

ADAM L. HOEFLICH

PARTNER

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Adam Hoeflich has a national reputation as a courtroom lawyer and strategic advisor to public and private companies and prominent individuals facing complex challenges both within and outside of the litigation process. In the courtroom, Adam has been lead counsel in high-profile individual cases and in multi-jurisdiction litigation, with the unifying factor among diverse subject matters being the significance and complexity of the issues. Outside the courtroom, Adam has advised corporations, executives, and individuals on their most important matters, ranging from personal disputes affecting families and privately held companies to complex commercial issues that domestic and international companies or individuals sought to resolve without publicity and/or litigation.

Adam's accomplishments have been broadly recognized. Chambers and Partners noted his "expertise handling sophisticated litigation matters across diverse areas such as securities, insurance and product liability," referred to him as a "force in multidistrict litigation," and quoted sources calling him a "phenomenal strategist." Benchmark Litigation has listed him as a national "litigation star." And LMG Life Sciences has stated that Adam "is thought of by peers as 'a master courtroom strategist.'"

Adam's practice benefits from his deep understanding of complex litigation and legal ethics. Adam is a Professor of Practice at Northwestern Pritzker School of Law and previously was a Lecturer in Law at the University of Chicago Law School. Adam is an elected member of the American Law Institute (ALI).

Active in the civic community, Adam is Chair of the Civic Federation Board of Trustees, a Trustee of Northwestern University, a member of the Northwestern Memorial Hospital Quality Committee, and a member of both the Commercial Club and the Economic Club.

After graduating first in his class from the University of Illinois College of Law, where he was Articles Editor of the Law Review, Adam clerked for Honorable Thomas J. Meskill on the United States Court of Appeals for the Second Circuit and Honorable Milton I. Shadur on the United States District Court for the Northern District of Illinois. Adam joined Bartlit Beck in 1994 and became a partner in 1997.

EDUCATION & HONORS

University of Illinois College of Law, 1991, J.D., *summa cum laude*, First in Class

Articles Editor, *University of Illinois Law Review*

Research assistant to Professors Peter Hay and Roger Findlay

Order of the Coif

Student commencement speaker, 1991

Colgate University, 1987, B.A.

CLERKSHIPS

Honorable Thomas J. Meskill, United States Court of Appeals for the Second Circuit. 1991-1992

Honorable Milton I. Shadur, United States District Court for the Northern District of Illinois, 1992-1993

AWARDS & RECOGNITION

Fellow, American Bar Foundation

Ranked by Chambers USA as one of the leading litigators in Chicago 2004-2020

Ranked by Chambers USA as one of the leading Products Liability lawyers in the United States 2007-2020

Recognized as a "National Litigation Star" (Benchmark Litigation: Guide to America's Leading Litigation Firms and Attorneys, 2009-2020)

"Highly Recommended" by LMG Life Sciences (2012- 2020)

Selected as an Illinois Super Lawyer for 2006-2020

AJC Chicago Human Rights Medallion Award (2015)

University of Illinois College of Law Distinguished Alumnus (2014)

Howray v. Alpha Therapeutic Corporation listed as one of the Top Defense Verdicts of 1997 by The National Law Journal

ADMISSIONS

Illinois

REPRESENTATIVE MATTERS

CF Entertainment, Inc. v. The Nielsen Company (US) LLC

Lead counsel for Nielsen in contract dispute brought by CF Entertainment, a collection of cable networks that is part of comedian and entrepreneur Byron Allen's Allen Media Group. Pending in the Northern District of Illinois.

PFOA-C8 Litigation

National counsel for DuPont on fraudulent transfer allegations in Aqueous Film-Forming Foams Products Liability Litigation MDL and in other state PFOA cases. MDL in South Carolina; state cases in New Hampshire, N.J., Ohio, and Vermont.

Iowa Public Employees Retirement System, et al. v. Bank of America, et al.

Advising prominent investment firm on its rights as an absent class member in a class action relating to alleged anti-competitive conduct in the stock lending business. Pending in Southern District of New York.

Trinity ET Plus Litigation

National counsel in individual and class action litigation in federal and state courts challenging the safety of Trinity's ET Plus guardrail system. Lead trial counsel in selected matters alleging serious personal injuries or wrongful death. Lead counsel in Southern District of Illinois class action dismissed with prejudice during class certification briefing. Litigation pending.

VIX Litigation

Lead counsel for prominent financial firm in litigation alleging manipulation of the markets and futures tied to the CBOE volatility index. MDL pending in Northern District of Illinois.

