



Representative Cases

PRODUCT LIABILITY

Autoquip Corporation – *Yorker v. Autoquip Corp., et. al.*, United States District Court for the Southern District of Indiana, Evansville Division, No. 82D03-0303-CT-973. Plaintiff alleged that she suffered severe head injuries when she fell off a hydraulic lift manufactured by Autoquip. Plaintiff alleged that the hydraulic lift was defectively designed. Successfully prevailed on a motion to dismiss on statute of repose grounds.

Chi Mei Industrial Co., Ltd. a/k/a Chi Mei Corp. (Taiwan) – *Bagwell, et. al. v. Rival Consumer Sales Corp., et. al.*, U.S. Dist. Court for the Southern District of Texas, Houston Division, No. 4:06 – 03595. Plaintiffs alleged that a home fire, which resulted in three deaths, was caused by a defectively designed space heater. Alternatively, and the basis upon which plaintiffs brought Chi Mei into this litigation, plaintiffs claimed that the defective condition in the heater arose from inadequate and/or improper plastics incorporated in the heater and that condition gave the materials an excessively low melting point and flash/burn point. In addition to the product liability design defect claims, plaintiff asserted causes of action for negligence, violation of the Texas Deceptive Trade Practices Act and breach of implied warranty. Several plaintiffs also claimed damages as innocent bystanders who witnessed the fire and/or the deaths of the three individuals. Successfully prevailed on plaintiff to voluntarily dismiss Chi Mei early in the litigation.

DeCoro USA, Ltd. – *Champaign, et. al. v. Sofa Super Store, Inc., et. al.*, No. 2007-CP-10-3186 Plaintiffs were 8 firefighters who died in a fire at the Sofa Super Store in Charleston, SC. Plaintiffs alleged that the polyurethane foam used in DeCoro's furniture was unreasonably dangerous, extremely flammable and led to increased intensity of the fire. Successfully negotiated a favorable settlement at an early stage of the litigation.

Dalian Machine Tool Group Corp. – *Schmidt v. DHV Industries, Inc. et. al.*, Superior Court for the State of California, County of Kern, No. S-1500-CV-263659 AEW. Plaintiff lost his right arm while operating a lathe at his place of employment. Plaintiff alleged that the lathe manufactured by DMTG was improperly designed and failed to have proper guarding or adequate warnings.

Hubbell Electric – *Fidelity Guaranty v. General Electric Co.*, U.S. District Court for the Northern District of Illinois, No. 1:04-cv-03875. Subrogation action brought by the insurer for a warehouse alleging that a fire which destroyed the contents of the warehouse was caused by a defective light fixture manufactured by Hubbell Electric. Successfully negotiated a favorable settlement at an early stage of the litigation.

Nolan Helmets – *Clark v. Nolan Helmets, S.p.A.*, In the State Court of Ware County, State of Georgia, No. S06V-002. Plaintiff, who was killed in a motorcycle accident, filed a lawsuit against Nolan Helmets alleging that his critical head injuries were due to a defectively designed helmet manufactured by Nolan Helmets, which came off during the accident. Successfully negotiated a favorable settlement after establishing that the helmet was no appropriate for a person of plaintiff's age and size.

Sulzer Medica – *In Re: Sulzer Hip Prosthesis and Knee Prosthesis Liability Litigation*, U.S. District Court for the Northern District of Ohio, Eastern Division, No. 1:01-CV-9000 (MDL Docket No. 1401). Represented the foreign parent of a US subsidiary in multi-district class action litigation involving allegations that certain hip and knee prosthesis manufactured by Sulzer were defective. Representation involved presenting top level executives for depositions in Vienna, Austria

Pilgrim's Pride – Represented Pilgrim's Pride in one class action and 13 individual lawsuits filed in Pennsylvania, New Jersey and New York stemming from a listeriosis outbreak in the Northeast United States allegedly caused by ready-to-eat turkey products produced by Pilgrim's Pride.

