

Trial List

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Significant Trials of Dan K. Webb

1973 TO PRESENT

Name of Case: ***Altria Group Inc. v. United States***
Type of Case: Civil jury trial
Jurisdiction: Southern District of New York
Date of Trial: June 23, 2009 – July 9, 2009
Party I represented: Altria Group Inc.
My role: Chief trial counsel

Altria and the IRS had a major dispute about certain tax deductions taken on various tax returns by Altria in a number of tax years regarding a large number of leveraged lease transactions. There were several hundred million dollars in tax liability at issue. For certain tax years, Altria paid the claimed past-due taxes and filed a complaint in Federal District Court in the Southern District of New York for a refund. The jury trial lasted approximately three weeks. It was a very complex case and I did the direct exam and cross exam of most of the major experts. The jury returned a verdict in favor of the government, and the client is planning an appeal.

Name of Case: ***Woods and Woodhouse v. Wyeth***
Type of Case: Civil jury trial
Jurisdiction: 8th Judicial District Court of Nevada In and For Clark County
Date of Trial: July 2008
Party I represented: Wyeth
My role: Chief trial counsel

This was a major product liability jury trial in Las Vegas, Nevada. After two weeks of jury selection, the case settled.

Name of Case: ***Rowatt, Forrester and Scofield v. Wyeth***
Type of Case: Civil jury trial
Jurisdiction: 2nd Judicial District Court of Nevada In and For Washoe County

Date of Trial: September 10, 2007 – October 15, 2007

Party I represented: Wyeth

My role: Chief trial counsel

This was a six-week product liability jury trial in Reno, Nevada. I was co-chief trial counsel with another attorney. I participated in both the opening statement and the closing arguments. I conducted direct and cross examinations of a number of witnesses. The verdict was in favor of the plaintiffs; the case is currently on appeal.

Name of Case: ***Verizon Communications v. Vonage Holdings Corp.***

Type of Case: Civil jury trial

Jurisdiction: Eastern District of Virginia

Date of Trial: February – March, 2007

Party I represented: Verizon Communications, Inc.

My role: Chief trial counsel

I obtained a \$58 million verdict for Verizon Communications in this complicated case against Vonage Holdings Corp. and Vonage America, Inc. for infringement of five Verizon patents related to sending telephone calls over the Internet. A Virginia federal court jury of four men and four women found that Vonage infringed three of the five Verizon patents asserted. The jury also found all five of Verizon's patents valid and determined that if Vonage is not enjoined from continuing to infringe Verizon's patents, it will have to pay a royalty of 5.5 percent on all of its future sales. Immediately after the verdict was read and the jury was excused, I moved the Court for a permanent injunction seeking to prevent any further infringement by Vonage of Verizon's patents. The court granted the request, but issued a partial stay allowing Vonage to continue servicing its customers. The Federal Circuit later issued a full stay of the permanent injunction pending an appeal.

Name of Case: ***United States v. Lawrence E. Warner and George H. Ryan, Sr.***

Type of Case: Criminal jury trial

Jurisdiction: Northern District of Illinois

Date of Trial: September 2005 – April 2006

Party I represented: George H. Ryan, Sr.

My role: Chief trial counsel

I represented former Governor of Illinois George H. Ryan in his six-month jury trial on public corruption charges, including racketeering, mail fraud, and income tax fraud. The charges relate to actions he took while serving as Illinois Secretary of State and later

as Governor. Ryan has been the subject of intense media scrutiny in connection with his pardon of 171 Illinois death row inmates while he was still governor and his indictment in 2003. In April 2006, Mr. Ryan was found guilty by a jury after five weeks of deliberations that saw two jurors excused and replaced by alternate jurors mid-way through the deliberation process. On May 27, 2008, the Supreme Court of the United States denied a request to review the conviction, despite a call for such a review based on allegations of jury misconduct and the government's novel use of the mail **fraud** statute.

Name of Case: ***United States v. Philip Morris USA, Inc., et al.***
Type of Case: Civil bench trial
Jurisdiction: U.S. District Court for the District of Columbia
Date of Trial: September 2004 – June 2005
Party I represented: Philip Morris USA and Altria Group
My role: Co-lead trial counsel

On August 17, 2006, D.C. federal district judge Gladys Kessler issued her ruling in *United States v. Philip Morris USA* in which I have represented Philip Morris USA and its parent company, Altria Group, since its filing by the Justice Department in September 1999, including during a nine-month bench trial that lasted from September 2004 to June 2005. At the outset of trial, the government sought \$280 billion in disgorgement (reduced from its \$959 billion demand at the outset of the case). When the D.C. Circuit dismissed that claim on interlocutory appeal during trial, the government revised its demands to seek \$130 billion for a national smoking cessation program, billions more for a public education and countermarketing campaign, and the appointment of court monitors essentially to run the defendant companies. In her 1,653-page opinion, Judge Kessler found Philip Morris USA, Altria, and other defendants liable for violations of federal **racketeering** laws, and ordered various types of equitable relief. Judge Kessler's ruling included \$0 in damages and no court monitors. One leading tobacco industry analyst has labeled it "a complete and unequivocal win for the US tobacco industry." The trial itself was one of the most extensive in history, involving live testimony from 85 witnesses, prior testimony from 162 witnesses, and approximately 14,000 exhibits.

Name of Case: ***Verizon Directories v. Yellow Book USA, Inc.***
Type of Case: Civil bench trial
Jurisdiction: Eastern District of New York
Date of Trial: July – August, 2004
Party I represented: Verizon Directories Corp.
My role: Chief trial counsel

Verizon filed suit requesting an injunction prohibiting Yellow Book from continuing a nationwide advertising campaign that Verizon alleged was false and misleading. This was a three week bench trial before Federal District Court Judge Jack Weinstein. I was chief trial counsel for Verizon and gave the opening statement and conducted examinations of the major fact and expert witnesses. At the conclusion of the trial, Judge Weinstein ruled in favor of Verizon and the advertising campaign was terminated.

