

HAMILTON H. HILL

PARTNER

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Hamilton serves as trial counsel and legal advisor in high-profile matters around the country. He regularly tries cases before juries, judges, and arbitrators, and has first-chaired cases with hundreds of millions of dollars at stake. Hamilton has experience with a wide variety of complex commercial litigation matters, including breach of contract, breach of fiduciary duty and other business torts, fraud claims, intellectual property, antitrust, product liability, and personal injury.

In 2011, Hamilton was named one of the 40 Illinois Attorneys Under Forty to Watch. He was also named a 2013 BTI Client Service All-Star, which is given to those who deliver "the absolute best client service." Law 360 called the litigators who made the list the "cream of the crop," and noted that less than 100 litigators nationwide received this recognition. In 2019, he was named a "Litigation Star" by Benchmark. And a client stated in a testimonial in the 2020 Legal 500 rankings that "Hamilton is a disarmingly juror-friendly legal assassin. He is a relatable, empathetic storyteller who makes the complex simple."

EDUCATION & HONORS

The University of Chicago Law School, 2001, J.D., with Honors

The University of Chicago Law Review

University of Kansas, 1998, B.G.S.

Perfect GPA at Kansas

1st-Team Academic All Big XII, 1997 (one of four Big XII football players to letter and have 4.0 GPA)

AWARDS & RECOGNITION

Named a Litigation Star (Benchmark Litigation: Definitive Guide to America's Leading Litigation Firms and Attorneys, 2019)

2013 BTI Client Service All-Star

Named one of 40 Illinois Attorneys Under Forty to Watch 2011

ADMISSIONS

Illinois

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Gadeco, LLC v. Grynberg, (District Court, Arapahoe County, Colorado)

Co-lead trial counsel for defendants in jury trial involving claims for breach of contract and breach of fiduciary duty brought by the founder of a group of privately held oil and gas companies against the shareholders and board members following his removal as President and Chairman. Plaintiff sought injunctive relief and \$800 million in damages at trial. After two-week jury trial, we won a complete defense verdict for our clients, which the Colorado Court of Appeals affirmed in its entirety.

Grynberg v. Grynberg, (District Court, Arapahoe County, Colorado)

Co-lead trial counsel for defendants in bench trial involving equitable claims for unjust enrichment and quantum meruit brought by the founder of a group of privately held oil and gas companies, including claims for compensation for services and assets previously provided to the companies. Plaintiff sought \$400 million in compensation at trial. Won complete victory, with Judge Pratt ruling in our clients' favor just over a week after the close of evidence, which the Colorado Court of Appeals affirmed in its entirety.

Rolls-Royce v. United Technologies (U.S. District Court, E.D. Va.)

Represented United Technologies and its Pratt & Whitney division in an alleged multibillion-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 its engines did not infringe the Rolls-Royce patent.

Led United Technologies' defense on damages issues. 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 multibillion-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. [The damages report of Rolls-Royce's expert Mary Woodford] 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."

Treasurer of the State of Connecticut v. Forstmann Little, et al. (Conn. Super. Ct.)

Represented Forstmann Little in a lawsuit brought by one of Forstmann Little's limited partners, the State of Connecticut pension funds. Connecticut claimed damages of over \$125 million for itself and over \$1 billion in derivative claims, alleging violations of the securities laws, breaches of contract, and breaches of fiduciary duties. The suit was the first ever filed by a limited partner against a major private equity firm, and it was closely followed by every major financial publication. After five-week jury trial in the small town of Rockville, Connecticut, jury came back with verdict for Forstmann Little. The jury found that the State had been fully informed of the investments and had approved them at the time they were made, and that Forstmann Little was fully justified in relying on the advice of its counsel when making the investments. Because it found that

Forstmann Little was not liable, the jury did not even reach the issue of damages.

Confidential AAA Arbitration (Phoenix)

Represented a Fortune 100 company in confidential, multibillion-dollar contract dispute. The two-week arbitration hearing included testimony from numerous senior executives and expert witnesses. Obtained complete victory for client.

Spirit AeroSystems v. Gulfstream (AAA/ICDR Arbitration, New York)

Lead trial counsel for Spirit AeroSystems against Gulfstream. Both parties alleged hundreds of millions of dollars of breach of contract damages. After a three-week arbitration hearing that included opening statements and testimony from dozens of witnesses, the case settled on favorable terms before the panel issued a ruling.

Stein v. Windsor Energy, et al. (District Court, Goodhue County, Minn.)

Represented former Minnesota Timberwolves CEO Bob Stein in a case relating to a large amount of silica sand deposits in Goodhue County, Minnesota. Mr. Stein filed the case seeking a declaratory judgment that he still owns half the rights to the silica sand. Mr. Stein also alleged that Windsor Energy (and its related companies) had intentionally interfered with his contract with the landowner. In April 2013, the court granted Mr. Stein's request for a declaratory judgment. Then in June 2013, after a week-long trial, a jury found that Windsor Energy had intentionally interfered with Mr. Stein's contract with the landowner (the jury did not award damages; the sand had not yet been mined). Should the sand be mined in the future, the court has ruled that Mr. Stein will be entitled to 50% of the proceeds.