Outcome Health

Lead counsel for prominent venture capital firm in fraud, rescission, and unjust enrichment litigation in New York and Delaware relating to Outcome Health. Successful settlement that included a restructuring.

Spoofing Litigation

Represented whistleblower investment firm in CFTC action accusing a trading firm and its founder of market manipulation known as spoofing. Northern District of Illinois. Case settled between CFTC and trading firm.

Confidential Financial Firm Matters

Represented financial firms and their senior executives in a variety of confidential domestic and international regulatory, employment, and other confidential disputes.

Divorce Litigation

Co-lead counsel in divorce and related proceedings challenging the validity of a premarital agreement entered into prior to marriage by a multi-billionaire and his spouse. Matter settled during court-initiated negotiations at the start of trial. Separately, represented a billionaire entrepreneur in settlement negotiations leading to the private resolution of the amount owed under a premarital agreement.

Imprelis® Litigation

Lead counsel for DuPont in product liability litigation, including putative class actions, alleging damage to more than 35,000 properties caused by DuPont's Imprelis® herbicide. MDL in Eastern District of Pennsylvania. Litigation settled.

Various Plaintiffs v. Citadel

Co-Lead counsel for Citadel in various purported securities class actions brought against exchanges, broker/dealers, and trading firms. Cases pending in Southern District of New York. Cases dismissed against Citadel.

Confidential Insurance Recovery Litigation

Co-lead counsel for a leading United States company in confidential insurance recovery litigation in arbitrations seeking hundreds of millions of dollars in coverage under the "Bermuda Form." Recoveries achieved exceeding \$500 million.

LaPlant v. Northwestern Mutual (W.D. Wis.)

Lead counsel for Northwestern Mutual in purported class actions alleging breach of contract and breach of fiduciary duty arising out of the determination of dividends for certain annuities. Entered case after plaintiffs sought damages after winning declaratory judgment trial in state court with a different firm representing Northwestern Mutual. Case was removed and the federal district court remanded to state court. Entered appearance for Northwestern Mutual and obtained appellate review in the Seventh Circuit, and successfully argued (against David Boies) for reversal of district court remand order, keeping the case in federal court. Case subsequently settled.

Teflon® Litigation

Lead counsel for DuPont in an MDL comprised of twenty-three alleged class actions brought on behalf of consumers who claimed to have purchased cookware coated with Teflon® and other non-stick coatings manufactured by DuPont. MDL in Southern District of Iowa. Class certification denied in all matters. Plaintiffs' petition for appeal rejected by the United States Court of Appeals for the Eighth Circuit. All cases dismissed with prejudice.

Aspirin Combination Products Litigation

Lead counsel for Bayer in an MDL comprised of eleven alleged class actions relating to Bayer aspirin combination products. MDL in Eastern District of New York. Litigation settled.

YAZ®/Yasmin® Personal Injury Litigation

Lead counsel for Bayer in litigation alleging personal injuries caused by YAZ® and Yasmin® oral contraceptives. MDL in Southern District of Illinois.

Baycol Qui Tam

National counsel for Bayer in *qui tam* litigation brought by a former employee relating to Baycol. MDL in District of Minnesota.

Swidler v. Georgia-Pacific Gypsum LLC

Lead counsel for Georgia-Pacific in putative class action alleging that building products manufactured by Georgia-Pacific caused damage in consumers' homes. Case dismissed.

Vioxx® Litigation

Represented Merck in MDL litigation relating to withdrawal of Vioxx®. One of four lawyers principally responsible for negotiating settlement of Vioxx® personal injury cases. MDL in Louisiana.

Baycol® Litigation

National counsel for Bayer in litigation resulting from withdrawal of Baycol®. Cases pending throughout country. MDL in District of Minnesota.

PPA Litigation

Represented Bayer in litigation brought by plaintiffs alleging that they suffered strokes after ingesting Alka Seltzer Plus® medicine containing PPA. Cases throughout the country. MDL in Washington. Bartlit Beck achieved a defense verdict in each case it tried.

Coumadin® Litigation

National counsel for DuPont in antitrust and unfair trade practices class actions concerning DuPont's marketing of the medicine Coumadin®. MDL in Delaware. Cases settled.

Bandag, Inc. v. Michelin

Represented Bandag in action against Michelin alleging that Michelin used illegal tactics to induce Bandag franchisees to breach agreements with Bandag. Counterclaim by Michelin for Antitrust and Lanham Act violations. Preliminary injunction sought by Michelin denied. Case settled during trial.

