

ASHA L.I. SPENCER

PARTNER

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Asha handles a wide array of complex corporate litigation, with a practice that encompasses general commercial disputes, intellectual property, class actions, product liability, and mass torts. Representative clients include Trinity Industries, Bayer, Walgreens, and Whirlpool.

In 2018, Asha was named one of the 40 Illinois Attorneys Under Forty to Watch, with one client nominator describing her as "a brilliant legal strategist. She is the consummate professional and is extraordinarily passionate about client service. Her zealous preparedness has delivered incredible value to the company on multiple matters." Another client nominator described Asha as "just superb," citing her "strong combination of book smarts, common sense, good judgment, personality, and poise."

For these reasons, clients have repeatedly entrusted Asha to oversee some of their most high-stakes and sensitive litigation, best illustrated by the fact that in the last eighteen months Asha has served as the second chair for six trial teams, preparing significant cases for trial in difficult jurisdictions. In this role, she has been responsible for developing and orchestrating the trial strategy for each case. This includes developing the theory of the case, deposing plaintiffs' liability experts and defending her clients' liability experts, taking and defending key fact depositions, preparing for the examination of multiple witnesses at trial, arguing case dispositive motions, and overseeing the strategy for all pre-trial filings, including motions *in limine* and motions to exclude expert testimony. Asha has served in this capacity in both state and federal court, in jurisdictions as varied as Dallas, City of St. Louis, and New Hampshire.

Asha also has extensive experience at trial. In *LoggerHead v. Sears*, a 2017 patent jury trial, Asha presented LoggerHead's damages expert and cross-examined the defendants' patent attorney (who defendants put on to defend against a claim of willful infringement). Asha's examinations were successful. The jury returned a verdict of infringement for LoggerHead and awarded damages near the top end of the range Asha's damages expert presented at trial. The jury also returned a finding of willful infringement in LoggerHead's favor. Asha has also had the opportunity to cross-examine a damages expert in a multi-billion dollar confidential arbitration and has examined fact witnesses in other matters. She has also supported multiple trials throughout her career at Bartlit Beck.

Asha graduated from The University of Chicago Law School in 2010 with High Honors. She was a member of the Law Review and the Order of the Coif, a Kirkland and Ellis Scholar (awarded to the top five percent of the class), and received the Edwin F. Mandel Award for exceptional contribution to the Law School's clinical program.

EDUCATION & HONORS

The University of Chicago Law School, 2010, J.D., with High Honors

Kirkland and Ellis Scholar, awarded to the top five percent of the class

Member, *The University of Chicago Law Review*

Order of the Coif

Thomas R. Mulroy Prize for Excellence in Appellate Advocacy

Edwin F. Mandel Award for exceptional contribution to the Law School's clinical program

Academic Counselor

Carleton College, 2003, B.A., with Honors

GOVERNMENT SERVICE

United States Department of Justice, Civil Appellate Division, Summer Law Intern, 2009

Illinois General Assembly, Research and Appropriations Analyst, 2003-2006

AWARDS & RECOGNITION

Recognized in Benchmark Litigation as Future Star 2021

REPRESENTATIVE MATTERS

Pelvic Mesh Product Liability Litigation

Trial counsel for Ethicon/Johnson & Johnson in defense of lawsuits alleging personal injuries caused by pelvic mesh medical devices. Designated trial counsel in multiple matters set for trial, both in state court and in federal court.

LoggerHead v. Sears (N.D. Ill.)

Represented LoggerHead against Sears and Apex in a lawsuit alleging patent infringement, trademark infringement, and several tort claims arising from Sears' sales of Craftsman Max Axess Locking Wrenches. After eight-day trial, won jury verdict of patent infringement, and won jury verdict of willful infringement, entitling LoggerHead to treble damages on top of the \$5.97 million award. In post-trial briefing, the court granted a new trial and later granted summary judgment in favor of Sears and Apex, which was affirmed on appeal.

ET Plus Litigation

National counsel for defendants, Trinity Industries and Trinity Highway Products, in litigation alleging personal injuries from Trinity's ET Plus guardrail end terminal system.

Bayer Pharma v. Watson Labs. & Lupin Ltd. (D. Del.)

Trial counsel for Bayer in Hatch-Waxman litigation against challengers seeking to market a generic version of the oral contraceptive Natazia®. Complete trial victory for Bayer.

Trading Technologies International, Inc. v. SunGard (N.D. Ill. and Fed. Cir.)

Trial counsel and appellate counsel for SunGard in patent infringement actions involving patents relating to electronic trading systems. Won summary judgment of noninfringement. Judgment affirmed on appeal.

