



BRIAN C. SWANSON

PARTNER

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Brian represents clients in high-stakes litigation across the country. He has extensive trial experience before judges and juries in federal and state courts, representing both plaintiffs and defendants in a variety of practice areas, including mass torts, general commercial disputes, and intellectual property. Brian recently served as lead trial counsel for Walgreens in two cases brought by cities and counties relating to Walgreens' distribution and dispensing of opioid medications. Brian was also a member of the team that tried one of the only "pattern or practice" employment discrimination cases to go to trial, brought by the EEOC against Texas Roadhouse. On the plaintiff side, Brian served as lead trial counsel for Clark Material Handling in a tortious interference case against Toyota Material Handling USA, Inc. Following a jury's finding of liability, the Court awarded enhanced damages, resulting in a judgment in excess of \$10 million. These accomplishments have earned Brian a spot on Lawdragon's 500 Leading Litigators in America. While Brian enjoys trying cases, he finds victories outside the courtroom equally gratifying. He has been instrumental in securing favorable out-of-court resolutions for numerous clients, from start-ups to Fortune 500 companies.

Brian graduated from Northwestern University School of Law *cum laude* and earned his bachelor's degree from Amherst College *cum laude*.

EDUCATION & HONORS

Northwestern University School of Law, 2001, J.D., *cum laude*

Order of the Coif

Associate Editor, *Northwestern University Law Review*

Arlyn Miner Book Award

Amherst College, 1994, B.A., *cum laude*

AWARDS & RECOGNITION

Lawdragon 500 Leading Litigators in America

ADMISSIONS

Illinois

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Opioids Litigation

Trial counsel for Walgreens in nationwide litigation relating to the distribution and dispensing of prescription opioid medications. Brian served as lead trial counsel for Walgreens in both *City and County of San Francisco v. Walgreens* (tried April-July 2022) and *Lake County, OH v. Purdue and Trumbull County, OH v. Purdue* (tried October-November 2021), examining numerous fact and expert witnesses and giving closing arguments in both trials.

Gillette v. ShaveLogic (Mass. State Court)

Trial counsel for ShaveLogic and individually-named defendants, who were accused of misappropriating trade secrets and confidential information from Gillette. ShaveLogic filed counterclaims for tortious interference, asserting that Gillette brought its claims not to protect any proprietary interests, but to interfere with ShaveLogic's business relationships. Court granted ShaveLogic's motion for summary judgment, dismissing all of Gillette's claims with prejudice, and denied Gillette's motion for summary judgment on ShaveLogic's counterclaims.

Equal Employment Opportunity Commission v. Texas Roadhouse (D. Mass.)

Trial counsel for landmark pattern or practice age discrimination claim brought by EEOC against national restaurant chain. After three-week jury trial in January 2017, case ended in a mistrial because jury was deadlocked after deliberating for one week. Case settled very favorably before retrial.

Clark Material Handling Co. v. Toyota Material Handling USA, Inc. (W.D.N.C.)

Lead trial counsel for Clark Material Handling in tortious interference case relating to forklift distributorship. Following two-week jury trial, jury returned a verdict in client's favor. District Court awarded treble damages and attorneys' fees, resulting in an award in excess of \$10 million. Case settled while appeal was pending.

The FairPoint Communications, Inc. Litigation Trust v. Verizon Communications, Inc. (W.D.N.C.)

Trial counsel for Verizon in \$2 billion fraudulent conveyance action brought by a litigation trust. Case settled following two-week bench trial.

Erricos v. Stryker Corp. (S.D.N.Y. and Kalamazoo County, MI)

Counsel for Stryker in breach of contract action stemming from Stryker's acquisition of SpineCore, Inc., a developer of artificial spinal discs. Plaintiffs alleged approximately \$250 million in damages. Won summary judgment in client's favor, after which case settled favorably.

AgriGenetics, Inc. v. Pioneer Hi-Bred International (S.D. Ind.)

Trial counsel for Pioneer in breach of contract action relating to Pioneer's distribution of seed containing the Herculex® trait. Case settled during trial.

Onyx Pharmaceuticals, Inc. v. Bayer, et al. (N.D. Cal.)

