

## ANDREW C. MACNALLY

PARTNER

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Andrew MacNally is a trial lawyer who handles his clients' most difficult legal challenges before juries, judges, and arbitrators throughout the United States. Andrew's representations cover a broad range of subject matters including complex commercial disputes, antitrust, class actions, intellectual property, accountants' liability, product liability, and environmental law for clients such as Bayer, EY, Sabre, and United Technologies. Andrew is skilled at building trial narratives and case strategies that help his clients achieve superior results.

Andrew joined Bartlit Beck in 2008 following a clerkship with the Hon. A. Raymond Randolph on the United States Court of Appeals for the D.C. Circuit. Andrew attended the University of Chicago for both law school (High Honors) and undergraduate (General and Special Honors). Andrew currently serves on the Board of Trustees for the Greater Illinois Chapter of the National Multiple Sclerosis Society.

### EDUCATION & HONORS

The University of Chicago Law School, 2007, J.D., with High Honors

Order of the Coif

Comment Editor, *The University of Chicago Law Review*

Joseph Henry Beale Award for Outstanding Legal Writing

Bell, Boyd and Lloyd Award for Outstanding Briefs in the Bigelow Moot Court Competition

Outstanding Oral Advocate in the Duberstein National Bankruptcy Moot Court

The University of Chicago, 2004, B.A., General and Special Honors

### CLERKSHIPS

Honorable A. Raymond Randolph, U.S. Court of Appeals for the District of Columbia Circuit,

2007-2008

### AWARDS & RECOGNITION

Recognized as a member of Benchmark Litigation's "40 & Under Hotlist" for 2018-2019

## ADMISSIONS

Illinois

## CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

### ***Adinolfi et al v. Pratt & Whitney*** (S.D. Fla.)

Trial counsel for Pratt & Whitney in environmental tort cases involving more than \$1 billion in alleged property damage and personal injury claims arising out of the declaration of a "cancer cluster" in a neighborhood near Pratt & Whitney's West Palm Beach facility. Defeated class certification (and excluded plaintiffs' main expert) after a five-day evidentiary hearing. Won summary judgment for two of the twenty-one related personal injury cases. The others have been stayed while one of the summary judgment orders is being appealed in the Eleventh Circuit. Bartlit Beck is serving as appellate counsel.

### ***Confidential Arbitration*** (Chicago, New York)

Acted as trial counsel for an accounting firm. Obtained a complete defense verdict following a two-week arbitration.

### ***U.S. Airways v. Sabre Inc.*** (S.D.N.Y.)

Trial counsel for Sabre in antitrust action relating to contract between U.S. Airways and Sabre concerning Sabre's Global Distribution System. Won motions to dismiss monopolization and declaratory judgment claims. Won summary judgment on claim for injunctive relief and over 75% of plaintiff's damages claim. Won \$6 million costs/attorneys' fees award. After a ten-week jury trial, won defense verdict on one claim and elimination of 99% of total damages plaintiff had sought on second claim. Also won denial of declaratory and injunctive relief. The Second Circuit subsequently vacated the jury's liability finding and remanded the case for a new trial. Trial date pending.

### ***Las Vegas Hepatitis C Litigation*** (Clark County, Nevada)

Lead counsel and trial counsel for defendants. Provided strategic direction and coordinated trial teams in litigation encompassing over forty individual cases, pending before approximately twenty different judges in state court in Las Vegas. Plaintiffs were individuals who claimed to have contracted Hepatitis C during endoscopy procedures performed at clinics that were on defendants' networks of approved healthcare providers. Defendants were health plans and other entities affiliated with UnitedHealthcare.

- ***Martin v. Pacificare of Nevada*** Trial counsel for PacifiCare of Nevada on claims for negligence and punitive damages. Worked extensively on trial witness preparation and cross-examination outlines. Argued several pre-trial motions. Tried case to verdict. The jury found compensatory damages substantially below the amount awarded in previous trials arising out of the same events and denied plaintiffs' claim for punitive damages.
- ***Lynam v. Health Plan of Nevada*** Trial counsel for Health Plan of Nevada on claims of negligence and punitive damages. Case settled shortly before trial.

***Rolls-Royce v. United Technologies*** (E.D. Va.)

Represented United Technologies and its Pratt & Whitney division in an alleged multi-billion dollar patent case brought by Rolls-Royce. The technology at issue related to the jet engines (particularly the fan blades) used on the world's largest airplane, the Airbus A380, as well as a host of other airplanes. Rolls-Royce sought almost \$4 billion in damages and an injunction preventing further sales of the accused engines. The court granted summary judgment in United Technologies' favor, finding that United Technologies' engines did not infringe the Rolls-Royce patent. This ruling was the culmination of a string of successes in which United Technologies also won summary judgment of no willful infringement (by which Rolls-Royce was seeking treble damages up to over \$11 billion) and the court struck Rolls-Royce's damages theory.