In Re Factor VIII or IX Concentrate Blood Products Liability Litigation

Represented Alpha in wrongful death and personal injury suits throughout the country claiming that hemophiliac plaintiffs contracted HIV virus through use of Alpha's blood clotting medicine. Trial and strategic counsel for Alpha, co-trying cases to defense verdicts in Houston, Texas (two plaintiffs) and St. Louis, Missouri (three plaintiffs).

Confidential Real Estate Dispute

Lead counsel for an international hotel and resort company in a contractual dispute with a nationally known real estate developer relating to the developer's alleged breach of a purchase and sale agreement. Dispute resolved without litigation.

Medline Arbitration

Co-lead counsel for Medline in arbitration alleging that seller of a business to Medline provided false financial statements. Case settled in Medline's favor after arbitration notice served.

Confidential Pharmaceutical Mediation

Represented pharmaceutical company in matter claiming substantial damages stemming from alleged antitrust violations, breach of contract, tortious interference, and fraud involving the alleged monopolization of the active ingredient used to manufacture client's medicine. Case settled on favorable terms involving a supply agreement providing present and future payments to our client of at least \$30 million.

Confidential Litigation Counseling

Advised multinational pharmaceutical company on a potential dispute concerning development and marketing rights with respect to a potential blockbuster drug. Litigation avoided.

Retired Andersen Partner Litigation

Represented Deloitte & Touche in purported class action brought by retired Arthur Andersen partners. Case dismissed. State court in Indianapolis, Indiana.

Confidential Real Estate Matter

Advised real estate investment group on potential dispute with its largest investor. Resolved amicably, with negotiated purchase of investor's interests.

Breeding v. DuPont Pharmaceuticals Company

Defended DuPont in a products liability action based on alleged failure to warn physician and consumer concerning risk relating to blood thinning medicine. Case settled.

E-Victor v. Bio Technologies for Horticulture, Inc.

Represented Bio Technologies for Horticulture, Inc. in an international arbitration involving an alleged breach of a development and distribution agreement. Case settled during mediation.

Barr Laboratories, Inc. v. DuPont Merck Pharmaceutical Company

Defended DuPont in an antitrust case brought by generic drug manufacturer in New York Federal Court for alleged monopolization of the market for blood thinning medicine. Motion to dismiss based on First Amendment protection for petitioning activity granted in part. Case settled.

American Credit Indemnity Company v. R.H. Donnelley

Defended Dun & Bradstreet in a breach of contract dispute brought in Delaware Chancery Court arising out of tax sharing and stock purchase agreements. Case settled.

Circus Circus v. Mirage

Represented Circus Circus in breach of contract actions in New Jersey and Las Vegas concerning the proposed development of a hotel/casino complex in New Jersey. Cases settled.

Lockheed Martin Corp. v. Silicon Graphics, Inc.

Defended Silicon Graphics, a leading producer of computer graphics equipment, against claims of patent infringement relating to various methods for computer generation of video images in three-dimensional space. Case settled.

Nichols Aluminum v. Morton International

Represented Morton International (a subsidiary of Rohm and Haas) in a negligence action brought in Illinois state court based on alleged negligence in the manufacture of coatings for aluminum coils. Motion to dismiss granted in Morton International's favor.

Bourke et al. v. Dun & Bradstreet

Defended Dun & Bradstreet in a dispute brought by former executives claiming breach of contract based on terms of an incentive compensation program. Motion to Dismiss granted in Dun & Bradstreet's favor. Affirmed by Seventh Circuit.

Chiron Corporation

Represented Chiron in threatened patent dispute concerning polynucleotide probe assay. Suit never filed.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Academic Positions and Association Memberships

Professor of Practice, Northwestern Pritzker School of Law, 2015-Present

Member, American Law Institute

Lecturer in Law, University of Chicago Law School, 2009-2015

Adjunct Professor of Law, Northwestern University School of Law, 2000-2003

Community and Academic Board and Other Community Service

Trustee, Civic Federation

Director, Northwestern Memorial Foundation

Quality Committee, Northwestern Memorial Hospital

Director, Chicago Public Library Foundation

Trustee, Illinois Holocaust Museum and Education Center; Dinner Chair 2004

Dean's Advisory Board (formerly Board of Visitors), University of Illinois College of Law (2014-2017)

Have Dreams, Help Autistic Voices Emerge, Dinner Chair 2009, 2018

ACKNOWLEDGEMENTS, PRESENTATIONS, AND PUBLICATIONS

SELECTED SPEAKING ENGAGEMENTS INCLUDE:

Northwestern Pritzker School of Law Complex Litigation Conference; Co-Chair (November 2016, November 2017)

ABA Business Law Section Annual Meeting, Litigation Financing and Alternative Fee Agreements (September 2017)

Perrin Conferences: Co-Chair, National Complex Litigation Conference (June 2012, June 2014)

University of Chicago Legal Forum, Frontiers of Consumer Protection, Product Recalls (November 2012)

National Foundation for Judicial Excellence: Admissibility of Expert Evidence at Class Certification (July 2012).

