

BARACK FERRAZZANO

Barack Ferrazzano Kirschbaum & Nagelberg LLP

Litigation

Primary Practice Contact W. Scott Porterfield

Barack Ferrazzano has been selected by some of the world's most prominent companies to represent them in their most significant legal disputes. We believe that is because the firm has assembled a group of highly skilled trial lawyers – seasoned partners and well-trained associates – who represent clients both forcefully and efficiently. Unlike some litigators who spend years engaging in expensive discovery only to recommend settlement on the eve of trial, we are always ready to try cases when necessary, but resolve them early and economically when appropriate.

Barack Ferrazzano trial lawyers have handled a variety of cases, including disputes concerning: securities and derivative securities; contracts; automotive franchises; trade secrets; licensing disputes; consumer class actions; real estate; professional liability; negligence and product liability; bankruptcy and creditors' rights; and bank regulatory and other financial disputes. We represent a diverse group of businesses in resolving these disputes, ranging from one of the world's leading oil and gas suppliers to large financial institutions, major telecommunications services providers, automotive manufacturers, hedge funds, law firms, and consumer goods companies.

Our litigators have extensive experience in state and federal courts throughout the United States, on both the trial and appellate levels. We understand that we are asked to help resolve business problems, and we recognize that a trial is only one potential solution.

Because our clients' success often rests on our ability to design thoughtful, cost-effective solutions to complex scenarios, a significant part of our time is focused on strategic counseling and alternative dispute resolution.

Alternative Dispute Resolution

Members of the litigation group are experienced in a broad range of alternative dispute resolution techniques, including mediations, binding and non-binding arbitrations, mini-trials and settlement trials with floors and caps. Many members of the group also sharpen their skills and widen their perspectives by serving as arbitrators and mediators.

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Counseling

The litigation group also has extensive experience in strategic counseling designed to minimize the likelihood of litigation or reduce the exposure to litigation when potential problems arise. For engagements requiring certain legal or industry specialization, we assemble strong interdisciplinary teams designed to leverage the talents of attorneys in other practice areas. Barack Ferrazzano's litigation group is often involved in complex corporate and real estate disputes that benefit from the expertise of our corporate, real estate and bankruptcy attorneys. Such a cross-functional approach has proved successful in resolving controversies ranging from dissenting shareholders' rights disputes to take-over litigation.

The firm's efficient structure and staffing philosophy allow us to craft efficient teams designed to bring the strongest talent possible to every challenge. A litigation team is assembled for each assignment based on the skill and style required for that engagement.

The members of the litigation group are frequent speakers and authors on commercial litigation topics and regularly serve as instructors at educational programs sponsored by continuing legal education associations and various trade groups. As a result of extensive trial experience, our attorneys are familiar with the strengths and weaknesses of many of the nation's leading experts in various specialties.

Representative Matters

- **Fast Break Foods, LLC v. Saudi Aramco Corp.**
Represented Motiva Enterprises (a joint venture of Shell and Saudi Aramco) in three consolidated actions brought in the U.S. District Court for the Southern District of Texas, alleging Sherman Act violations in the refined petroleum products market.
- **Hill v. Shell Oil Company**
Represented Shell and affiliates in nationwide class action in the U.S. District Court for the Northern District of Illinois, alleging racially discriminatory treatment of African-American customers in connection with pump pre-payment policies of service stations.

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- **In re: CFS-Related Securities Litigation**
Represented third-party defendant in the U.S. District Court for the Northern District of Oklahoma in suit claiming fraud in connection with failed asset-backed securities and seeking over \$100 million in damages.
- **In re: Emerald Casino, Inc.**
Represented Illinois Gaming Board as Special Assistant Attorney General in license revocation proceedings arising out of alleged misrepresentation to Board in casino license application relating to organized crime infiltration.
- **Italia Foods v. Packaging Machinery Manufacturers Institute**
Represented defendant in class action in the Circuit Court of Cook County, Illinois, alleging violations of the Telephone Consumer Protection Act.
- **Local 1001 v. Laborers' International Union of North America**
Appointed special prosecutor in the U.S. District Court for the Northern District of Illinois, tasked with expelling organized crime influence within union.
- **Mattoon Hospitality Group v. City of Mattoon, Illinois**
Represented hotel group in action in the Circuit Court of Coles County, Illinois to invalidate tax increment financing ordinances adopted to fund a \$50 million convention center project.
- **Porterfield v. Orecchio**
Represented receiver in claim brought in the U.S. District Court for the Northern District of Illinois against the directors and officers of AA Capital Partners, Inc., an SEC-registered investment advisor, in a \$60 million claim for violations of ERISA, breach of fiduciary duty, fraud, and conversion arising out of alleged misappropriation and misuse of investor funds.
- **Princeton South v. First Industrial Realty Trust**
Represented public REIT in lawsuit seeking approximately \$2 million in damages arising out of disposition of properties in Princeton, New Jersey.
- **Saloman Brothers International Ltd. v. Eagle Cayman International L.P.**
Represented hedge fund in litigation with a broker-dealer in the Supreme Court of New York, involving claims and counterclaims in excess of \$100 million.

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- **Siegel v. Shell Oil Co.**
Represented Shell in consumer class action in the U.S. District Court for the Northern District of Illinois, alleging oligopolistic control over prices in retail gasoline market.
- **Smith as Plan Trustee for and on behalf of the Estates of Boston Chicken v. Arthur Andersen LLP; Beck v. Bank of America**
Represented Bank of America in the U.S. District Court for the District of Arizona in connection with third-party action seeking recovery of more than \$1 billion in damages allegedly arising out of national restaurant chain's insolvency.
- **Stella v. LVMH Perfumes and Cosmetics, Inc.**
Represented LVMH in consumer class action in the U.S. District Court for the Northern District of Illinois, asserting fraud, negligence, and product liability claims arising from alleged presence of lead in lipstick.
- **Strategic Realty Associates v. AIMCO**
Represented public REIT in action seeking approximately \$10 million in connection with the disposition of alleged VMS assets.
- **Telecommunication Network Design v. McLeod USA, Inc.**
Represented defendant in class action in the Circuit Court of Cook County, Illinois, alleging violations of the Telephone Consumer Protection Act.
- **Wells v. Sprint Corp.**
Represented Sprint in consumer class action in the Circuit Court of Cook County, Illinois, demanding software upgrades to resolve dropped call issues.

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