In re: Whirlpool Corp. Front-Loading Washer Products Liability Litigation (N.D. Ill.)

Defended Whirlpool in consumer class action against plaintiffs' claims of breach of implied warranty. Responsible for briefing a motion to decertify the class and for preparing key expert witnesses for trial, including defending expert depositions. Case settled before trial.

Confidential Arbitration

Trial counsel in a five-week arbitration involving a multi-billion dollar infrastructure project. Cross-examined respondents' damages expert and drafted a motion to exclude respondents' liability expert (respondents' withdrew proffered expert before motion was decided).

YAZ®/Yasmin® Product Liability Litigation

Represented Bayer in nationwide product liability litigation alleging personal injuries caused by the oral contraceptives YAZ® and Yasmin®. MDL in the Southern District of Illinois and coordinated proceedings in California, New Jersey, and Pennsylvania.

- ***Reagh v. Bayer*** (Court of Common Pleas, Philadelphia County, Pennsylvania): Represented Bayer in the second stroke case set for trial in coordinated proceedings in state court in Philadelphia.

Neology v. Federal Signal Corporation (D. Del.)

Defended Federal Signal and 3M in patent infringement suits brought by Neology relating to various RFID technologies. Neology sued Federal Signal and moved for a preliminary injunction. We defeated Neology's motion for a preliminary injunction in a day-long evidentiary hearing (with witness testimony and oral argument on claim construction, invalidity, infringement, and irreparable harm). While district court case proceeded, Neology brought an action against Federal Signal and 3M in the International Trade Commission. Both matters settled before trial.

Merck & Cie v. Watson Labs (D. Del.)

Trial counsel for Merck & Cie and its exclusive licensee Bayer in Hatch-Waxman litigation against challenger seeking to market generic versions of the oral contraceptives Beyaz® and Safyral®. Argued and prevailed on a motion to dismiss.

E.I. du Pont de Nemours and Company v. Heraeus Materials Technology LLC (D. Del.)

Trial counsel for DuPont in patent infringement case relating to conductive pastes used in the manufacture of solar cells.

Lectrolarm v. Sensormatic Electronics Corporation (W.D. Tenn. and Fed. Cir.)

Trial and appellate counsel for Sensormatic in patent infringement case involving the design of electronic video surveillance equipment. Secured summary judgment of invalidity. Judgment affirmed on appeal.

Express Scripts v. Walgreen Co. (N.D. Ill. and American Arbitration Association 2011)

Defended Walgreens against a preliminary injunction motion filed by Express Scripts, seeking to shut down Walgreens' "I choose Walgreens" communications campaign. Walgreens successfully moved to transfer the case from federal court to a AAA arbitration. After a two-day evidentiary hearing, the arbitrator issued a ruling denying the parties' requests for preliminary injunctive relief. After the ruling, Walgreens continued its "I choose Walgreens" campaign. Prior to the hearing on the merits, the parties agreed to dismiss their respective claims. No other action has been or will be taken by either party with respect to this case.

In re Genetically Modified Rice Litigation (MDL, E.D. Mo.; Ark. Supreme Court)

Represented Bayer regarding appellate issues in nationwide litigation, including briefing in the Eighth Circuit and in the Arkansas Supreme Court.

Turner v. Rogers (U.S. Supreme Court)

Represented two law professors in connection with amicus brief at the merits stage. Case involves whether a dead-beat dad who failed to pay child support had a right to an appointed lawyer before he was found in civil contempt.

Plumbers Local #65 Pension Fund v. Nicor Inc., et. al.

Defended Nicor in a set of shareholder class action suits challenging Nicor's proposed merger with AGL Resources. The case settled on favorable terms. Led the client through the court's fairness proceedings to secure court approval for the settlement agreement.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Leadership Greater Chicago, 2017 Fellow

Trustee, Columbia College Chicago

Chair, The University of Chicago 2016 Law Firm Challenge

NEWS

Bartlit Beck Earns Top Rankings by Benchmark Litigation
10.01.2020

Chicago Daily Law Bulletin Names Asha Spencer To Its 40 Under Forty To Watch
2018

Bartlit Beck and Skiermont Derby Win \$5.9 MM Plaintiff's Patent Verdict Against Sears and Apex Tool Group.
05.17.2017

Reid Bolton, Kate Roin, Asha Spencer, and Robert Tannenbaum featured in The University of Chicago Law School Record
10.03.2016

Asha Spencer named 2017 Leadership Greater Chicago Fellow
06.29.2016