Smith v. Merck (U.S. District Court, E.D. La.)

Represented Merck in the third federal trial against Merck since it withdrew Vioxx from the market in 2004. Plaintiff Garry Smith alleged that Merck's Vioxx caused him injuries, including a heart attack. After a two-and-a-half week trial, the jury deliberated three hours before returning a complete defense verdict for Merck.

Barnett v. Merck (U.S. District Court, E.D. La.)

Represented Merck in the second federal trial against Merck since it withdrew Vioxx from the market in 2004. Plaintiff Gerald Barnett alleged that Merck's Vioxx caused him injuries, including a heart attack. After a three-week trial, the jury returned a verdict for Plaintiff. Judgment substantially reduced following post-trial briefing.

Confidential AAA Arbitration (Seattle)

Lead trial counsel for aerospace manufacturer in a two-week AAA arbitration before a panel of three arbitrators. The hearing involved opening statements, direct and cross-examinations, and closing arguments. The proceedings and outcome are confidential.

Krippelz v. Ford Motor Company (U.S. District Court, N.D. Ill.)

Represented inventor Jacob Krippelz, Sr. in patent infringement action against Ford Motor Co. involving automotive exterior mirror lighting systems. Jury returned verdict in client's favor in the amount of \$23 million. District court then found willful infringement and awarded an additional \$33 million in enhanced damages and prejudgment interest for a total award of \$56 million. Federal Circuit reversed on invalidity grounds.

United States v. United Technologies Corp. (S.D. Ohio)

Represented UTC at trial and on appeal in the Department of Justice's \$600 million False Claims Act lawsuit. The government claimed that UTC division Pratt & Whitney inflated prices of F-15 and F-16 jet engines in the "Great Engine War" with GE, a multibillion-dollar competitive Air Force procurement in the 1980s.

After a ten-week bench trial, the trial court held that Pratt had made three false statements in a 1983 offer and imposed a \$7.1 million statutory penalty, but the court rejected the government's \$600 million damages theory, and held that actual damages were zero. After two rounds of appeals, the Sixth Circuit held that the trial record established that the government failed to prove any damages and remanded the case.

On remand, the government abandoned its damages claims, and in June 2016 the trial court entered final judgment awarding a total of \$11.1 million (\$1.2 million in disgorgement, \$2.8 million in interest, and the \$7.1 million penalty). The government declined to appeal, ending the case.

Nicor Gas Co. v. J.F. Edwards Construction Co. (Circuit Court, Kane County, Illinois); ***Nicor Gas Co. v. R.W. Dunteman Construction Co.*** (Circuit Court, DuPage County, Illinois)

Represented Nicor in two separate cases to recover for damage to Nicor's gas lines caused by construction companies. First-chaired both two-day jury trials. Complete victory for Nicor in each case. In the case against J. F. Edwards, the jury awarded Nicor 100% of its claimed damages, and denied J.F. Edwards' counterclaim in full. In the case against R.W. Dunteman, the jury found Dunteman was liable for hitting all four of Nicor's gas lines, and awarded Nicor 98.75% of its claimed damages.

Merry Gentleman, LLC v. George and Leona Productions, Inc., and Michael Keaton (U.S. District Court, N.D. Ill.)

Represented Michael Keaton and George and Leona Productions, Inc. in dispute concerning services performed in connection with the motion picture "The Merry Gentleman." Summary judgment granted for client, and affirmed by Seventh Circuit.

BJ Services v. Halliburton (U.S. District Court, S.D. Tex.)

Represented Halliburton in patent infringement matter involving a patent on methods for fracturing subterranean formations to stimulate oil and gas recovery. Hired to try case ninety days before trial, after all discovery and pre-trial filings were complete. After month-long jury trial, judgment for BJ for less than 25% of damages sought.

OTHER REPRESENTATIVE CASES

Spirit AeroSystems v. Boeing (Superior Court, King County, WA)

Represented Spirit AeroSystems in \$365 million breach of contract dispute with Boeing relating to Boeing's underpayments and certain warranty claims associated with parts Spirit manufactured for Boeing aircraft. Shortly after Spirit defeated Boeing's motion to dismiss, the parties settled and resolved most of the claims, and agreed to dismiss the suit.

Neology v. Federal Signal and 3M (U.S. District Court, D. Del.; International Trade Commission)

Lead counsel for Federal Signal and 3M defending patent infringement suits brought by Neology relating to various RFID technologies. Neology originally sued Federal Signal in the District of Delaware and moved for a preliminary injunction. After an evidentiary hearing and oral argument, we defeated Neology's preliminary

injunction motion. While district court case proceeded, Neology also brought an action against Federal Signal and 3M in the International Trade Commission. Both matters settled before trial.

