



## 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

### AWARDS & RECOGNITION

Recognized as a member of Benchmark Litigation's "40 & Under Hotlist" (2022)

## ADMISSIONS

Illinois

United States District Court for the Northern District of Illinois

United States District Court for the Central District of Illinois

United States Court of Appeals for the Seventh Circuit

United States Court of Appeals for the Eighth Circuit

United States Court of Appeals for the Eleventh Circuit

## CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

### ***Pratt & Whitney Acreage Litigation (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.

#### ***Adinolfi et al v. Pratt & Whitney***

Defeated class certification (and excluded plaintiffs' main expert) after a five-day evidentiary hearing.

#### ***Cotromano et al v. Pratt & Whitney***

Obtained a defense verdict after a three-week trial on seven plaintiffs' property diminution claims.

#### ***Santiago v. Pratt & Whitney***

Won summary judgment on personal injury claims. Served as appellate counsel in the Eleventh Circuit, where summary judgment was affirmed.

#### ***Pinares v. Pratt & Whitney***

Won summary judgment for personal injury cases. Serving as appellate counsel in the Eleventh Circuit, where the appeal is pending.

### ***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 permit was later challenged in the District Court for the District of Columbia. Successfully moved to transfer the case to the District of North Dakota, then obtained summary judgment for Slawson. Serving as appellate counsel in the Eighth Circuit appeal challenging that judgment.

### ***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**

### ***Opioids Litigation***

National counsel for Walgreens in litigation relating to the distribution and sale of prescription opioids, including over 1,000 cases brought by states, cities, counties, tribes, and private parties seeking recovery in connection with the opioid abuse crisis. MDL in the Northern District of Ohio and numerous related state court 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

Board of Directors (joined 2022)

Ambassadors Board Co-Chair (2020 – 2021)

Ambassadors Board Member (2015 – 2019)

Teach For America – Chicago-Northwest Indiana, Leadership Circle Member (2020 – 2021)

Little League – Challenger's Division

Board Member (2014 – 2017)

Coach (2013 – 2015)

Little by Little Haiti Medical Mission Trip Volunteer (2013)

## **BIG WINS**

Bartlit Beck Defeats Class Certification In Large Environmental Tort Case

## **NEWS**

Bartlit Beck Obtains Defense Verdict for Pratt & Whitney in Palm Beach Cancer Case  
07.27.2022

Bartlit Beck Lawyers Named to Benchmark Litigation's 40 & Under Hot List 2022  
07.27.2022

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

Bartlit Beck Announces Election of Five New Partners  
01.12.2018

Preliminary injunction secured against the federal government for Slawson Exploration, allowing drilling to continue in North Dakota  
11.29.2017