1978)

Represented Georgia Pacific in civil treble damage § 1 class action case regarding claimed \$2 billion plywood price-fixing conspiracy. 6-week jury trial, Southern District of Louisiana (New Orleans) (Judge Pointer). Jury verdict against plywood companies. Plaintiffs represented by Harold Kohn (Philadelphia). U.S. Supreme Court granted *certiorari*, case settled prior to Supreme Court argument.

***American Motors v. General Motors*** (Government Contract Procurement) (1977)

Represented General Motors in civil injunction litigation brought by American Motors under federal procurement statutes to prevent General Motors and municipal bus lines from "specing out" competitors of GM's new, advanced design bus. Trial in Federal District Court, District of Columbia (Judge Richey). Plaintiff represented by Stan Johnson of Jones, Day (Washington, D.C.). Case won.

***U.S. v. Simmons*** (Securities Fraud) (1977)

Represented Harold Simmons (Dallas investor) in criminal securities fraud and mail fraud indictment regarding claimed failure to disclose complex transactions with bankrupt insurance companies. Involved proper accounting treatment of complex asset swaps and transfers. 6-week trial, Northern District of Illinois (Chicago) (Judge Marshall). U.S. represented by Matt Lydon, Chief Prosecutor for Financial Crimes, U.S. Attorney's Office (Chicago). (Prosecutor in Teamster Pension Fund indictment.) Case won.

***Ling v. Contran*** (Tender Offer) (1977)

Represented Harold Simmons in tender offer litigation involving claimed failures to disclose in battle for control of Contran between James Ling and Harold Simmons. 2-month series of TRO and injunction hearings, Texas state courts and Northern District of Texas (Dallas) (Judge Robert Hill). Plaintiff represented by Freeman and Cohen (New York). Argued case before Texas Court of Appeals. Case won; Mr. Simmons kept control.

***Wilcox v. Mading-Dugan*** (Securities Fraud) (1977)

Represented Harold Simmons in civil case claiming failures to disclose in insurance company acquisitions. Involved insurance accounting for liquid/illiquid asset transfers. 3-week jury trial, Northern District of Illinois (Chicago) (Judge Perry). Illinois represented by Jay Canel (Chicago) (Special Attorney General). Case won.

***Connecticut v. General Motors*** (Antitrust) (1976)

Represented General Motors in \$2 billion civil treble damage § 1 class action automobile price-fixing antitrust case. 2-month trial, Northern District of Illinois (Chicago) (Chief Judge Frank McGarr). Plaintiffs represented by Lee Freeman (Chicago) and David Shapiro (Washington, D.C.). Case won.

***U.S. v. American Retreaders*** (Federal Regulatory) (1975)

Represented Firestone in civil litigation to enjoin federal tire safety standards as being unrelated to actual tire performance. 2-week trial, Northern District of Illinois (Chicago) (Judge Parsons). Government represented by Justice Department (Washington, D.C.). Argued case before Seventh Circuit Court of Appeals. Case won.

***U.S. v. U.S. Gypsum*** ("Gypsum Case") (Antitrust) (1975)

Represented U.S. Gypsum executives in criminal § 1 price-fixing antitrust case. Indictment charged horizontal conspiracy between gypsum wallboard producers. 5-month jury trial, Western District of Pennsylvania (Pittsburgh) (Judge Teitelbaum). U.S. represented by John Fricano, head of Justice Department Antitrust Trial Section (Washington). (Skadden, Arps) (Prosecutor in plumbing fixture indictment and numerous other major criminal cases.) Argued case in Third Circuit Court of Appeals and U.S. Supreme Court. Case won.

***Contran v. Mize*** (Tender Offer) (1974)

Represented Harold Simmons in contested tender offer against Doyle Mize for control of Southdown subsidiary. Claimed failure to disclose value of assets and future plans. Series of TRO and injunction hearings, Southern District of Texas (Houston) (Judge Seals). Mize represented by former ABA President, Morris Harrell (Dallas). Case won; Mr. Simmons gained control.

***Freed v. Standard Oil*** (Indiana) ("Quaker State Case") (Antitrust) (1973)

Represented Standard Oil in civil treble damage § 1 antitrust litigation involving claimed horizontal and vertical motor oil price-fixing and claimed refusals to deal. Standard Oil counterclaimed for motor oil trademark violation. 2-month trial, Western District of Pennsylvania (Erie) (Judge Weber). Case won.

***U.S. v. General Motors*** ("Fleet Discount Case") (Antitrust) (1972)

Represented General Motors in criminal price-fixing antitrust case. Indictment charged automobile price conspiracy between GM and Ford. 4-month jury trial, Eastern District of Michigan (Detroit) (Judge Feikens). U.S. represented by Antitrust Division counsel, Frank Moore (Cleveland). Case won.