Minster Machine – Represented Minster Machine in numerous personal injury lawsuits where the plaintiffs alleged that Minster Machine punch presses were defectively designed and manufactured:

Rosado C v. Minster Machine

98 L 10935

Circuit Court of Cook County, IL, Law Division

Rumbo J v. Minster Machine

05 L 5235

Circuit Court of Cook County, IL, Law Division

Resendez A v. Minster Machine

03 L 10142

Circuit Court of Cook County, IL, Law Division

Arreola G v. Minster Machine

95 L 6275

Circuit Court of Cook County, IL, Law Division

Lopez J v. Minster Machine

95 L 6278

Circuit Court of Cook County, IL, Law Division

Beltran A v. Minster Machine

95 L 17521

Circuit Court of Cook County, IL, Law Division

COMMERCIAL LITIGATION

Unilever Ice Cream – *Pars Ice Cream v. Conopco, Inc. d/b/a Unilever Ice Cream*, Circuit Court of Cook County, Illinois, Chancery Division, No. 09 CH 15801. Plaintiff, a distributor of Unilever, sought a preliminary injunction seeking to halt the termination of a distributor agreement. Plaintiff's complaint included causes of action for tortious interference with contractual relations, tortious interference with business expectancy, violation of the Illinois Deceptive Trade Practices Act, defamation, commercial disparagement, breach of contract, violation of the Illinois Trade Secrets Act and civil conspiracy. The preliminary injunction hearing was tried before Judge Peter Flynn.

Nova Chemicals, Inc. – *Polyliner v. Nova Chemicals, Inc.*, U.S. District Court for the Northern District of Illinois, No. 98 C 3960. Represented Nova Chemicals in a breach of contract, breach of warranty and misrepresentation case filed by Polyliner. We filed a counterclaim against Polyliner for breach of contract. This matter was tried before the Hon. Judge Leinenweber which resulted in a \$1.1 million verdict in favor of Nova Chemicals on its counterclaim. I also represented Nova Chemicals in a Citation to Discovery Assets case against Polyliner and a related company, Frawley Trading in an effort to collect against the judgment, *Nova Chemicals v. Frawley Trading Corp.*, No. 1:02-cv-03661.

Sunon, Inc. – *TruePosition v. Sunon, Inc.*, U.S. District Court for the Eastern District of Pennsylvania, No. 2:05-cv-3023. TruePosition filed breach of contract, breach of warranty and fraudulent misrepresentation causes of action against Sunon alleging that fans manufactured and sold by Sunon for use in Location Measurement Units used to track 911 cell phone calls were defective. I also represented Sunon, Inc. parent company in Taiwan. Successfully negotiated a very favorable settlement for Sunon and its parent company.

AMAX Engineering Corp. v. TST Corp., In the Superior Court for the State of California, County of Alameda, No. HG 07331307. Sunon was sued as a third party defendant by TST Corp. alleging breach of implied warranty of merchantability and fitness for a particular purpose, contribution and equitable indemnity allegedly stemming from the sale of Sunon, Inc. fans to TST and incorporated in end products sold to AMAX. Successfully prevailed upon plaintiff to voluntarily dismiss Sunon based on a lack of jurisdiction.

AAR International, Inc. – *AAR International, Inc. v. Vacances Heliades S.A., Nimelias Enterprises S.A. and Princess Airlines S.A.*, Case No. 99 C 8090. AAR filed suit seeking a determination that Defendants were liable to AAR for damages arising out of the breach of a Lease, Sublease and Subsublease Agreements for a commercial aircraft. Defendants filed a counterclaim seeking damages for breach of contract and fraudulent misrepresentation stemming from AAR's alleged failure to repair one of the Aircraft's engines. This case involved deposing Defendants' senior officers in Athens, Greece.

Chiyoda Gravure Co., Ltd. – *Chiyoda Gravure Co., Ltd. v. Chiyoda America, Inc.*, U.S. District Court for the Eastern District of Pennsylvania, No. 2:06-cv-3916 (originally filed in the Middle District of Pennsylvania, No. 1:06-cv-00204). Action for a temporary and permanent injunction to prevent Chiyoda America from selling any of the assets of the company pending resolution of a separate action filed in Japan to determine the true owners of the company.

Conseco, Inc. – *Hansen v. Conseco Insurance Company*, U.S. District Court for the Northern District of California, No. 5:05-cv-04726. Class action against Conseco, Inc. and its affiliates involving allegations that Conseco's deferred annuity unfairly targeted seniors by misrepresenting the benefits of its deferred annuities to seniors. Successfully prevailed on a Motion to Dismiss Conseco, Inc. and one of its affiliates, 40/86 Advisors, for lack of personal jurisdiction.

