



JOSHUA P. ACKERMAN

PARTNER

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Joshua Ackerman represents clients in a wide range of high-stakes matters, with a particular focus on commercial and securities cases. He also maintains an active pro bono practice at both the trial and appellate level.

Before joining Bartlit Beck, Joshua was an Engagement Manager at McKinsey & Company, where he advised healthcare clients on strategic and corporate finance issues.

EDUCATION & HONORS

The University of Chicago Law School, 2013, J.D., with High Honors

Order of the Coif

Kirkland & Ellis Scholar

Lynde and Harry Bradley Student Fellow, 2012-2013

Executive Topics and Comments Editor, *The University of Chicago Law Review*

The University of Chicago, 2007, B.A., with Honors

CLERKSHIPS

Honorable Paul J. Watford, United States Court of Appeals for the Ninth Circuit, 2013-2014

ADMISSIONS

Illinois

United States Court of Appeals for the Seventh Circuit

United States Court of Appeals for the Ninth Circuit

United States District Court for the Northern District of Illinois

United States District Court for the Western District of Wisconsin

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Mass. Mutual Life Ins. Co. Residential Mortgage-Backed Securities Litigation (Federal Court, D. Mass.)

Represented MassMutual in its actions under the Massachusetts Uniform Securities Act, against underwriters Credit Suisse and Goldman Sachs, arising from their sales of residential mortgage-backed securities to MassMutual in 2005–2007. Credit Suisse settled after four weeks of trial, taking an additional \$79.5 million charge to earnings because of the settlement payment. Goldman Sachs settled shortly thereafter.

CURRENT REPRESENTATIONS

Carling O'Brien v. Emerald Lake Capital Management (Los Angeles County, Cal.)

Trial counsel for Emerald Lake and other defendants in litigation related to Ms. O'Brien's termination for cause from Emerald Lake. Successfully compelled arbitration of Ms. O'Brien's claims as to the principal defendants and secured stay of the case as to the others.

Per- and Polyfluoroalkyl Substances (PFAS) Cases

National counsel for DuPont on fraudulent-transfer claims related to its transactions with Chemours and Dow. Handling those claims in the aqueous film-forming foam multidistrict litigation in the District of South Carolina as well as federal and state litigation in California, New Hampshire, New Jersey, New York, North Carolina, Ohio, and Vermont.

Valmarc Corp. ("Vi3") v. Nike, Inc. (Federal Court, D. Or.)

Trial counsel for Vi3 in action against Nike for misappropriation of Vi3's trade secrets. The trade secrets relate to Vi3's proprietary anticounterfeiting technology, which Vi3 developed to help brands identify knockoff versions of their products and combat counterfeiters.

OTHER REPRESENTATIVE CASES

Pearson Family Foundation v. University of Chicago (Federal Court, N.D. Okla.)

Representing University of Chicago in dispute arising from a \$100 million grant agreement.

Ashton Woods L.L.C. v. USG Corp., et al. (Federal Court, N.D. Cal.)

Defended the leading U.S. drywall manufacturer against price fixing claims brought by twelve of the nation's largest homebuilders. Secured summary judgment on liability in favor of clients United States Gypsum Company and USG Corp. This decision came after the Court denied summary judgment to multiple co-defendants. The case against a former distributor subsidiary, L&W Supply, settled shortly before trial.

Keller v. Legacy Farmers Cooperative (Hancock County, OH)

Trial counsel for third-party defendant Bayer CropScience LP in action for indemnification and contribution related to Legacy's alleged misuse of Bayer's neonicotinoid pesticides.

Whitford v. Gill (Federal Court, W.D. Wis.)

Trial counsel for the Wisconsin State Assembly in challenge to the state assembly districts enacted following the 2010 census.

Avantor Performance Materials, LLC v. Henson (Denton County, Tex.)

Trial counsel for life sciences company and chemical supplier Avantor in breach of contract and trade secrets action against former employee. Avantor's claims related to defendant's violation of, among other things, a non-compete provision in his employment agreement. Obtained TRO precluding defendant from working with his new employer in a competitive role.

Okada v. Wynn Resorts, et al. (Clark County, Nev.)

Trial 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. Mr. Okada hired Bartlit Beck 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 were instrumental in Mr. Okada's family company obtaining a \$2.64 billion payment from Wynn Resorts.

Cole v. Asurion and T-Mobile (Federal Court, Ninth Circuit)

Represented Asurion and T-Mobile in objector's appeal from district court's approval of settlement of a consumer class action related to cell phone insurance.

High 5 Games, LLC v. IGT (Federal Court, N.D. Ill.)

Trial counsel for leading casino-style game developer IGT in breach of contract and trademark dispute with supplier. The dispute involved the parties' respective rights and obligations related to intellectual property created under their game development agreement. Case settled.

ContentGuard Holdings, Inc. v. Amazon.com, Inc. et al. (Federal Court, E.D. Tex.)

Trial counsel for Amazon.com in a patent infringement suit about Amazon's use of digital rights management technology. Case settled favorably shortly before trial.

PRO BONO REPRESENTATIONS

Parker v. Ritz et al. (Federal Court, S.D. Ill.)

Trial counsel for Plaintiff Johnny Parker in section 1983 and *Monell* action stemming from Defendants' deliberate indifference to Mr. Parker's medical needs while he was incarcerated.

Mike Iwebuke Ashien v. William P. Barr (Federal Court, Ninth Circuit)

Lead appellate counsel challenging the denial of Mr. Ashien's petition for asylum, withholding of removal, and relief under the Convention Against Torture. Argued appeal before the Ninth Circuit, which granted Mr. Ashien's petition, holding that the Board of Immigration Appeals' adverse credibility finding was unsupported. Currently representing Mr. Ashien on remand.

Kenyatta Brown v. Monaka Williams and John R. Baldwin (Federal Court, N.D. Ill.)

Pro bono trial counsel in civil rights action related to prison official's retaliation against Mr. Brown for exercising his First Amendment rights.

In re Estate of M.T. (Kankakee Cty., Ill. Cir. Ct.)

Pro bono counsel for allegedly disabled adult in contested guardianship proceeding. Successfully obtained revocation of temporary guardianship order and withdrawal of petition for permanent guardianship.

Curtis Fisher v. Department of Corrections, et al. (Federal Court, Ninth Circuit)

Lead appellate counsel in civil rights action related to defendants' refusal to allow Mr. Fisher to exercise his Constitutional right to marry. Case settled favorably, and Mr. Fisher was able to marry his fiancée.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Great Lakes Academy Charter School, Board Member, 2015–2021

NEWS

After several weeks of trial, Bartlit helps MassMutual resolve mortgage-backed securities cases against Credit Suisse

09.26.2017

PUBLICATIONS

Crime-Fraud Challenges to the Attorney-Client Privilege and Work Product Doctrine: Why Lawyers Should Care
Attys' Liability Assurance Soc'y Loss Prevention J. 1, 2016

Navigating Rule 5.6's Settlement Restrictions
27 Attys' Liability Assurance Soc'y Loss Prevention J. 3, 2016

The Unintended Federalism Consequences of the Affordable Care Act's Insurance Market Reforms
Pace L. Rev., 2014

A Common Law Approach to D&O Insurance "In Fact" Exclusion Disputes
U. Chi. L. Rev., 2012