***Amoco v. Ethyl Corporation*** (Breach of Contract) (1972)

Represented Amoco in plaintiff's case claiming Ethyl deprived Amoco of contractual right to purchase a Mississippi chemical plant. 3-week trial, Circuit Court of Cook County (Judge Nathan Cohen). Defendant Ethyl represented by H. Blair White (Sidley & Austin). Case won.

***Rawlins v. Standard Oil*** (Indiana) (Antitrust) (1970)

Represented Standard Oil in civil treble damage, monopoly and price-fixing antitrust class action by service station operators charging gasoline price fixing and improper dealer termination. 2 month jury trial, District of Utah (Salt Lake City) (Judge Christensen). Jury verdict for Standard Oil. Plaintiffs represented by Lawrence Alioto (San Francisco) and Daniel Berman (Salt Lake City). Case won.

***Arber v. Essex International*** (Securities Fraud) (1971)

Represented Essex in Section 10b-5 securities litigation claiming fraud in purchase of \$5 million in stock from widow of retired employee of Essex shortly before public offering. Claimed failure to disclose plan to take company public. 4-week trial, Eastern District of Ohio (Cleveland) (Judge Lambros). Judgment for Essex. Plaintiffs represented by Edward Stillman (Cleveland). Argued case before Sixth Circuit Court of Appeals. Case won.

***Essex v. Active Fabricators*** (Unfair Competition) (1971)

Represented Essex in unfair competition litigation claiming employees improperly took blueprints of production machinery when they left Essex to start their own company. 2-week trial, Northern District of Illinois (Chicago) (Judge Parsons). Plaintiffs represented by John Brezina (Chicago). Case won.

***FTC v. Firestone*** ("Safe Tire Case") (Federal Regulatory) (1971)

Represented Firestone in FTC case charging various forms of deceptive tire advertising. 2-month trial, Washington, D.C. Government represented by FTC Deceptive Practices Section (Washington, D.C.). Argued case before Sixth Circuit Court of Appeals. Won on primary "Safe Tire" charge; lost on certain subsidiary charges. Plaintiff represented by Robert Levy (Baltimore).

Numerous security fraud/disclosure trials and hearings representing Dallas investor Harold Simmons in takeover litigation involving TROs and preliminary injunctions, including NL Industries, Amalgamated Sugar, Medford Timber, Valhi and Contran.

## OTHER REPRESENTATIVE CASES

### ***State of Connecticut v. Forstmann Little*** (2004)

Representing Forstmann in securities litigation brought by Connecticut regarding investments in XO and McLeod telecoms.

### ***Ciprofloxacin MDL Litigation*** (2004)

Representing Bayer in antitrust litigation regarding settlement of Hatch-Waxman patent validity challenge.

### ***Applied v. US Surgical***

Representing US Surgical unit of Tyco in medical device patent litigation.

### ***IDT v. Telefonica***

Representing IDT in fraud litigation against Telefonica of Spain in breakup of joint venture.

### ***PinPoint v. Amazon***

Representing patent owner in infringement litigation against Amazon.

### ***Shire v. Barr Pharmaceuticals***

Representing Shire in Hatch Waxman pharmaceutical litigation against Barr challenge to Shire patent.

### ***Micron v. Rambus*** (2000)

Representing Micron against Rambus in patent/antitrust litigation (Wilmington, DE).

### ***Attorney General of Canada v. R.J. Reynolds Tobacco Holdings, Inc., et al.*** (1999)

Represented 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.

### ***TIMET v. Boeing*** (1999)

Representing world's largest titanium company in breach of contract litigation over 10-year titanium supply contract (Denver, CO).

### ***EchoStar v. News Corp.*** (1998)

Represented EchoStar in contract case seeking several billion dollars in damages from The News Corporation (Rupert Murdoch).

### ***Circus Circus v. Mirage*** (1998)

Represented Las Vegas gaming company against Mirage in dispute over ownership of Atlantic City casino property.

***Bayer v. Ranbaxy***

Representing Bayer AG (Leverkusen, Germany) in patent litigation against Ranbaxy (India) involving Ciprofloxacin, the leading broad-spectrum antibiotic (Trenton).

***Siemens v. LG***

Representing Siemens (Munich) in integrated circuit/chip patent litigation against LG (Korea) (Wilmington).

***Avery v. FLEXcon***

Representing FLEXcon in label manufacturing patent litigation against Avery (Chicago).

***Gas Turbine Contract Litigation***

Represented Pratt & Whitney in Paris commercial arbitration against Samsung (Paris, France).