Trial counsel for Bayer entities in breach of contract and breach of fiduciary duty suit in the Northern District of California. Onyx claimed entitlement to profits from regorafenib, Bayer's newest potential anti-cancer drug. Case settled in second week of jury trial.

Friel v. Federal Signal (Court of Common Pleas, Philadelphia County)

Trial counsel for Federal Signal in case brought by firefighters who alleged that they had suffered noise-induced hearing loss from exposure to sirens. Obtained jury verdict in favor of Federal Signal.

Honeywell International, Inc. v. Hamilton Sundstrand Corporation (D. Del.)

Trial counsel for United Technologies' Hamilton Sundstrand division in patent infringement matter involving patents on methods for controlling surge in auxiliary power units used on large commercial airplanes. Bartlit Beck hired to try case relating to *Festo* issue after case remanded to trial court. Won complete defense judgment and reversal of prior \$46.5 million jury verdict. Affirmed by Federal Circuit and cert. denied by U.S. Supreme Court.

Grays Harbor Adventist Church v. Carrier Corp. (and related cases) (W.D. Wash., W.D. Wisc., E.D. Mich.)

Represented Carrier Corporation in series of consumer fraud class actions alleging design defect in high-efficiency condensing furnaces. Obtained summary judgment and denial of class certification in favor of Carrier Corp. in Wisconsin. Cases settled following ruling.

Honeywell International, Inc. v. Hamilton Sundstrand Corporation (D. Del.)

Counsel in successful defense of United Technologies' Hamilton Sundstrand division in a patent infringement trial. Honeywell alleged that Hamilton Sundstrand infringed a patent relating to the starting of an Auxiliary Power Unit for an airplane. Honeywell sought \$135 million in damages (including interest and treble damages). Jury verdict in client's favor, finding that Hamilton Sundstrand did not infringe Honeywell's patent and that the patent was invalid.

CytoLogix v. Ventana Medical Systems (D. Mass.)

Counsel for Ventana Medical Systems in case asserting patent infringement and trade secret misappropriation claims relating to technology for automating "slide staining" procedures used in pathology laboratories for the diagnosis of disease. Jury verdict for Ventana on trade secret claims, and for CytoLogix on patent claims.

OTHER REPRESENTATIVE CASES

The Boeing Company v. Raytheon Technologies Corporation, Goodrich Corporation, Rockwell Collins, Inc., and Rohr Inc. (Circuit Court, St. Louis County, MO)

Representing the Defendants in this contract dispute relating to certain parts supplied for the F/A-18 and F-15 fighter aircraft programs.

Sprint v. Cequel et al. (D. Del.)

Co-lead trial counsel for defendant Cequel (Altice) in patent lawsuit brought by Sprint alleging that Cequel's voice-over-IP networks infringe a number of Sprint's patents. Case settled shortly before trial.

Okada v. Wynn Resorts, et al. (Las Vegas, NV)

Counsel for Japanese billionaire Kazuo Okada in claims relating to Wynn Resorts' redemption of billions of dollars in stock owned by Mr. Okada's family business, which was the single largest shareholder in Wynn Resorts. Wynn Resorts claimed the redemption was proper in light of Mr. Okada's allegedly improper dealings with foreign government officials, based on a report issued by former FBI Director Louis Freeh. Bartlit Beck was hired shortly before trial, after years of litigation, to bring a successful result to the claims. After bringing and winning key motions, our team obtained a voluntary dismissal of all claims against Mr. Okada and was instrumental in Mr. Okada's family company obtaining a \$2.64 billion payment from Wynn Resorts.

IGT v. Aristocrat Technologies, Inc. (D. Nev.)

Lead trial counsel for IGT in 32-patent litigation relating to Aristocrat's infringement of IGT's patents on gaming inventions. Case settled.

Monsanto v. DuPont Pioneer (E.D. Mo.)

Trial counsel for DuPont Pioneer in patent infringement case relating to seed sampling technology. Case settled.

Ironworkers District Council of Philadelphia v. Andreotti et al. (Del. Ch.)

Represent current and former DuPont and Pioneer officers and employees in shareholder derivative action. Won motion to dismiss in the Chancery Court, which was affirmed by the Delaware Supreme Court.

