

ANDREW C. BAAK

PARTNER

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Andy Baak has been with Bartlit Beck since 2006. He has a diverse litigation practice, representing clients in complex disputes involving commercial issues, products liability, mass torts, and intellectual property.

In recent years, Andy has led the firm's representation of MGIC, one of the nation's largest mortgage insurers, in a series of commercial disputes with over \$1 billion at stake. Andy also has deep experience in preparing high-stakes cases for trial, having spent over five months at trial since joining Bartlit Beck. That trial experience includes the firm's successful defense of DuPont in a series of products liability cases involving the Benlate® fungicide.

In addition to his trial experience, Andy has helped clients obtain important victories in both state and federal appellate courts. For example, following a jury verdict of patent infringement against the firm's client Otis Elevator, Andy obtained a complete reversal and judgment for Otis in the Federal Circuit.

Andy joined Bartlit Beck following clerkships for Justice Anthony M. Kennedy on the United States Supreme Court and Judge Richard A. Posner on the Seventh Circuit Court of Appeals. Prior to law school, Andy was a management consultant with Deloitte Consulting.

A Colorado native, Andy moved to Bartlit Beck's Denver office after spending a number of years with the firm in Chicago.

EDUCATION & HONORS

University of Chicago Law School, 2003, J.D., with High Honors

Order of the Coif

Anne Watson Barber Outstanding Service Award

Managing Editor, *The University of Chicago Law Review*

Northwestern University, 1997, B.S., Journalism and Political Science

Senior Class Outstanding Student Leadership Award

Academic Vice President of the Northwestern student body

CLERKSHIPS

Honorable Anthony M. Kennedy, United States Supreme Court, 2004-2005

Honorable Richard A. Posner, United States Court of Appeals for the Seventh Circuit, 2003-2004

ADMISSIONS

Colorado

Illinois

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Administradora, et al. v. DuPont (Florida, Miami-Dade County Circuit Court)

Represented DuPont in three-week Miami jury trial of product liability claims involving the Benlate® fungicide. Plaintiff, the largest of twenty-three Costa Rican citrus producers who brought the action, sought \$42 million in damages and \$20 million in prejudgment interest, costs, and fees. The jury found plaintiff 60% contributorily negligent and awarded substantially reduced damages, resulting in an award of a small fraction of plaintiff's claim. The trial outcome resulted in a settlement of all twenty-three actions on terms favorable to DuPont.

Schindler Elevator v. Otis Elevator (S.D.N.Y.; Federal Circuit)

Counsel for Otis in patent infringement lawsuit concerning elevator controls. Deposed plaintiff's damages expert, and drafted and argued a motion to exclude the expert's damages theory. After an adverse jury verdict on liability, the trial court granted the damages motion, resulting in an award of no damages to the plaintiff. Served as lead counsel on appeal before the Federal Circuit, which reversed the jury verdict and ordered judgment in favor of Otis.

Super Helechos, et al. v. DuPont (Florida, Miami-Dade County Circuit Court)

Represented DuPont in ten-week mass jury trial in Miami state court of product liability claims involving Benlate® fungicide. Plaintiffs, twenty-seven Costa Rican farms, claimed \$396 million in damages. Trial court entered directed verdicts for DuPont on all claims of most of the largest plaintiffs (constituting 60% of plaintiffs' total claimed damages); jury awarded other plaintiffs a small fraction of amounts sought.

On appeal, the Florida court of appeals (1) affirmed directed verdicts for DuPont on claims of the largest plaintiffs, and (2) reversed all jury verdicts for other plaintiffs due to numerous trial court errors. DuPont subsequently resolved the entire action for a nominal amount.

Perrine v. DuPont (West Virginia, Circuit Court of Harrison County; West Virginia Supreme Court)

Retained shortly before trial to represent DuPont in class action jury trial of toxic-tort claims. Class of 8,500 alleged community contamination by zinc smelter emissions over a century. Verdict for plaintiffs after a seven-week jury trial.

Represented company on appeal to West Virginia Supreme Court, which ordered retrial on statute of limitations defense and substantially reduced potential damages. Case settled favorably before retrial.