***Computer Graphics Patent Litigation***

Represented Silicon Graphics in computer graphics texture mapping patent litigation against Lockheed (Orlando).

***Computer Vehicle Navigation Algorithm Patent Litigation***

Represented Navigation Technologies Corporation in litigation against Etak involving navigation patents (San Francisco).

***Lead Paint Cases***

Representing NL Industries (National Lead) in multi-state litigation involving claimed injury to children from lead paint chips.

***Macario v. Pratt & Whitney***

***Fish v. Pratt & Whitney***

Represented Pratt & Whitney (Canada) in Philadelphia and San Diego litigation involving gas turbine engines.

***Noise Reduction, Inc. v. United Technologies Corp.***

Defended United Technologies in antitrust monopoly litigation by jet engine silencing device manufacturer against Boeing and United Technologies.

***Marriott Corporation v. AMR***

Representation of Marriott against AMR in \$1 billion software development dispute.

***General Motors Corp. v. Jerome H. Lemelson***

Representation of General Motors in "bar code reading" patent dispute.

***Hughes (SLQ 32) v. Raytheon*** (Los Angeles)

***Hughes (AAED) v. Raytheon*** (Santa Barbara)

Representation of Hughes Aircraft in leader/follower contract and A<sup>2</sup> government contract litigation.

***In re Coordinated Proceedings in Petroleum Products Antitrust Litigation (MDL 150)***

Representation of Shell Oil in antitrust litigation involving claimed price-fixing in the retail and wholesale marketing of gasoline.

***Pratt & Whitney v. Heico***

Representation of Pratt & Whitney in jet engine combustion chamber patent case filed by Pratt against Heico (Miami).

***Arizumi v. General Motors***

Representation of General Motors in products liability case (Hilo, Hawaii).

***U.S. v. Monsanto***

Environmental litigation relating to claimed injury to Lake Michigan caused by largest existing deposit of PCBs (Chicago).

***Mobil v. Exxon***

\$1.5 billion contract litigation involving contested ownership of Alaskan North Slope oil reserves (Wilmington, Delaware).

***Japan Odeco v. Tidewater***

Admiralty litigation involving sinking of off-shore drilling rig in Mediterranean off Cairo (New Orleans).

***Parish v. General Motors***

Defense of \$400 million offshore production platform explosion (New Orleans; Dallas).

***Peter Kiewit/Continental Can ERISA Litigation***

Representation of Peter Kiewit in continuing civil and criminal RICO and ERISA litigation involving alleged deprivation of pensions.

***U.S. v. Baroid***

U.S. grand jury antitrust investigation of claimed price-fixing in off-shore supplies (Houston; New Orleans).

***U.S. v. Levy***

U.S. grand jury investigation of claimed fraud by Canadian and Israeli supplier of tank replacement parts (Chicago).

***U.S. v. Mapco***

Federal grand jury criminal antitrust investigation of Gulf Coast retail gasoline pricing (Pensacola).

***U.S. v. U.S. Gypsum***

Criminal contempt action by Justice Department against gypsum board companies claiming knowing criminal violation of prior judgment (Washington, D.C.).

***U.S. v. Dominick's***

Criminal and civil class action litigation in N.D. Ill. involving U.S.D.A. meat grading, handling and labeling (Chicago) (Settled).

***U.S. v. Wright***

U.S. grand jury investigation and indictment of officials of various drug companies and a testing laboratory regarding inadequate testing of drugs for use on humans (Chicago).

***U.S. v. Thermogas***

Federal grand jury antitrust investigation of Arkansas propane pricing (Little Rock).

***Long Beach v. Shell Oil***

Represented Shell in antitrust litigation involving claimed price-fixing among six major oil companies on purchases of offshore heavy crude oil.

***BASF v. W.R. Grace***

Defense of \$20MM unfair competition/claimed deceptive advertising litigation involving testing and composition of various glycol/inhibitor/water antifreeze mixtures (Settled) (Chicago).

***Wyoming Tight Gas Litigation (Amoco)***

Multi-district antitrust § 1 class action litigation in Kansas City between major oil companies, states and federal natural gas regulators and utilities, involving claimed natural gas price-fixing (Kansas City).

***Beef Industry MDL Cases***

Private antitrust treble damage class action litigation challenging methods of setting beef prices in purchases by chain stores (Dallas).

***Westinghouse v. Rio Algom***

Representation of Westinghouse in plaintiff's treble damage § 1 antitrust litigation against all uranium companies, charging worldwide uranium price-fixing conspiracy (Chicago).

***Newark Gasoline Cases***

Claimed \$20 billion class action by motorists against major oil companies alleging horizontal conspiracy to fix gasoline prices (Newark) (Settled) (Harold Kohn).