Marketing & Technology Magazine – *Davidson Printing v. Marketing & Technology*, Circuit Court of Cook County, IL, Case No. 02 L 12643. Breach of contract action involving alleged failure to pay for printing

Erie Foods International – *Erie Foods International v. Apollo Group and Apollo USA, Inc.*, U.S. District Court for the Northern District of Illinois, No. 1:04-cv-06610. Breach of contract litigation. This case involved depositions in Amsterdam, The Netherlands.

Famous Footwear – *Securitylink from Ameritech, Inc. v. Brown Group, Inc. d/b/a Famous Footwear*, In the Circuit Court of Cook County, Illinois, Law Division, No. 00L1996. Breach of contract litigation.

Schindler Elevator Corp. – *Rush-Presbyterian-St. Lukes Medical Center v. Schindler Elevator Corp.*, U.S. District Court for the Northern District of Illinois, No. 03 C 4162. Breach of contract action against Schindler stemming from the alleged failure to provide elevator maintenance and repair service.

PETsMART, Inc., *SecurityLink/Ameritech v. PETsMART Inc.*, Circuit Court of Cook County, Illinois, Law Division, Case No. 99 L 2178. Breach of contract litigation.

DMG, *City Machine Tool & Die v. DMG*, US District Court for the Southern District of Indiana, Indianapolis Division, No.1:04-CV-0425

Manfred Forberich GmbH & Co. KG – *Raw Materials, Inc. v. Manfred Forberich GmbH & Co. KG / Raw Materials*, U.S. District Court, Northern District of Illinois, No. 03 C 1154

SmithKline Beechum – *Bagnola J v. SmithKline Beecham*, Circuit Court of Cook County, Illinois, Law Division, No. 95 L 7108 and *Johannes R v. SmithKline Beecham*, Circuit Court of Cook County, Illinois, Law Division, No. 95 L 12825

TRADE SECRET LITIGATION

Lakeview Technology Holdings, Ltd. – *In the Matter of Idion Software (Pty) Ltd. f/k/a Silverlake Technology Solutions (Pty) Ltd., Idion Technology Holdings, Ltd., and Vision Solutions, Inc. v. Lakeview Technology Inc.*, Reference No. 113031BWD. International arbitration proceeding involving allegations of misappropriation of trade secrets and confidential computer software.

Contempo Design – *Contempo Design v. Catalyst Custom*, Circuit Court of Cook County, Illinois, Case No. 98 CH 5349

ANTITRUST LITIGATION

United Phosphorus v. Angus Technologies, U.S. District Court for the Northern District of Illinois.

Wood v. Archbold Memorial Hospital, et. al., U.S. District Court for the Middle District of Georgia, Valdosta Division, No. 7:07-cv-109.

MECHANICS LIEN/CONSTRUCTION LITIGATION

Thorne v. DeWindt, Circuit Court of Cook County, Illinois, Chancery Division, Mechanics Lien Department, No. 01 CH 05507.

PERSONAL INJURY/CONSTRUCTION LITIGATION

Williams S v. Fluor Construction

95 L 484

Circuit Court of Cook County, IL, Law Division

Lapicki J v. Chicago Bridge

95 L 3365

Circuit Court of Cook County, IL, Law Division

Voves J v. Creative Construction

99 L 2486

Circuit Court of Cook County, IL, Law Division

Karr S v. Abbott Laboratories

94 L 940

Waukegan, IL

Bradley N v. Evergreen Plaza

94 L 10272

Circuit Court of Cook County, IL, Law Division

Conry M v. Commercial Elevator

94 L 11295

Circuit Court of Cook County, IL, Law Division

Wysocki S v. Beacon Construction

95 L 1280

Circuit Court of Cook County, IL, Law Division

Szmergalski E v JH Pomeroy

93 L 11272

Circuit Court of Cook County, IL, Law Division

Sweeney P v. City/Chicago

94 L 11544

Circuit Court of Cook County, IL, Law Division

Arias P v. City/Chicago

94 L 16385

Circuit Court of Cook County, IL, Law Division

Galvin P v. City/Chicago

94 L 16508

Circuit Court of Cook County, IL, Law Division

NEGLIGENCE/PREMISES LIABILITY

- Represented in Schindler Elevator in numerous cases alleging negligent maintenance of elevators and escalators
- Represented Jewel/Osco stores in numerous cases alleging slip and falls and other tortious conduct.