Name of Case: ***Vickie Carol Campbell Reese, et al. (Nusted) v. Wyeth***

Type of Case: Civil jury trial

Jurisdiction: District Court of Upshur County, Texas

Date of Trial: May – June, 2004

Party I represented: Wyeth

My role: Chief trial counsel

I represented Wyeth in this Fen Phen product liability jury trial. I gave the opening statement and cross-examined several of the plaintiffs' expert witnesses. After three weeks of trial, the case settled.

Name of Case: ***WorldCom, Inc. et al.***

Type of Case: Bankruptcy court bench trial

Jurisdiction: Southern District of New York

Date of Trial: September, 2003

Party I represented: A large group of MCI Debenture Holders

My role: Chief trial counsel

I was retained to represent a large group of MCI Debenture Holders to challenge the bankruptcy plan of confirmation for WorldCom, Inc. The case was prepared for trial in record time, and involved very complicated factual and legal issues related to the WorldCom bankruptcy. After presentation of written opening statements, the case settled on terms very satisfactory for my clients.

Name of Case: ***Debra Wolinsky v. Wyeth***

Type of Case: Civil jury trial

Jurisdiction: Circuit Court of Cook County, Chicago, Illinois

Date of Trial: July, 2003

Party I represented: Wyeth

My role: Chief trial counsel

I have represented Wyeth in connection with a substantial number of product liability cases resulting from the manufacture and sale of the diet drug "Fen-Phen". After extensive trial preparation, right before opening statements were to commence, the case settled.

Name of Case: ***Westside Cingular, Inc. DBA Cellnet of Ohio v. New Par, et al.***

Type of Case: Civil jury trial

Jurisdiction: Court of Common Pleas Cuyahoga County, Ohio

Date of Trial: March, 2003

Party I represented: Cingular Wireless

My role: Chief trial counsel

I was retained by Cingular Wireless in connection with a unique trial that resulted from a regulatory proceeding that created significant potential liability for Cingular. I was hired shortly before the trial was scheduled to commence, and I quickly prepared for trial. During jury selection, the case settled on terms very satisfactory for my client.

Name of Case: ***United States of America v. Microsoft Corporation***

Type of Case: Civil bench trial

Jurisdiction: United States District Court, District of Columbia

Date of Trial: March, 2002

Party I represented: Microsoft Corporation

My role: Co-lead trial counsel

I was retained by Microsoft Corporation as co-lead counsel in connection with a series of highly publicized antitrust claims brought by various federal and state governmental entities. I defended the company in connection with the remedies being pursued by the nine non-settling states. I gave the opening statement and closing argument for Microsoft, put CEO Bill Gates on the witness stand, and cross-examined some of the states' witnesses before Judge Colleen Kollar-Kotelly. In November 2002, Judge Kollar-Kotelly ruled in Microsoft's favor, upholding the settlement reached by Microsoft and the U.S. Department of Justice.

Name of Case: ***McCook Metals L.L.C. v. Alcoa, Inc.***

Name of Case: Civil bench trial

Jurisdiction: United States District Court, Northern District of Illinois

Date of Trial: June, 2001

Party I represented: Alcoa, Inc.

My role: Chief trial counsel

McCook Metals L.L.C. sued Alcoa, Inc. after Alcoa refused to renew a license that allowed McCook to manufacture an aluminum alloy used in the construction of airplane wings. Alcoa had two patents that protected a high strength aluminum alloy it developed that was resistant to exfoliation, a form of corrosion unique to aluminum. McCook alleged various antitrust violations premised on an allegation that the two patents were invalid for a variety of reasons and could not be lawfully enforced. I represented Alcoa as chief trial counsel during a four-week bench trial in June 2001. Before the Court rendered its decision, McCook filed for bankruptcy and the bankruptcy trustee dismissed the case.

Name of Case: ***Howard A. Engle, M.D., et. al., v. R.J. Reynolds Tobacco Company, et. al.***

Type of Case: Civil jury trial

Jurisdiction: Circuit Court of the 11th Judicial District in and for Dade County, Florida

Date of Trial: September, 1999 to January, 2001

Party I represented: Philip Morris Companies Inc.

My role: Chief trial counsel

I represented Philip Morris as lead counsel in the first — and to date, only — class action brought by cigarette smokers for punitive damages to be tried to a verdict. The case involved a certified state-wide class of cigarette smokers who claimed to have suffered illnesses and diseases as a result of their addiction to cigarette smoking. I assumed the role of primary trial counsel for the punitive damages phase of the case. I cross-examined many of the plaintiffs' witnesses and acted as lead lawyer for the industry in the numerous court hearings throughout the trial. The trial lasted ten months, and the large punitive damage verdict was completely reversed on appeal with no remand.

Name of Case: ***Bell Atlantic Corporation, Cellco Partnership and GTE Corporation v. AirTouch Communications, Inc. and WMC Partners, L.P.***

Type of Case: Civil jury trial

Jurisdiction: United States District Court, Northern District of California

Date of Trial: August, 1999

Party I represented: Bell Atlantic

My role: Chief trial counsel

Name of Case: ***CTC Communications Corp. v. Bell Atlantic Corporation***

Type of Case: Civil jury trial

Jurisdiction: United States District Court, District of Maine

Date of Trial: February, 1999

Party I represented: Bell Atlantic

My role: Chief trial counsel

Name of Case: ***State of Washington v. American Tobacco Co., et al.***

Type of Case: Civil jury trial

Jurisdiction: Superior Court of Washington for King County

Date of Trial: November, 1998

Party I represented: Philip Morris Companies Inc.

