



One Firm WorldwideSM



CHICAGO TRIAL PRACTICE

Jones Day is a global law firm, with more than 2,200 lawyers in 30 offices around the world. Jones Day's one-firm approach allows us to create multioffice and multidisciplinary teams to meet the demands of any client matter efficiently. The breadth of our practice means there is Firm experience on virtually any significant legal issue that our clients face. Our clients — many of whom have been with us for decades — come back to us for winning solutions to their problems, especially if it means taking a case to verdict. For our trial lawyers, teamwork starts from the top down, with partners immersing themselves in the facts of a case from the start, creating a winning strategy, and pulling a complex record into a compelling presentation at trial.

Jones Day's Trial Practice is widely recognized for the breadth of our knowledge and front-line trial experience, the depth of our talent throughout the world, and the results we get for our clients on their most challenging and important matters. A significant part of our practice deals with complex, multidistrict litigation and coordinated state law proceedings involving multiple adversaries. We are experienced in national coordinating counsel and joint defense roles, as well as alternative dispute resolution approaches, including arbitration and mediation. Our Trial Practice lawyers often try cases in multiple courts with Jones Day lawyers exclusively, and we also have the ability and experience to put together an effective trial team that includes lawyers across multiple firms when necessary.

Trial Practice lawyers in Jones Day's Chicago Office provide this full range of services to clients in single-party, multiparty, and mass-party cases, as well as class actions, and we have substantial trial experience in a wide array of substantive areas, including the following:

- Antitrust
- Commercial, contractual, and construction disputes
- Constitutional issues
- Consumer fraud complaints
- Federal, state, and local regulatory and administrative proceedings
- Financial institutions
- Franchise and dealership litigation
- Insurance coverage
- Patent infringement
- Product liability
- Tax litigation

In serving client needs, wherever appropriate and efficient, our Trial Practice lawyers work with other Jones Day litigation practices, including Corporate Criminal Investigations, Health Care Litigation, International Litigation & Arbitration, Issues & Appeals, Labor & Employment, Product Liability, and Securities & Shareholder Litigation.

DEPTH OF EXPERIENCE OVER A BROAD RANGE OF MATTERS

Trial Practice lawyers in Jones Day's Chicago Office have significant experience in litigating a broad range of cases from pretrial and preliminary injunction phases to trial and appeal. Highlights of this experience include:

Class action, mass-party, and multiparty cases. This category of cases spans numerous substantive areas of law and reflects the great breadth and depth of experience resident in Chicago's Trial Practice. We have handled a variety of groundbreaking class action and mass tort cases over the years. This includes our representation of Abbott Laboratories and TAP Pharmaceutical Products Inc., in high-stakes civil litigation brought by both private entities and state agencies involving the pricing and marketing of numerous

drug products. Our lawyers have represented both Abbott and TAP in all aspects of these cases, from the investigation phase to multidistrict state and federal litigation. We have also defended The Dial Corporation in a multidistrict antitrust action, acted as national coordinating counsel in multidistrict litigation following the withdrawal of an antibiotic from the market, successfully navigated a telecommunications company through a state court class action involving real estate easements, represented multiple financial institutions in class actions involving lending practices, beaten back class certification motions repeatedly in securities cases and product liability actions, and represented the City of Chicago in multiple civil rights class actions.

Commercial, contractual, and construction disputes.

Chicago's Trial Practice lawyers have successfully represented clients in commercial, contractual, and construction disputes in a wide range of industries, including automotive, airline, consumer products, health care, metals and mining, pharmaceutical, real estate, financial services, and telecommunications. These disputes have been litigated in both state and federal courts in Illinois and around the country as well as before arbitration tribunals. We recently defended Bayer CropScience before an arbitration tribunal in Chicago involving claims of contract indemnification and fraud relating to the sale of a company. We also have obtained numerous summary judgments and dismissals for clients such as IBM, General Electric, Sutter Home, WilTel, Chicago Heights Steel, Motorola, and Duchossois Industries.

Federal, state, and local regulatory and administrative proceedings.

We have represented clients involved in investigations brought by state attorneys general and other government agencies. As just one example, our lawyers represented Bridgestone/Firestone in a massive investigation arising from the August 9, 2000, recall of Firestone ATX and Wilderness AT tires (standard equipment on the Ford Explorer). The attorneys general pursued consumer fraud and unfair practices claims against Firestone in all 50 states, asserting that the company had made misrepresentations concerning the safety of the tires and its warranty protections. After a lengthy investigation, a favorable global settlement was reached that included the entry of agreed final judgments in each of the 50 states.