***Bogosian v. Amoco***

\$10 billion antitrust § 1 price-fixing and tie-in dealer class action by 200,000 dealers against 10 major oil companies (Philadelphia) (Settled) (David Berger).

***United National Records v. Warner Communications***

National treble damage antitrust § 1 class action claiming price-fixing by all major producers of popular music, records and tapes (Chicago) (Settled).

## ***Children's Book Cases***

Antitrust § 1 class action on behalf of all purchasers of children's books claiming horizontal agreement between publishers to control prices (Chicago) (Settled) (Harold Kohn).

## ***Midstate v. Monsanto***

Antitrust § 1 dealer termination litigation (Duluth).

## ***First National Bank v. Shearson American Express***

\$10 million fraud claim by First National Bank against Shearson based on involvement of Shearson in securing fraudulent loan for a third party (Chicago).

## ***Rice v. Hamilton Oil***

Shareholder class action litigation challenging terms of acquisition of Volvo's interest in Hamilton Oil Company (Denver).

## ***Yuan v. A.L. Williams***

Class action litigation by group of insurance agents challenging business method of largest insurance company in U.S. (Chicago).

## ***U.S. Textiles v. Anheuser-Busch***

RICO and fraud claims by supplier against brewery (Chicago).

## ***Stanley v. Motors Insurance Corp.***

Defense of General Motors Insurance subsidiary in "bad faith" litigation (San Diego).

## ***Anheuser-Busch v. Owens-Illinois***

Breach of contract case (St. Louis).

## ***Chang v. Miles Laboratories***

Representation of Miles in litigation with former employee charged with appropriating trade secrets for sale to Taiwan governmental agency (South Bend, Indiana).

## ***DISCOVER-VISA***

Representation of Sears in ongoing business disputes between Sears DISCOVER card and VISA.

## ***Staley Continental v. Drexel Burnham Lambert***

Defense of Drexel in securities case challenging Drexel's business methods (Chicago).

## ***NGPL v. Amoco***

\$300 million natural gas "take or pay" contract litigation (Chicago and Wyoming).

***Cummings v. John Morrell & Co.***

\$40 million plant closing labor dispute class action by back-pay (Wichita).

***Lehman v. Peterson Coal***

Consumer class action charging price fixing by Northern Illinois coal dealers (Chicago) (Settled) (Perry Goldberg).

***Kobuk v. Tesoro***

Gasoline and fuel oil price-fixing treble damage litigation (Fairbanks, Alaska).

***Granato v. Kraft***

Food distribution monopoly and price discrimination (Salt Lake City).

***Milwaukee Cheese v. Schreiber***

\$10 million antitrust treble damage monopolization case involving patents for processed cheese processes (Milwaukee).

***SEC v. Cenco***

Attempt by SEC to secure injunction against company whose officers and directors had engaged in fraudulent inventory accounting. Summary judgment against SEC (Chicago).

***Carney v. Merrill Lynch***

Litigation on behalf of tax shelter option traders claiming misrepresentation of controls on traders (Chicago).

***Wied v. Shimp***

Proxy contest litigation involving challenge to anti-takeover provisions (San Diego).

***Federal Parts v. Dun & Bradstreet***

Defamation action against Dun & Bradstreet regarding business allegedly injured by false credit reports (Fort Worth).

***Kohler Tower v. Dun & Bradstreet***

\$4 million defamation action involving claimed inaccurate credit report (Spokane).

***Stoakes v. Gore***

Products liability case brought by widow of deceased heart transplant patient claiming that Gore-Tex suture failed after transplant surgery (Chicago).

***Indiana Electric v. Amoco***

\$50 million breach of contract action involving attempt by Indiana Electric to invalidate contract with Amoco for supply of boiler fuel for electric utility (Chicago).

***Amoco v. Peoples Gas***

\$100 million contract action between Amoco and Peoples involving Peoples' effort to extricate itself from long term supply contract for purchase of naphtha for use as natural gas feedstock (Chicago).

***Des Plaines Bank Failure***

Representation of former bank directors and attorneys in bank failure litigation brought by FDIC (Chicago).

***Connelly v. Dun & Bradstreet***

Conspiracy action claiming aiding and abetting of London commodity futures fraud (Boston).

***University of Illinois Foundation v. Parker***

Representation of University against former treasurer and insurance and bonding companies over major embezzlement by treasurer.

***Natta v. Zletz***

Representation of Standard Oil in patent interference case involving ownership of polypropylene patents (Chicago).

**NEWS**

Chambers USA 2011 Client's Guide Places Bartlit Beck Attorneys at the Top