My role: Chief trial counsel

This was a complex civil liability case brought by the State of Washington in which all of the major U.S. tobacco companies were defendants. I was chief trial counsel for Philip Morris, and was also designated as the lead courtroom representative for all the tobacco company defendants on certain common issues. This case involved an overwhelming pretrial discovery schedule that included hundreds of witnesses and tens of thousands of documents. I supervised and participated in substantial trial preparation activities that involved setting up a trial site in Seattle, Washington, that housed approximately 60 lawyers representing the tobacco company defendants. After two months of trial the case settled for approximately \$4.5 billion.

Name of Case: ***State of Texas v. American Tobacco Co., et al.***

Type of Case: Civil jury trial

Jurisdiction: United States District Court, Eastern District of Texas

Date of Trial: January, 1998

Party I represented: Philip Morris Companies Inc.

My role: Chief trial counsel

Judge: Judge David Folsom

This was a massive civil liability case brought by the State of Texas in which all of the major U.S. tobacco companies were defendants. I was chief trial counsel for Philip Morris, and was also designated as the lead courtroom representative for all the tobacco company defendants on certain common issues. This case involved an overwhelming pretrial discovery schedule that included hundreds of witnesses and tens of thousands of documents.

I supervised and participated in substantial trial preparation activities that involved setting up a trial site in Texarkana, Texas that housed approximately 75 lawyers representing the tobacco company defendants. Just prior to jury selection, the case settled for \$15 billion — reported to be the largest settlement of a civil case in U.S. history.

Name of Case: ***Bell Atlantic Corporation & DSC Communications Corporation v. AT&T Corporation & Lucent Technologies, Inc.***

Type of Case: Civil jury trial

Jurisdiction: United States District Court, Eastern District of Texas

Date of Trial: April, 1997

Party I represented: Bell Atlantic

My role: Chief trial counsel

Judge: Judge David Folsom

This was a major civil antitrust case in which Bell Atlantic sued AT&T and Lucent for alleged antitrust violations regarding the defendants' manufacturing and sale of telephone network equipment. Bell Atlantic's plan was to get the case to trial as soon as possible, and this strategy turned out to be quite successful for Bell Atlantic. I supervised a substantial discovery plan that was efficiently executed, and the case was prepared to go to trial within one year of the filing of the lawsuit — a result almost unheard of in major commercial antitrust litigation. During the opening statement and jury selection process, the case settled on terms that were quite satisfactory to Bell Atlantic as the plaintiff that filed the lawsuit.

Name of Case: ***United States v. General Electric Company, et al.***

Type of Case: Criminal jury trial (7 weeks)

Jurisdiction: United States District Court, Southern District of Ohio

Date of Trial: October – December, 1994

Party I represented: General Electric Company

My role: Chief trial counsel

Judge: Judge George C. Smith

This was a major antitrust criminal case in which the Department of Justice alleged that the General Electric Company and DeBeers, a South African company, had conspired to fix the worldwide prices for industrial diamonds. The Department of Justice contended that GE and DeBeers had used a common customer in Europe as a conduit to fix prices. I led the trial team, which consisted of trial lawyers from three law firms, and included one GE in-house litigation attorney. The trial team aggressively challenged the Government's evidence at every turn, and we were successful in severely damaging the Government's case, which was heavily dependent on circumstantial evidence. After seven weeks of trial, the judge granted GE's motion for a Rule 29 Judgment of acquittal and discharged the jury.

Name of Case: ***Shields v. The First National Bank of Chicago***

Type of Case: Major civil jury trial (3 weeks)

Jurisdiction: United States District Court, Northern District of Illinois

Date of Trial: March 1994

Party I represented: The First National Bank of Chicago

My role: Chief trial counsel

Judge: Judge Holderman

This was a major civil RICO case, with the plaintiff requesting approximately \$300,000,000 in damages. The evidence involved a complex business transaction related to the financing of a cellular telephone business, and had numerous complex legal and evidentiary issues that needed to be addressed at trial. After three weeks of trial, the case settled favorably for our client.

Name of Case: ***Burroughs Wellcome Co. v. Barr Laboratories, Inc.***

Type of Case: Major civil jury trial (7 weeks)

Jurisdiction: United States District Court, Eastern District of North Carolina

Date of Trial: June - July 1993

Party I represented: Barr Laboratories, Inc.

My role: Chief trial counsel

Judge: Judge Howard

This was a major patent jury trial involving the patent ownership of AZT, the drug of choice to treat AIDS patients. I represented Barr Laboratories, Inc. who was challenging the AZT patent rights of Burroughs Wellcome. This case involved very complex patent

legal issues, and after several weeks of trial, Judge Howard dismissed the jury without a verdict, and several legal issues were appealed to the Federal Circuit Court of Appeals.

Name of Case: ***Shields, et al. v. Keating, Jr., et al.***
Type of Case: Major civil jury trial (4 1/2 months)
Jurisdiction: United States District Court, District of Arizona
Date of Trial: March – July, 1992
Party I represented: Lexecon, Inc.
My role: Chief trial counsel
Judge: Judge Bilby

This was a class action civil jury trial that resulted from the failure of Lincoln Savings, the S & L institution owned and operated by Charles Keating, Jr. The class action plaintiffs sued numerous professional firms, including accounting firms, law firms and economic consulting firms. Lexecon is an economic consulting firm headquartered in Chicago. This was a very complex civil jury trial involving outstanding attorneys from across the country. At the end of all the evidence, I was successful in obtaining a judgment of dismissal against Lexecon.

Name of Case: ***The Illinois Legislative Redistricting Commission, et al. v. Gary Lapille, et al.***
Type of Case: Federal political redistricting case
Jurisdiction: United States District Court, Northern District of Illinois
Date of Trial: February, 1992
Parties I represented: The Illinois Legislative Redistricting Commission and related parties
My role: Chief trial counsel
Judge: Three Judge Federal District Court Panel consisting of Judge Kanne, Judge Norgle and Judge Zagel

This was a federal political redistricting trial that resulted from the redistricting process that had occurred in 1991 in the State of Illinois. I was defending the redistricting map approved by the Illinois Legislative Redistricting Commission against several legal challenges. During the course of the trial I examined and cross-examined several election and redistricting experts. I was successful in obtaining a judgment in favor of my clients and the new political map was put into effect by the State of Illinois for the 1992 elections.