Worked extensively on United Technologies' defense on damages issues in addition to other dispositive briefing. Prior to the summary judgment decision, the court struck Rolls-Royce's nearly \$4 billion damages theory. In the damages ruling, the court found that Rolls-Royce's multi-billion dollar claim for "price erosion and lost profits damages is based on misstatements of the law, a lack of sound evidence, and unsupported economic assumptions, and its paid up royalty theory is similarly flawed. [Rolls-Royce's expert's] report reads more like a lawyer's brief advocating for the highest conceivable damages award rather than an expert trying to assist the trier of fact reach a reasonable damages figure. Because of this extensive overreaching, the entire report is undermined."

***American Airlines v. Sabre, et al.*** (Tarrant Cty. Texas, N.D. Tex. )

Trial counsel for Sabre in antitrust suit brought by American Airlines in both state and federal courts in Texas alleging unlawful monopolization, conspiracy, and illegal contractual arrangements and seeking nearly \$3 billion in damages. Case proceeded to trial in state court in Ft. Worth. Case settled on confidential terms during trial.

***Nicor Gas Co. v. Glenbrook Excavating and Concrete, Inc.*** (DuPage County, Illinois)

Represented public utility company seeking to recover damages caused to four underground gas lines. Co-chaired three-day jury trial. Jury found for Nicor, awarding 95% of damages requested.

## **OTHER REPRESENTATIVE CASES**

***Nigel John Eccles et al. v. Shamrock Capital Advisors, LLC, et al.*** (State Court, New York)

Trial counsel for FanDuel founders and more than 120 former employees and angel investors in lawsuit against late-stage private equity investors and six of the seven former members of the board of directors of FanDuel. The suit alleges that the private equity investors and former board members wiped out the founders', former employees', and angel investors' interests in the company by breaching their fiduciary duties and unjustly enriching themselves in the wake of a 2018 merger between FanDuel and European bookmaker Paddy Power Betfair.

## **Roundup® Litigation**

Serves as counsel for Monsanto and Bayer defending the Roundup® products liability litigation. Plaintiffs allege personal injuries, including non-Hodgkin's lymphoma, caused by Roundup® herbicide. The MDL is pending in the Northern District of California, with state-court proceedings pending in Missouri, California, and other states.

## **Pinares et al v. Pratt & Whitney** (S.D. Fla.)

Trial counsel for Pratt & Whitney in a series of environmental tort cases claiming that alleged environmental contamination in and around Pratt & Whitney's facility in Palm Beach County, Florida caused individual plaintiffs' personal injuries. More than twenty cases are currently pending.

## **Deutsche Lufthansa AG, et al v. Sabre** (Tarrant Cty., Texas)

Trial counsel for Sabre in a contract dispute with four Lufthansa Group airlines related to Sabre's Global Distribution System. Claims include breach of contract and tortious interference with contract.

## **Gordon, et al. v. Sabre** (S.D.N.Y.)

Trial counsel for Sabre in a putative class action brought against Sabre, Travelport, and Amadeus by purchasers of airline tickets. Plaintiffs claim Sabre conspired with its competitive "global distribution services" operators, Amadeus and Travelport, to require certain terms in their contracts with airlines, which allegedly caused plaintiffs to overpay for their airline tickets. Won a motion to dismiss 100% of plaintiffs' claimed damages. Claims for equitable relief remain pending. Favorably resolved remaining claims after plaintiffs' request for class certification was denied and class counsel was disqualified.

## **Neil F. Sullivan, et al. v. E-One Inc., et al.** (Superior Court, Middlesex Cty., Massachusetts)

Represented defendant fire truck manufacturer E-One (and its former parent, Federal Signal) in a product liability action alleging personal injuries stemming from a fire scene accident where a firefighter was injured. Plaintiffs alleged negligent design, breach of the implied warranty of merchantability, and violations of Massachusetts General Law 93A. Case settled shortly before trial.

## **Bayer HealthCare LLC v. Abbott Labs** (D. Mass.)

Representing Bayer HealthCare in patent litigation relating to human anti-TNF alpha antibodies and Abbott's Humira® medication.

## **Morgan Stanley v. Discover Financial Services** (Supreme Court, New York Cty., NY)

Represented Discover in dispute concerning division of proceeds from Discover's recovery of \$2.75 billion in a settlement of its antitrust litigation against Visa and MasterCard. Morgan Stanley and Discover disputed what portion of the settlement proceeds were due Morgan Stanley, which spun off Discover while the antitrust suit was pending. Case settled before trial with Morgan Stanley agreeing to an approximately \$85 million reduction in its share of the proceeds.

## **PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE**

Taught Trial Advocacy Course to Navy JAG Team from Great Lakes Naval Station (2017)

National MS Society, Greater Illinois Board of Trustees, Board Member

## **BIG WINS**

Bartlit Beck Defeats Class Certification In Large Environmental Tort Case

Bartlit Beck Wins Summary Judgment for United Technologies in Patent Infringement Suit

## **NEWS**

Bartlit Beck Files a Lawsuit Against KKR, Shamrock Capital, and Former Members of FanDuel Board of Directors

02.25.2020

Second Circuit Rules in favor of Bartlit Beck Client Sabre Holdings Corp. in Antitrust Case

09.17.2019

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

07.08.2016

Bartlit Beck Wins Motion to Dismiss to Further Pare Down US Airways' Antitrust Suit

09.2015

Bartlit Beck Wins Summary Judgment for United Technologies in Patent Infringement Suit

05.2011