Confidential Arbitration

Lead trial counsel for defendant in a confidential damages-only arbitration stemming from a product liability settlement.

Nicor Gas v. Home Towne Electric (Illinois, Lake County Circuit Court)

Lead trial counsel representing plaintiff, Nicor Gas, seeking to recover damages to Nicor's underground gas line. First chaired two-day jury trial, which resulted in a verdict for Nicor and an award of 100% of the claimed damages.

CURRENT REPRESENTATIONS

Pearson Family Foundation v. University of Chicago (N.D. Okla.)

Representing University of Chicago in dispute arising from \$100 million grant agreement. Case pending.

Adams et al. v. Trinity Industries, Inc. et al. (Missouri, Circuit Court for the City of St. Louis)

Defending Trinity against several plaintiff's claims, joined in one action, alleging personal injuries from Trinity's ET-Plus guardrail end terminal system. Case pending.

Confidential AAA Arbitration

Lead counsel for defendant in a confidential AAA commercial arbitration where plaintiffs seek in excess of \$75 million in damages. Case pending.

OTHER REPRESENTATIVE CASES

Countrywide Home Loans, Inc. and BAC Home Loans Servicing, LP v. Mortgage Guaranty Insurance Corporation (N.D. Cal.; Ninth Circuit; AAA Arbitration)

Represented MGIC in a dispute with Countrywide over mortgage insurance coverage. Countrywide, which alleged over \$1 billion in damages, initially filed a declaratory judgment action against MGIC in California state court. MGIC removed the case to federal court and sought a stay pending arbitration, but the district court remanded the case to state court without reaching the merits of MGIC's stay motion. Served as lead counsel on appeal before the Ninth Circuit, which reversed and ruled (on an issue of first impression) that the district court lacked the discretion to remand without considering MGIC's motion. The district court ultimately granted MGIC's motion to stay, and the dispute proceeded in arbitration and later settled favorably.

Mortgage Guarantee Insurance Corp. v. Lehman Brothers, Inc. (S.D.N.Y. Bankruptcy Court)

Represented MGIC in connection with a claim against Lehman Brothers, Inc. for fraud and breaches of representations and warranties related to mortgage loans insured by MGIC and included in certain mortgage-backed securities. The bankruptcy trustee sought to disallow MGIC's claim altogether. Following briefing on the issue and mediation, the trustee and MGIC reached a settlement that granted MGIC a \$33 million unsecured claim against the Lehman Brothers Inc. bankruptcy estate.

Realtime Adaptive Streaming LLC v. Wowza Media Systems, LLC (D. Colo.)

Counsel for Wowza in a patent infringement case about the use of the H.264 video compression standard. Defeated a motion to centralize twenty-three patent cases into multidistrict litigation. Case settled shortly thereafter.

Swift Transportation Co. v. Ernst & Young (Arizona, Maricopa County Superior Court)

Represented Ernst & Young in accounting malpractice action arising from merger between Swift Transportation Company and a competitor. Case settled on the eve of trial.

Swidler v. Georgia-Pacific Gypsum LLC (M.D. Fla.)

Represented Georgia-Pacific in putative class action alleging that building products manufactured by Georgia-Pacific caused damage in consumers' homes.

In re Teflon® Product Liability Litigation (S.D. Iowa)

Counsel for DuPont in more than 20 alleged intrastate class actions brought on behalf of consumers who purchased Teflon®-coated cookware. The cases were consolidated for pretrial proceedings pursuant to an order of the panel on multidistrict litigation. The cases were dismissed after the district court denied class certification.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Adjunct Professor of Law, Northwestern University School of Law (2010-2011): Taught "High-Tech Trial Techniques" class on the use of technology in the practice of law at trial and in preparation for trial

Pro bono representation of defendant in *United States v. Egwaoje*, 335 F.3d 579 (7th Cir. 2003)

BIG WINS

Bartlit Beck Prevails For DuPont In Benlate Case

NEWS

Bartlit Beck Defeats Centralization in Large Proposed Patent MDL
08.01.2018

Bartlit Beck Prevails For DuPont In Benlate Case
12.2009