Name of Case: ***People of the State of Illinois, ex rel., Roland Burris, Illinois Attorney General v. George H. Ryan, et al.***

Type of Case: Civil and administrative trial

Jurisdiction: The Illinois Legislative Redistricting Commission; The Illinois Supreme Court

Date of Trial: January, 1992

Party I represented: George H. Ryan, Secretary of State and other related parties

My role: Chief trial counsel

In 1991 the Illinois Legislative Redistricting Commission, carrying out its constitutional authority, remapped the political subdivisions of the State of Illinois. I represented various parties whose interests were aligned with the Illinois Republican Party in defending this new political map against various legal challenges. I acted as chief trial counsel in a trial before the Illinois Legislative Redistricting Commission in which numerous election and redistricting experts were examined and cross-examined by me. The Commission ruled in favor of my clients. The matter went by direct appeal to the Illinois Supreme Court and I was successful in winning the case on appeal.

Name of Case: ***United States v. David Shields***

Case No.: 90-CR-1044

Type of Case: Type of case:Criminal jury trial

Jurisdiction: United States District Court, Northern District of Illinois

Date of Trial: August and September, 1991

Party I represented: Defendant, David Shields

My role: Chief trial counsel

Judge: Judge Ilana Rovner

The defendant was a judge of the Circuit Court of Cook County who was alleged to have taken a bribe in connection with the performance of his judicial duties. After a three week jury trial, the jury found the defendant guilty of all charges, and the case is now in the process of being appealed.

Name of Case: ***United States v. Chan Wing Yeung, et al.***

Case No.: 90-CR-760-8

Type of Case: Criminal jury trial

Jurisdiction: United States District Court, Northern District of Illinois

Date of Trial: March through July, 1991
Party I represented: Defendant, Chan Wing Yeung
My role: Chief trial counsel
Judge: Judge John Nordberg

I represented Chan Wing Yeung in the prosecution of him and 17 other individuals of Chinese ancestry who were charged with participating in an alleged large-scale Chinese gambling operation. After a four-month trial, the jury was split 10 to two for acquittal, and the case ended in a hung jury.

Name of Case: ***United States of America v. John Poindexter***
Case No.: Criminal No. 88-0080-01 (HHG)
Type of Case: Criminal jury trial
Jurisdiction: United States District Court, District of Columbia
Date of Trial: February through March, 1990
Party I represented: Government
My role: Chief trial counsel
Judge: Judge Harold Greene

I represented the Government in the prosecution of John Poindexter, the National Security Advisor during the presidency of Ronald Reagan, who was charged with obstructing Congress in connection with the Iran/Contra Affair. During the course of this trial, I cross-examined Oliver North and former President Ronald Reagan. The jury ruled in favor of the Government and Poindexter was convicted of all five felony charges. The conviction was reversed on appeal.

Name of Case: ***United States of America v. Norby Walters and Lloyd Bloom***
Case No.: 88-CR-709
Type of Case: Criminal jury trial
Jurisdiction: United States District Court, Northern District of Illinois
Date of Trial: March – April 1989
Party I represented: **Lloyd Bloom**
My role: Chief trial counsel
Judge: Judge George M. Marovich

Based on a novel prosecution theory, my client, a sports agent, was prosecuted for defrauding various universities as a result of the manner in which he signed college football players to representation agreements before their college eligibility expired. This was a very difficult trial, and I examined and cross-examined numerous witnesses. After a six-week jury trial, my client was found guilty of some charges and not guilty of other charges. (On appeal, the conviction was completely reversed in favor of my client.)

Name of Case: ***United States v. Angelo Commito***
Case No.: 88-CR-784
Type of Case: Criminal jury trial
Jurisdiction: United States District Court, Northern District of Illinois
Date of Trial: January 1989
Party I represented: Angelo Commito
My role: Chief trial counsel
Judge: Judge George M. Marovich

My client was charged with fraud in connection with his operation of a large health care business that did substantial work for many of the larger labor unions in the United States. I examined and cross-examined many witnesses during the course of this trial. At the conclusion of the trial, my client was found not guilty of all charges.

Name of Case: ***Anthony R. Gold, PC Brand, Inc., et al. v. Ziff Communications Company, d/b/a Ziff-Davis Publishing Company***
Case No.: 88-CH-10953
Type of Case: Civil bench trial
Jurisdiction: Circuit Court of Cook County
Date of Trial: November, 1988
Party I represented: PC Brand, Inc.
My role: Trial counsel
Judge: Judge Robert L. Sklodowski

This was a complex contract dispute between an advertiser and a large publishing company involving the leading computer magazine in the United States. My client prevailed at trial, and the matter has now been affirmed on appeal.

Name of Case: ***United States v. Thompson B. Sanders***
Case No.: 88-CR-104
Type of Case: Criminal jury trial
Jurisdiction: United States District Court, Northern District of Illinois
Date of Trial: September, 1988
Party I represented: Thompson B. Sanders
My role: Trial counsel
Judge: Judge Marvin Aspen

This was a criminal commodity **fraud** jury trial, which involved the expert testimony of a number of commodity trading experts. I examined and cross-examined numerous witnesses during the course of the trial. The jury found my client guilty and he was sentenced to jail.

Name of Case: **Commonwealth Edison Company Proposed General Increase in Electric Rates**
Case No.: 87-0427
Type of Case: Administrative proceeding; rate increase
Jurisdiction: Illinois Commerce Commission
Date of Trial: November, 1987 to February, 1988
Party I represented: Commonwealth Edison Company
My role: Trial counsel
Judge: Hearing officer
Opposing counsel: Approximately 40 lawyers who represented the Illinois

Commerce Commission and various intervening consumer groups
This case involved a several hundred million dollar rate increase request by Commonwealth Edison resulting from the addition of three nuclear units to Commonwealth Edison's rate base. It was an extremely complex and vigorously contested administrative proceeding with significant consequences to the financial structure of Commonwealth Edison. I worked with another law firm in preparing this case for trial. I was assigned certain specialized witnesses, primarily utility economists, to examine and cross-examine. The case was extremely complex, involving a 20-year history of nuclear expansion with this utility.

