

DANIEL R. MCELROY

PARTNER

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Dan McElroy is a trial lawyer who represents clients from around the country in all manner of high-stakes, complex litigation. His diverse practice has included matters involving class actions, mass torts, intellectual property, EEO complaints, consumer fraud, contractual disputes, and both challenges to and the defense of federal agency action. Dan also has extensive experience providing confidential counseling to both start-ups and Fortune 100 companies to help avoid or prepare for future litigation.

Before joining Bartlit Beck in 2013, Dan clerked for Judge Joel Flaum of the U.S. Court of Appeals for the Seventh Circuit and Judge Milton Shadur of the U.S. District Court for the Northern District of Illinois. Dan received his law degree from Northwestern University and undergraduate degree from the University of Notre Dame. Between the two, Dan taught high school mathematics in Philadelphia through Teach For America.

EDUCATION & HONORS

Northwestern University School of Law, 2011, J.D., *cum laude*

Order of the Coif

University of Pennsylvania, 2008, Teacher Certification in Secondary Mathematics

University of Notre Dame, 2006, B.A., *cum laude*

Completed Philosophy, Politics & Economics Program

CLERKSHIPS

Honorable Milton I. Shadur, United States District Court for the Northern District of Illinois, 2012-2013

Honorable Joel M. Flaum, United States Court of Appeals for the Seventh Circuit, 2011-2012

ADMISSIONS

Illinois

United States Court of Appeals for the Seventh Circuit

United States District Court for the Northern District of Illinois

United States District Court for the Central District of Illinois

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Adinolfe 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 the summary judgment orders are being appealed in the Eleventh Circuit. Bartlit Beck is serving as appellate counsel.

Slawson Exploration Co. v. Department of Interior (D.N.D.)

Trial counsel for Slawson challenging Department of Interior ALJ stay that barred drilling at major oil and gas well in North Dakota. Court granted Slawson's motions for a temporary restraining order and for a preliminary injunction, allowing drilling to proceed pending full agency review.

The Department of the Interior has since issued a final agency order denying a Native American tribe's challenge to Slawson's drilling permits. The tribe sought to challenge that order in the District Court for the District of Columbia. Bartlit Beck successfully moved to transfer the case to the District of North Dakota, where the case is now pending.

Las Vegas Hepatitis C Litigation (District Court, Clark County Nevada)

Trial counsel for defendants. Provided overall strategic direction 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. Tried case to a jury 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.

- ***Paul v. Health Plan of Nevada***

Trial counsel for Health Plan of Nevada on claims for negligence and punitive damages. Case settled during trial.

OTHER REPRESENTATIVE CASES

EEOC v. FedEx Ground (W.D. Pa.)

Trial counsel for FedEx Ground in an enforcement action brought by the EEOC under the Americans With Disabilities Act. EEOC filed claims on behalf of roughly 300 deaf FedEx Ground package handlers from dozens of facilities around the country, alleging that FedEx Ground failed to provide a variety of reasonable accommodations to these employees, such as ASL interpreters at meetings. Bartlit Beck was brought in to take over the matter after nearly a decade of investigation, conciliation, and litigation with EEOC. Along with a team of lawyers from three different firms, Bartlit Beck crafted a strategy that led to a favorable settlement in May 2020, prior to a single deposition being taken.

ADT Wireless Litigation

Represented ADT in multiple class actions in both federal and state court across the country involving allegations of consumer fraud related to the alleged ability of ADT-monitored security systems with wireless sensors to be hacked. Helped negotiate a favorable, nationwide settlement.

Confidential Litigation Counseling

Advised Fortune 100 company in potential litigation resulting from numerous complex transactions. Developed plan for business to limit financial, reputational, and operational risk while preserving strong litigation positions. Litigation avoided.

Advised technology startup on potential litigation resulting from allegations of tens of millions of dollars in damages due to breach of contract. Litigation avoided.

Advised Fortune 100 company on potential litigation regarding allegations of nationwide gender discrimination.

Advised large multinational corporation on patent litigation risks of proceeding with development and sale of a product.

PRO BONO REPRESENTATIONS

Moore v. Nicholson (N.D. Ill.)

Pro bono trial counsel for inmate in a Section 1983 suit against prison and medical staff for unconstitutional conditions of confinement resulting in a cockroach infestation and for improper medical care leading to hearing loss. Case is currently pending in the Northern District of Illinois.

Rose v. Duffield et al (N.D. Ill.)

Pro bono counsel for a former inmate in a Section 1983 suit against doctors and officials with the Illinois Department of Corrections for improper medical treatment that caused Mr. Rose to lose his vision. Case settled favorably after fact discovery.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Legal Aid Chicago, Co-Chair of the Ambassadors Board

Teach For America – Chicago-Northwest Indiana, Leadership Circle member

BIG WINS

Bartlit Beck Defeats Class Certification In Large Environmental Tort Case

NEWS

Bartlit Beck team, led by Sean Gallagher, helps Pratt & Whitney defeat class certification in an environmental lawsuit brought by Florida property owners

05.04.2018

Preliminary injunction secured against the federal government for Slawson Exploration, allowing drilling to continue in North Dakota

11.29.2017