Insurance. We have substantial experience in all forms of insurance coverage litigation and counseling, having represented numerous policyholders in dozens of matters in state and federal courts. The coverage disputes we have handled — either prosecuting formal coverage litigation or negotiating with insurers — arise out of a variety of underlying matters, including environmental and toxic tort cases, industrial accident cases, and director-and-officer and fiduciary-liability claims. In a separate matter in Cook County Circuit Court, we also successfully represented a corporate official against an insurer in a claim to pay for litigation defense costs under a director-and-officer liability policy.

Product Liability. Trial Practice lawyers in Chicago have a long history of successfully defending the Firm's clients in product liability suits, whether serving as national coordinating counsel for hundreds of claims arising from the withdrawal of a prescription drug from the market, or participating with other Jones Day offices in defending cases against manufacturers of lead paint, prescription implants, car motors and tires, door opener systems, or beryllium. The Chicago Office also has clients on any plaintiff's top ten hit list — “big Pharma” — as it represents TAP in product liability suits involving Lupron Depot[®], Abbott Laboratories in cases concerning powdered infant formulas, and Wyeth in suits relating to an antidepressant prescription drug.

Pro Bono. Lawyers in the Chicago Office have successfully handled a variety of pro bono matters, including asylum proceedings; *habeas corpus* petitions; civil, administrative, and criminal appeals; employment counseling; leasing transactions, and incorporation of and counseling for charitable corporations. They have been especially active in administrative cases and appeals relating to asylum claims, winning many cases at the administrative level and obtaining several Seventh Circuit wins for those clients over the same period.

RECENT VICTORIES

Recently, lawyers in the Chicago Office have successfully tried numerous cases in Chicago and other jurisdictions. These cases span a variety of legal issues and demonstrate the depth of experience we offer:

- We successfully defended Bayer CropScience in an AAA arbitration of claims of contract indemnification and fraud relating to the sale of a company (2006).
- In *Bridgestone/Firestone v. United States* (M.D. Tenn. 2006), we won a favorable judgment on behalf of Bridgestone/Firestone in its tax refund suit against the government.
- In *Duchossois Industries, Inc. v. Allianz Underwriters Ins. Co., et al.* (DuPage County, Illinois 2005), we obtained a judgment at trial for Duchossois Industries to enforce an insurer's obligation to defend and indemnify various environmental liabilities at 10 waste sites around the country.
- In *Abbott Laboratories v. TorPharm, Inc.*, 309 F. Supp. 2d 1043 (N.D. Ill. 2004), we successfully represented Abbott in a bench trial before Seventh Circuit Judge Richard A. Posner, sitting by designation, in a patent infringement action brought pursuant to the Hatch-Waxman Act and relating to Abbott's popular anticonvulsive drug Depakote[®].
- In *R.J. Reynolds Tobacco Company and GMB, Inc. v. Premium Tobacco Stores, Inc.* (N.D. Ill. 2004), we won a jury verdict for R.J. Reynolds in a Robinson-Patman action, a win recently affirmed by the Seventh Circuit.
- In *Motorola v. J.B. Rodgers* (D. Ariz. March 2004), we won a jury verdict for Motorola in a breach of contract and negligence claim, recovering damages for destroyed equipment and product as well as for lost profits following an accident in a semiconductor facility, and prevailed on appeal in the Ninth Circuit in 2006.

Our record of successfully appealing matters to both federal and state courts of review is equally strong. In 2006, the Ninth Circuit Court of Appeals (*Motorola v. J.B. Rodgers, et al.*, Ninth Circuit, Appeal No. 04-16408) upheld the jury verdict in all respects in the *Motorola* case successfully tried two years earlier. After we successfully defended R.J. Reynolds against Sherman Act and Robinson-Patman counterclaims filed by a retail cigarette chain known as Cigarettes Cheaper, the Seventh Circuit on August 24, 2006, in a 3-0 opinion (Judge Easterbrook), affirmed the district court's grant of summary judgment on the Sherman Act claim and rejected the retail chain's challenges to certain of the trial court's evidentiary rulings and jury instructions on the Robinson-Patman claim. Also in 2006, we won an interlocutory appeal in the Seventh Circuit on an issue of first impression, reversing an order that former counsel must produce work product that may have

been requested from a former client, but that had never been subpoenaed from the former counsel in *Hobley v. Burge*, 433 F.3d 946 (7th Cir. 2006). In *Stetser v. TAP Pharmaceutical Products Inc., et al.* (N.C. App. Ct. 2004), we represented TAP in the defense of a nationwide class action involving claims of consumer fraud, common law fraud, and conspiracy. Through an interlocutory appeal, we obtained a reversal of the trial court's order certifying a national class of purchasers of the drug Lupron®.

ADDITIONAL INFORMATION

For additional information regarding our Chicago Trial Practice, please contact your principal Firm representative or one of the lawyers listed in this publication. General e-mail messages may be sent using our "Contact Us" form, which can be found at www.jonesday.com. Phone calls can be made to the Chicago Office at 1.312.782.3939.

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