Name of Case: ***Farmland Industries, Inc. v. Frazier-Parrott Commodities, Inc., et al.***

Case No.: 86-0135-CV-W-8

Type of Case: Civil; jury trial

Jurisdiction: United States District Court, Western District of Missouri

Date of Trial: October 1987

Parties I represented: Horace Seixas and John Dunn (defendants)

My role: Chief counsel

Judge: Joseph E. Stevens, Jr.

Opposing counsel: Alvin D. Shapiro, 911 Main Street, 2410 Commerce Tower, Kansas City, Missouri 64105

My clients were charged with serious acts of fraud in connection with trading large quantities of crude oil in the futures market on the New York Mercantile Exchange. This was a very complicated case involving an alleged \$50 million fraud scheme. I successfully defended my clients, and the jury returned a verdict of not guilty on all counts as to each of my clients. As a result, my clients avoided a huge financial exposure that would have resulted from an adverse verdict.

I prepared the case for trial, delivered the opening statement, closing argument and examined and cross-examined approximately 20 witnesses. It was a very complex trial, lasting approximately six weeks.

Name of Case: ***MidAmerica Commodity Exchange v. First Commodity Corp. of Boston***

Case No.: 84-E-06 and 86-E-01

Type of Case: Administrative trial

Jurisdiction: MidAmerica Commodity Exchange

Date of Trial: February, 1987

Party I represented: MidAmerica Commodity Exchange

My role: Chief counsel

Judge: Hearing panel

Opposing counsel: David A. Gennelly, 30 North LaSalle Street, Suite 3600, Chicago, Illinois 60602

This was the largest and most comprehensive administrative/disciplinary proceeding ever undertaken by the MidAmerica Commodity Exchange. The defendant was charged with **defrauding** hundreds of customers in connection with commodities trading. The trial lasted approximately eight weeks, and resulted in the defendant being found guilty of all charges. Ultimately, the defendant was fined \$3 million, the largest fine ever imposed by a commodity exchange in the United States. The case was eventually affirmed by the CFTC.

I prepared the case for trial, and I delivered the opening statement, closing argument and examined and cross-examined approximately 50 witnesses.

Name of Case: ***United States v. Lisa Hall Huckaby***
Case No.: Criminal No. 85-30098
Type of Case: Criminal (public corruption); jury trial
Jurisdiction: United States District Court, Central District of Illinois
Date of trial: October, 1986
Party I represented: Lisa Hall Huckaby
My role: Chief counsel
Judge: Judge Richard Mills
Opposing counsel: Larry A. Mackey, United States Attorney's Office, Springfield, Illinois 62705

Huckaby was a public official with the State of Illinois who was charged with receiving bribe payments to influence official acts. The trial lasted three weeks, and I was successful in preventing the defendant's conviction. The jury ended up deadlocked eight to four in my client's favor. Subsequently, I was able to negotiate a plea agreement regarding a much lesser charge.

I prepared the case for trial, and I delivered the opening statement, closing argument and examined and cross-examined approximately 35 witnesses.

Name of Case: ***Ohio-Sealy Mattress Manufacturing Company, et al., and Sealy Mattress Company of Michigan, Inc. v. Sealy, Inc. and Morris A. Kaplan, et al.***
Case No.: 84 C 4338
Type of Case: Civil; jury trial
Jurisdiction: United States District Court, Northern District of Illinois
Date of Trial: June, 1986
Party I represented: Sealy Mattress Company of Michigan, Inc.

My role: Chief counsel

Judge: Judge Ann C. Williams

Opposing counsel: Jerold S. Solovy and Rodney D. Joslin, Jenner & Block, One IBM Plaza, Chicago, Illinois 60611

Max E. Wildman, Wildman, Harrold, Allen & Dixon, One IBM Plaza, Suite 3000, Chicago, Illinois 60611

Phil C. Neal, Neal, Gerber & Eisenberg, 208 South LaSalle Street, Suite 1000, Chicago, Illinois 60604

This case was a major antitrust jury trial involving an alleged illegal market distribution system by Sealy, Inc. This was an extremely complex trial involving thousands of documents and presenting complex factual and legal issues. I prepared the case for trial, and I was chief trial counsel. After a three-month jury trial, I obtained a \$45 million verdict against the defendant. I subsequently settled the judgment for \$37 million.

Name of Case: ***Automated Transit Systems Group v. MATRA, S.A., and the City of Chicago***

Case No.: 85 CH 08967

Type of Case: Civil; bench trial

Jurisdiction: Circuit Court of Cook County, Illinois, Chancery Division

Date of Trial: October, 1985

Party I represented: MATRA, S.A.

My role: Chief counsel

Judge: Judge David Shields

Opposing counsel: Michael Pope and William Kunkle, Phelan, Pope & John, Ltd., 180 North Wacker Drive, Suite 500, Chicago, Illinois 60606

This case involved a \$150 million contract to design and build an automated transit system at O'Hare International Airport. This was the largest contract ever entered into by the City of Chicago, and the City originally awarded the contract to the Automated Transit Systems Group which was a competitor of my client, MATRA. I filed a lawsuit to block the awarding of the contract to the ATS Group, and was eventually successful in convincing the City that MATRA was the lowest responsible bidder. After the City reversed positions and awarded the contract to MATRA, the ATS Group filed the above-captioned lawsuit to obtain a preliminary injunction against the City of Chicago and MATRA. Because of the significance and urgency of this matter to the City of Chicago, Judge Shields set aside approximately two to three days each week, and the case took approximately 11 weeks to try on this schedule. At the conclusion of the trial, Judge Shields denied the request for a preliminary injunction, and MATRA was awarded this contract by the City of Chicago. This was a very difficult trial because of the

complexities of both factual and legal issues. Hundreds of documents were admitted into evidence, and numerous experts were called by the ATS Group to establish its case.