Trading Technologies International, Inc. v. SunGard (N.D. Ill. 2013-present)

Trial counsel for SunGard in patent infringement actions involving patents relating to electronic trading systems.

Hill-Rom Services, Inc., et al. v. Stryker Corp. and Stryker Sales Corp. (W.D. Wisc.)

Represent Stryker in patent infringement suit over technology relating to networks used on hospital beds.

Pioneer Hi-Bred v. Monsanto (S.D. Iowa)

Lead trial counsel for Pioneer in patent infringement suit, and related inter partes review proceedings, against Monsanto relating to corn seed production techniques. Case settled.

Swift Transportation Co. v. Ernst & Young (Ariz. State Court)

Represented Ernst & Young in accounting malpractice action stemming from merger between Swift Transportation Company and M.S. Carriers, Inc.

Seroquel® Litigation

Represented defendant AstraZeneca in various cases alleging personal injuries by users of Seroquel®. Involved in state court cases in Missouri and Delaware.

Pioneer Hi-Bred International v. DeKalb Genetics Corp. (S.D. Iowa)
Pioneer Hi-Bred International v. Asgrow Seed Company (S.D. Iowa)
Pioneer Hi-Bred International v. Holden's Foundation Seeds, Inc. (S.D. Iowa)
Pioneer Hi-Bred International v. Syngenta Seeds, Inc. (S.D. Iowa)
Advanta U.S.A., Inc. v. Pioneer Hi-Bred International (W.D. Wisc.)

Represented Pioneer Hi-Bred International in a series of lawsuits to protect Pioneer proprietary rights in its seed genetics.

Vioxx® Litigation

Represented Merck in mass tort litigation resulting from withdrawal of Vioxx®. Involved in state court cases in Texas, Pennsylvania, and West Virginia.

Pioneer Hi-Bred International v. Agrigenetics et al. (S.D. Iowa)

Represented Pioneer Hi-Bred International in a contract action against Agrigenetics relating to a collaboration between the parties to develop Bt corn and other Bt products. Case settled on favorable terms.

Hamilton Sundstrand Corporation v. Honeywell International, Inc. (D. Ariz.)

Represented United Technologies' Hamilton Sundstrand division in patent infringement matters involving patents on methods for starting and controlling surge in auxiliary power units used on large commercial airplanes. Case settled.

Elbex v. Tyco International (D.N.J.)

Represented Tyco in patent infringement and tortious interference case. The parties settled the patent claim. The court dismissed the tortious interference claims against Tyco.

Schwartz v. QUALCOMM (Colo. State Court)

Represented QUALCOMM in action brought by 87 former employees alleging fraud and breach of contract in connection with unvested stock options. Obtained dismissal or summary judgment as to 81 plaintiffs. Remaining plaintiffs settled before or during trial.

University of Chicago v. Chou (N.D. Ill.)

Represented University of Chicago in suit claiming that a researcher was wrongfully denied credit as co-inventor of herpes vaccine. Case settled.

3Com Corp. v Cambia Networks (Ill. State Court)

Represented 3Com against Cambia Networks in trade secrets misappropriation and breach of contract case involving wireless technology. Case settled.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Adjunct Professor, Northwestern University School of Law, High-Tech Trial Techniques

Chicago Run, Board Member

Common Ground Foundation, Board Member (2014-2016)

BIG WINS

Swanson and Gallagher Win Major Trial Victory for Clark

Bartlit Beck Wins Back-to-Back Trials Against Honeywell and Kirkland & Ellis

NEWS

Mark Levine, Brian Swanson, and Tulsi Gaonkar win summary judgment for start-up company ShaveLogic in case brought by Gillette

05.04.2017

Bartlit Beck team successfully deadlocks jury in landmark age discrimination case brought by the EEOC

02.07.2017

Bartlit Beck Wins Hearing Loss Suit For Federal Signal

06.2010

U.S. Supreme Court Refuses to Review Judgment Won by Mark Levine, Chris Lind and Brian Swanson

10.2008

Honeywell \$46.58 Million Jury Verdict Overturned, IP Law 360, Mark Levine and Chris Lind Win Remand Trial

08.2006

Mark Levine, Chris Lind and Brian Swanson Win Jury Verdict for Hamilton Sundstrand

07.2005