Express Scripts v. Walgreen Co. (U.S. District Court, N.D. Ill., and AAA 2011)

Represented Walgreens after Express Scripts filed a preliminary injunction action against it. Express Scripts sought a broad preliminary injunction to shut down Walgreens' entire "I choose Walgreens" communications campaign. Walgreens successfully moved to compel arbitration, and the case was transferred from federal court to an AAA arbitration. After a two-day evidentiary hearing on the preliminary injunction motions, the arbitrator issued a ruling denying both parties' requests for preliminary injunctive relief. After the ruling, Walgreens continued its "I choose Walgreens" campaign. Later, 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.

Neil F. Sullivan, et al. v. E-One Inc., et al. (Superior Court, Middlesex County, Mass.)

Lead counsel for 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.

Morgan Stanley v. Discover Financial Services (Supreme Court, New York County)

Represented Discover in a dispute concerning the division of Discover's \$2.75 billion settlement of its antitrust litigation against Visa and MasterCard. Morgan Stanley and Discover disputed how much of the \$2.75 billion Morgan Stanley was entitled to (Morgan Stanley spun off Discover during the antitrust suit). Case settled before trial with Morgan Stanley agreeing to an approximately \$85 million reduction in its share of the proceeds.

United Technologies v. PerkinElmer, Inc. and Eaton Corp. (U.S. District Court, D. Conn.)

Represented United Technologies as plaintiff in patent infringement lawsuit relating to brush seals on its PW4000 engine. Case settled shortly after complete *Markman* victory for United Technologies.

Confidential Arbitration (San Jose)

Represented former owners of software company in breach of contract action against the purchaser of the company. Case settled two weeks prior to arbitration hearing.

Lazo v. Mercury Marine (Circuit Court, Miami-Dade County, Fla.); ***Barnot v. Mercury Marine*** (District Court, Harris County, Tex.)

Represented Mercury Marine in purported class actions in Texas and Florida state courts brought by purchasers of OptiMax outboard engines. Plaintiffs alleged misrepresentation, breach of warranty, and product defect. The case settled, and the nationwide settlement was approved by the Circuit Court in Dade County, Florida.

Honeywell International, Inc. v. Goodrich Corporation (U.S. District Court, D. Del.)

Represented Goodrich in patent infringement matter involving patents on collision warning systems for aircraft. Case settled prior to trial.

Schwartz v. QUALCOMM (U.S. District Court, D. Colo.)

Represented QUALCOMM in action brought by eighty-seven former employees alleging fraud and breach of contract in connection with unvested stock options. Assisted mainly during discovery, deposing twenty named plaintiffs. Bartlit Beck obtained dismissal or summary judgment as to eighty-one plaintiffs. Remaining plaintiffs settled before or during trial.

Newsome v. McCabe (U.S. District Court, N.D. Ill.)

Assisted during the appeal phase in representation of James Newsome in Section 1983 civil rights action. Newsome, an African-American male, alleged that two Chicago police officers framed him for a murder he did not commit, causing him to spend fifteen years in prison. Jury returned \$15 million verdict on Newsome's behalf. Verdict was upheld in its entirety by the Seventh Circuit.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Faculty member for NITA's Building Trial Skills Program (2020)

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

Chair of the Dean's Advisory Board for the College of Liberal Arts & Sciences, University of Kansas (2014-2017)

Member of the Board of Directors for the Illinois Better Government Association (2014-2016)

Northwestern School of Law-Adjunct Professor (Spring 2009): Taught "High-Tech Trial Techniques" class on the use of technology at trial and in preparation for trial

BIG WINS

Bartlit Beck Wins Two Large Trials In Denver
06.15.2019

Bartlit Beck Obtains Complete Victory in Billion-Dollar Arbitration

Bartlit Beck Helps UTC Successfully Resolve Long-running False Claims Act Litigation Against DOJ

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

Bartlit Beck Wins \$56 Million for Inventor Against Ford

Bartlit Beck Successfully Defends Pratt & Whitney Against \$624 Million Claim

Bartlit Beck Wins 5 Jury Verdicts in Vioxx Trials

Bartlit Beck Defeats Billion Dollar Claim, Wins Jury Trial for Forstmann Little

NEWS

Bartlit Beck Earns Top Rankings by Benchmark Litigation

10.01.2020

Bartlit Beck helps UTC successfully resolve long-running False Claims Act litigation against DOJ

08.29.2016

Herman and Hill win Summary Judgment for Michael Keaton

01.2015

Four Bartlit Beck Partners Named 2013 BTI Client Service All-Stars

02.2013

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

05.2011

Bartlit Beck Wins Enhanced Damages For Willful Patent Infringement Against Ford Motor Company

11.2009

Mark Ferguson and Hamilton Hill Obtain Finding of Willful Patent Infringement Against Ford

03.2009

Mark Ferguson and Hamilton Hill Win \$23 Million Patent Verdict for Individual Inventor Against Ford Motor Company

12.2008

Phil Beck Prevails in Third Federal Court Vioxx Case

09.2006

Bartlit Beck Wins Jury Victory for Forstmann Little & Co. in Case Closely Watched by Wall Street

07.2004