I prepared the case for trial, and I was chief counsel at trial. I conducted the cross-examination of approximately 10 witnesses called by the plaintiff, and I delivered both the opening statement and the closing argument to the court. The cross-examinations of the expert witnesses called by the plaintiff were particularly difficult cross-examinations because of the complexities of their testimony as transportation experts.

Name of Case: ***United States v. Richard F. LeFevour***

Case No.: 84 CR 337

Type of Case: Criminal (judicial corruption); jury trial

Jurisdiction: United States District Court, Northern District of Illinois

Date of Trial: June, 1985

Party I represented: Government

My role: Chief co-counsel

Judge: Judge Charles Norgle

Opposing counsel: Patrick A. Tuite, 19 South LaSalle Street, Suite 900, Chicago, Illinois 60603

Richard F. LeFevour held various high-ranking positions within the Circuit Court of Cook County, including Chief of Traffic Court and Chief Judge of the First Municipal District. He was generally viewed as the second highest ranking judge within the Circuit Court of Cook County. The case was considered the pinnacle of a four-year judicial corruption undercover project conducted by the United States Attorney's Office during the time that I served as United States Attorney. This case went to trial after I resigned as United States Attorney and returned to private practice, however, at the request of the Justice Department, I returned to be chief trial counsel because of my prior knowledge concerning the case. The trial lasted approximately three months, and was a very difficult case to try before a jury because of the complexities of the documentary evidence introduced by the Government to establish a net worth tax case against the defendant, LeFevour. After extensive deliberations, the jury convicted Judge LeFevour of all 70 counts of the indictment, including charges of racketeering, bribery, mail fraud and tax fraud. Judge Norgle imposed a 12-year jail sentence. I supervised the investigation that led to the return of this indictment and was chief counsel in the preparation and trial of the matter. I conducted the direct examination of approximately 35 witnesses, including the main trial witness, James LeFevour, who was on the witness stand for approximately seven days. I also cross-examined numerous witnesses called by the defense, and delivered a four-hour rebuttal argument.

Name of Case: ***United States v. John M. Murphy***
Case No.: 83 CR 979
Type of Case: Criminal (judicial corruption); jury trial
Jurisdiction: United States District Court, Northern District of Illinois
Date of Trial: 1984 (spring)
Party I represented: Government
My role: Chief co-counsel
Judge: Judge Charles Kocoras
Opposing counsel: Matthias A. Lydon, 100 West Monroe Street,
18th Floor, Chicago, Illinois 60603

John M. Murphy was a judge of the Circuit Court of Cook County charged with various acts of judicial corruption. This case was quite significant because it was the first judge to go to trial in connection with the Government's 4 ½-year undercover judicial corruption investigation, commonly known as Operation Greylord. The trial lasted several weeks, and resulted in the conviction of the defendant on all charges. Judge Kocoras imposed a 10-year jail sentence. I supervised this sensitive undercover investigation, and prepared this case for trial. I conducted the direct examination of numerous witnesses, including several corrupt attorneys and court personnel who revealed extensive corruption within the Circuit Court of Cook County. I also cross-examined numerous witnesses, including an extensive two day cross-examination of Judge Murphy.

I prepared and delivered the rebuttal argument for the Government, which lasted several hours.

Name of Case: ***United States v. James Lewis***
Case No.: 83 CR 525
Type of Case: Criminal (extortion); jury trial
Jurisdiction: United States District Court, Northern District of Illinois
Date of Trial: 1983 (summer)
Party I represented: Government
My role: Chief co-counsel
Judge: Chief Judge Frank McGarr
Opposing counsel: Michael D. Monico, 29 South LaSalle Street, Room 720,
Chicago, Illinois 60603

James Lewis is the only person charged with a crime as a result of the Tylenol murders in the City of Chicago. After eight people died from ingesting cyanide laced super-strength Tylenol capsules, James Lewis was accused of sending an extortion letter to the manufacturer of Tylenol, Johnson & Johnson, demanding \$1 million in order to stop the Tylenol murders. While Lewis was suspected by various law enforcement agencies of being the Tylenol murderer, the only charge currently brought against him was this extortion case. The trial lasted two weeks, and resulted in the conviction of the defendant. Chief Judge McGarr imposed the maximum sentence of ten years' incarceration. I conducted the investigation and the subsequent preparation for trial. I conducted the direct and cross-examination of numerous witnesses, and delivered a two-hour rebuttal argument.

Name of Case: ***United States v. Ambrose, et al.***
Case No.: 81 CR 952
Type of Case: Criminal (public corruption); jury trial
Jurisdiction: United States District Court, Northern District of Illinois
Date of Trial: February, March and April, 1982
Party I represented: Government
My role: Chief co-counsel
Judge: Judge John Grady
Opposing counsel: Ten Chicago defense attorneys

Ten Chicago police officers were charged with various counts of bribery and narcotic violations in connection with a pervasive scheme of pay-offs to the ten defendants from a substantial number of heroin dealers. The trial lasted three months, and was quite controversial because the Government's main witnesses were convicted heroin dealers testifying against Chicago police officers. All ten police officers were convicted, and sentenced to various periods of time of incarceration up to 25 years. I prepared this case for trial which consisted of preparing approximately 50 witnesses to testify and the organization of thousands of exhibits. During the trial, I conducted the direct examination of approximately 50 witnesses, and the cross-examination of approximately 15 witnesses. I prepared and delivered the rebuttal argument for the Government, which lasted approximately seven hours.