University of Illinois College of Law Chicago Program: The Legal Profession (June 2012)

Conference Board Council of Legal Officers: Council of Chief Legal Officers, Alternative Fee Arrangements (October 2010)

American Bar Association: Mediation with the Masters (June 2010)

American Bar Association, Tort, Trial & Insurance Practice Section: Recent Developments & Ethical Issues in Class Actions (April 2010)

American Bar Association: Corporate Counsel CLE (February 2010)

Dupont Legal Model Outside Counsel Annual Meeting: Topics ranging from best practices in early case assesment and class action defense to alternative fee arrangements (Multiple Occasions)

BIG WINS

Bartlit Beck Wins CAFA Appeal in 7th Circuit for Northwestern Mutual

Bartlit Beck Defeats \$5 Billion Class Action Claim

Bartlit Beck Turns Tide of HIV Claims by Winning Sample Trials

Bartlit Beck Scores a Complete Victory in \$300 Million Products Liability Case

NEWS

Bartlit Beck Earns Top Rankings by Benchmark Litigation
10.01.2020

Bartlit Beck Sues Allianz and Aon Over Collapse of Structured Alpha Hedge Funds
09.22.2020

Bartlit Beck again recognized as a leading law firm in the 2020 edition of Chambers USA
04.23.2020

Bartlit Beck Recognized By Chambers USA 2019
05.01.2019

Bartlit Beck wins motion to dismiss plaintiffs' damages claims in airline ticket pricing class action
07.08.2016

Bartlit Beck Retries the 1921 Black Sox Case for Chicago Ideas Week
10.2015

Adam Hoeflich Profiled in Crain's Chicago
10.2015

Bartlit Beck Attorneys Receive High Praise
07.2015

Chambers USA 2015 Client's Guide Places Bartlit Beck Attorneys at the Top
07.2015

Bartlit Beck "Highly Recommended Product Liability Firm" in LMG 2014 Life Sciences
10.2014

Chambers USA 2014 Client's Guide Places Bartlit Beck Attorneys at the Top
08.2014

Chambers USA 2013 Client's Guide Places Bartlit Beck Attorneys at the Top
06.2013

Bartlit Beck Wins CAFA Appeal in 7th Circuit for Northwestern Mutual
11.2012

Chambers USA 2012 Client's Guide Places Bartlit Beck Attorneys at the Top
06.2012

Phil Beck and Adam Hoeflich named LMG Life Sciences 2012 Stars
06.2012

Bartlit Beck Wins "Chambers USA Awards for Excellence 2012" in Product Liability
06.2012

Chambers USA 2011 Client's Guide Places Bartlit Beck Attorneys at the Top
06.2011

Chambers USA 2010 Client's Guide Places Bartlit Beck Attorneys at the Top
06.2010

Bartlit Beck Secures End of Consumer Fraud MDL for DuPont
Adam Hoeflich and others secure dismissal of Teflon MDL consumer fraud cases
05.2009

Court Denies Class Certification in Teflon MDL
03.2009

Chambers USA 2008 Client's Guide Places Bartlit Beck Attorneys at the Top
06.2008

Chambers USA 2007 Client's Guide Places Bartlit Beck Attorneys at the Top
06.2007

Chambers USA 2006 Client's Guide Places Bartlit Beck Attorneys at the Top
06.2006

Chambers USA 2005 Client's Guide Places Bartlit Beck Attorneys at the Top
05.2005

1997 Top Defense Verdicts
The National Law Journal, 04.1998

PUBLICATIONS

Crime-Fraud Challenges to the Attorney-Client Privilege and Work Product Doctrine: Why Lawyers Should Care
Attys' Liability Assurance Soc'y Loss Prevention J. 1, 2016

Navigating Rule 5.6's Settlement Restrictions
27 Attys' Liability Assurance Soc'y Loss Prevention J. 3, 2016

Recent Decision, Burnham v. Superior Court
1991 Ill. Bar. J. 518, 1991

The Taxation of Athletic Scholarships
1991 U. Ill. L. Rev. 581, 1991