Name of Case: ***Rice Foundation, et al. v. Northwestern University, et al.***
Case No.: 77 CH 8003
Type of Case: Civil; bench trial
Jurisdiction: Circuit Court of Cook County, Illinois, Chancery Division
Date of Trial: 1980 (winter)

Party I represented: Illinois Attorney General

My role: Chief co-counsel

Judge: Judge Harold Siegan

Opposing counsel: Leonard M. Ring, 111 West Washington Street,
Room 1333, Chicago, Illinois 60602

Don H. Reuben, 11 South LaSalle Street,
Room 2001, Chicago, Illinois 60603

I was retained by the Attorney General of Illinois to act as chief trial counsel for his office in protecting the assets of a charitable foundation in a trial involving excessive legal fees being charged to the foundation by the Chicago law firm of Reuben and Proctor. The trial lasted several weeks and involved complicated proof relating to extensive litigation that has resulted from the probate of a \$70 million DuPage County estate. Judge Siegan awarded the law firm a judgment of \$1.6 million in legal fees based on a contingent fee theory. The case is currently on appeal. I was retained by the Attorney General of Illinois to conduct the trial of this case at the last moment just before the trial began. This required me to study and evaluate several related cases that were pending in other federal and state courts. Because there had been several years of litigation that had preceded my involvement in the case, I was required to evaluate and master a great deal of materials in a short period of time in order to conduct the trial of this case. I conducted direct and cross-examination of numerous witnesses, including several attorneys who testified during this trial. Several of the witnesses were trustees of a charitable foundation, and their examination was difficult and complex. I gave the closing argument for my client, which required a detailed analysis of voluminous documents that had been received into evidence.

Type of Case: ***United States v. Commonwealth Edison, et al.***

Case No.: Criminal No. 80-40002

Type of Case: Criminal (nuclear regulation violations); jury trial

Jurisdiction: United States District Court, Southern District of Illinois

Date of Trial: 1980 (summer)

Party I represented: Nicholas Kalivianakis (Chief Executive Officer of nuclear power plant)

My role: Chief co-counsel

Judge: Judge Robert D. Morgan

Opposing counsel: David Elbaor, United States Department of Justice,
Washington, D.C.

Thomas Turner, United States Attorney's Office,
Springfield, Illinois

My client, Nicholas Kalivianakis, was the Chief Executive Officer and responsible for the operation of Commonwealth Edison's nuclear power station in the Quad-Cities in west central Illinois. Mr. Kalivianakis and Commonwealth Edison Company were indicted for allegedly filing false statements with the United States Nuclear Regulatory Commission relating to security violations at the nuclear station. The trial involved complex federal nuclear security regulations, and the proof consisted of approximately 40 witnesses and several hundred exhibits. At trial, I defended Mr. Kalivianakis based on the evidence I developed that established that the Nuclear Regulatory Commission had engaged in confusing and ill-conceived enforcement efforts, and that my client, far more than the Nuclear Regulatory Commission, had insured that this nuclear plant was the safest in the nation. This, combined with my contention that the case had resulted from an overreaction to the Three Mile Island nuclear incident by the Justice Department, resulted in Mr. Kalivianakis being acquitted of all charges by the jury. This was the first and to date the only case in which a nuclear power station and its officers have been indicted.

I began the trial by giving an opening statement, and then conducted the cross-examination of approximately 30 Government witnesses, including several expert witnesses from the Nuclear Regulatory Commission. I prepared and conducted the direct examination of my client, who testified in his own behalf in order to establish his innocence. I gave the closing argument on behalf of my client, which was quite lengthy and required a detailed discussion and analysis of complex Nuclear Regulatory Commission regulations that were being relied upon by the Government. I believe this closing argument was a major factor in convincing the jury to find my client not guilty of all charges.

Name of Case: ***United States v. Robert Craig, et al.***

Case No.: 74 CR 879

Type of Case: Criminal (public corruption); jury trial

Jurisdiction: United States District Court, Northern District of Illinois

Date of Trial: April – June, 1976

Party I represented: Government

My role: Chief co-counsel

Judge: Judge George Leighton

Opposing counsel: Sherman C. Magidson, 221 North LaSalle Street,
Room 1938, Chicago, Illinois 60601

Harry Bush, 29 South LaSalle Street, Chicago, Illinois 60603

William A. Barnett, 135 South LaSalle Street,
Room 808, Chicago, Illinois 60603

James L. Coghlan, One North LaSalle Street,
Room 4000, Chicago, Illinois 60602

Edward J. Calihan, Jr., 53 West Jackson, Chicago, Illinois 60604

Six elected legislators of the Illinois General Assembly along with several executives of major ready-mix construction firms were indicted for bribery in connection with a pay-off scheme to secure passage of legislation. The trial lasted approximately 10 weeks and involved over 70 witnesses and hundreds of documents. Five of the legislators were convicted and sentenced to jail terms. This trial exposed rampant corruption in the Illinois Legislature and has hopefully had a deterrent impact on legislators selling their votes to pass bills. The case involved a significant legal question concerning the scope of the legislative privilege encompassed in the speech and debate clause of the Federal and State Constitutions. I conducted direct examination of approximately 35 Government witnesses, including several elected legislators, who testified about the bribery scheme. The direct examination of some of these witnesses was complicated by a serious evidentiary problem arising from the speech and debate clause of the Federal and Illinois Constitutions. Several of the defendant legislators took the witness stand in the defense case, and I was responsible for their cross-examination. This required me to master and cross-examine the legislators about intricate and confusing legislative procedure rules and regulations that were related to the contentions of the defense to the bribery charges. I gave the closing argument for the Government summarizing the evidence against the eight defendants on trial.

Name of Case: ***United States v. Irwin Weiner, et al.***

Case No.: 74 CR 126

Name of Case: Criminal (financial **fraud**); jury trial

Jurisdiction: United States District Court, Northern District of Illinois

Date of Trial: February – April, 1975

Party I represented: Government

My role: Chief co-counsel

Judge: Judge William J. Bauer

Opposing counsel: Juris Leonard, 1700 Pennsylvania Avenue, N.W.,
Room 550, Washington, D.C. 20006

Edward J. Calihan, Jr., 53 West Jackson, Chicago, Illinois 60604
Raymond J. Smith, 53 West Jackson,
Room 615, Chicago, Illinois 60604

Brian Gettings, 1700 Pennsylvania Avenue, N.W.,
Room 550, Washington, D.C. 20006

Julius Lucius Echeles, 35 East Wacker Drive,
Room 3500, Chicago, Illinois 60601

Several representatives of the Central and Southwest Areas Teamsters Pension Fund, including Alan Dorfman, and several alleged organized crime figures, including Mafia leaders Tony Spilotro and Ronald De Angeles, were indicted for conspiracy and mail fraud in connection with fraudulent loans made by the Pension Fund. The trial lasted three months and involved a complex financial fraud scheme that required testimony from over 70 witnesses and the introduction into evidence of thousands of documents. Unfortunately, all defendants were acquitted, probably because of the exceptionally complex nature of the evidence. However, because of the abuses exposed during the trial, substantial reforms in the management of this pension fund occurred, including the complete removal of the Board of Trustees that administered the fund.

I conducted direct examination of approximately 40 witnesses during the course of this fraud trial. Because of the complex nature of the evidence and the large number of documentary exhibits that had to be introduced, the direct examination of these witnesses was difficult and lengthy. During the defense case, I cross-examined numerous defense witnesses. I gave the closing argument for the Government which lasted several hours and was quite challenging because it required me to simplify for the jury complicated financial transactions that were part of the fraud scheme.

Name of Case: ***United States v. Clarence E. Braasch, et al.***

Case No.: 72 CR 979

Type of Case: Criminal (police corruption); jury trial

Jurisdiction: United States District Court, Northern District of Illinois

Date of trial: August - October, 1973

Party I represented: Government

My role: Chief co-counsel

Judge: Judge William J. Bauer

Opposing counsel: David P. Schippers, 79 West Monroe Street,
Room 400, Chicago, Illinois 60603

George J. Cotsirilos, 33 North Dearborn Street,
Room 930, Chicago, Illinois 60602

Harry Bush, 29 South LaSalle Street, Chicago, Illinois 60603

Jo-Anne F. Wolfson, 120 North LaSalle Street,
Chicago, Illinois 60601

Judge Eugene R. Pincham, Circuit Court of Cook County, 2600
South California, Chicago, Illinois 60608

Clarence E. Braasch, the fourth highest ranking police officer in the City of Chicago, and 23 other policemen assigned to the 18th police district, were indicted for conspiracy, extortion and perjury in connection with an extensive tavern/police pay-off scheme. I conducted an exhaustive 12-month grand jury investigation that led to the

return of this indictment. All defendants were tried in the same case, and the trial lasted approximately three months, involving the testimony of over 100 witnesses, including 60 tavern owners who were victimized by the **extortion** scheme. From the standpoint of the number of defendants, it may have been the biggest trial ever held in a United States District Court. All but three of the policemen were convicted by the jury and sentenced to various jail terms by Judge Bauer. The lead defendant, Clarence E. Braasch, was sentenced to six years' incarceration for his role in the conspiracy. Within two weeks of the convictions, a new superintendent of the Chicago Police Department was appointed by the Mayor of Chicago. Many observers believe this case led to several significant reforms within the Chicago Police Department which have played a substantial role in reducing police corruption since the date of the convictions.

I prepared and conducted direct examination of approximately 60 witnesses who testified on behalf of the Government. Many of these witnesses were tavern owners who were granted immunity to testify as victims of the charged **extortion** scheme. Because of their fears of police retaliation resulting from their testimony, these were difficult witnesses to elicit testimony from. In addition, I conducted direct examination of five Chicago police officers who were granted immunity to testify about their knowledge of police corruption. Because the **extortion** conspiracy took place over a period of many years involving the 24 defendants on trial, the direct examination of these five immunized corruption police officers was lengthy, complex, and took an extensive amount of preparation. During the defense case, I extensively cross-examined approximately 10 defendants who denied their involvement in the **extortion** conspiracy. I gave the opening statement and the closing argument for the Government. The closing argument lasted several hours and was quite difficult because it required a recitation of evidence and related arguments of guilt against 24 individual defendants.

Name of Case: ***United States v. Edward J. Barrett***

Case No.: 72 CR 747 and 73 CR 17

Type of Case: Criminal (public corruption); jury trial

Jurisdiction: United States District Court, Northern District of Illinois

Date of trial: February and March, 1973

Party I represented: Government

My role: Chief co-counsel

Judge: Judge Richard Austin (now deceased)

Opposing counsel: Thomas A. Foran, 30 North LaSalle Street, Room 3010, Chicago, Illinois 60602

Edward J. Barrett, former Clerk of Cook County and Treasurer of the State of Illinois, was indicted on various counts of bribery and mail **fraud** in connection with the purchase of voting machines while he was the elected Clerk of Cook County. The trial lasted several weeks and involved serious charges of political corruption by a prominent public office holder. Barrett was convicted by the jury, which hopefully had a deterrent impact on other elected officials who might consider accepting bribes in the

performance of their duties. Barrett was sentenced to jail by Judge Austin. I prepared this case for trial which consisted of preparing approximately 10 witnesses to testify and the organization of voluminous documents and exhibits. During the trial I conducted direct examination of the major Government witnesses who testified concerning the bribery scheme. Because of the intricate relationship between the testimony of certain key witnesses and documentary evidence that corroborated their testimony, the effective structuring of direct examination of these witnesses was most important.

I prepared and gave the closing argument for the Government, which lasted approximately one hour and which led to a successful conclusion when the jury found the defendant guilty on all counts.

The above represents some of the more significant cases I have participated in as a trial attorney. In addition to the above cases, I have tried a substantial number of additional cases, both civil and criminal, before various federal and state judges and juries.

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