



Brian Roth

PARTNER

Chicago

312.980.6767

broth@grsm.com

RELATED SERVICES

- Commercial Litigation
- Environmental & Toxic Tort
- Agrichemicals & Agribusiness
- Environmental Remediation & Superfund (CERCLA/RCRA)
- Employment
- Product Liability
- Asbestos & Talc

OFFICES

- Chicago

OVERVIEW

Brian Roth is the Co-Managing Partner of the Chicago office, which is among the city's top 25 largest law firm offices. With extensive experience in high-stakes litigation, he represents clients in business, employment, environmental, and product liability matters, and has successfully handled complex cases in state and federal courts across the country, including jury trials throughout the Midwest.

In his commercial litigation practice, Brian represents clients in intricate matters, including breach of contract, fiduciary duty, business tort, trade secrets, and fraud claims. He has deep expertise in restrictive covenants, advising clients on the drafting and enforcement of non-compete and non-solicitation agreements.

Brian also defends organizations in environmental and product liability cases. Through his years of handling a wide array of cases, he has developed a depth of knowledge of the medical and scientific issues often involved in such matters. Brian is a leading member of the Agrichemical Practice Group and has expertise in not only the product chemistry of FIFRA-registered products but also related commercial litigation involving companies in the agricultural space. He is currently involved in numerous areas of litigation regarding crop protection products used in agribusiness.

In the employment sector, Brian represents management in class actions and other litigation related to alleged discrimination, wage and hour disputes, and employee benefits. His proactive approach includes counseling clients on risk management strategies, regulatory compliance, and developing employment policies.

Brian is dedicated to pro bono work, having served as a court-appointed guardian *ad litem* for dozens of children in domestic cases and been recognized with the Distinguished Service Award from Chicago Volunteer Legal Services. Brian has also been a weekly tutor/mentor with Chicago Lights since 2012.

In addition to his practice, Brian serves as an Adjunct Professor of Law at the University of Illinois Chicago School of Law, where he teaches courses on written and oral advocacy. He earned his J.D., *cum laude*, from the same school, where he was elected Editor-in-Chief of the Law Review and was active in the Moot Court Honors Council and the Trial Advocacy and Dispute Resolution Honors Council.

REPRESENTATIVE EXPERIENCE

Representative Experience

Commercial

- Represent plaintiff-multinational financial technology company in case alleging misappropriation of trade secrets in the investment accounting services and software industry by a former employee and competitor.
- Represent medical technology company in lawsuit filed by largest shareholder group alleging breach of contract, breach of fiduciary duty, and fraud. Case resolved favorable following our filing of a comprehensive motion for summary judgment.
- Represent energy management solution provider in case alleging breach of contract and professional negligence, and prosecute related action against nationwide technology company/client's subcontractor for breach of contract and warranty.
- Represent third-party administrator in complex contractual dispute with pharmacy benefit manager regarding drug manufacturer rebates.
- Represent plaintiff, hearing aid retailer and audiology service producer in Sam's Clubs nationwide, in declaratory judgment action to invalidate certain employees' restrictive covenants.

- Represent plaintiff-IT service management company in breach of contract matter against large law firm client.
- Act as outside general counsel for growing medical staffing company, providing regular advice and counseling on a wide range of issues including contract formation/negotiation and enforcement, employment counseling, non-compete and non-solicitation agreements, and litigation where necessary.

Employment

- Obtained summary judgment on behalf of physician group in lawsuit by former employee, nurse practitioner, alleging military-based discrimination and retaliation, as well as intentional infliction of emotional distress.
- Represent several Chicago area restaurants in class and collective action cases alleging the operation of invalid tip pool and other alleged wage-and-hour violations.
- Represent professional employer organization in class and collective action case alleging unpaid overtime to more than 100 employees. Initial settlement demand exceeded \$50 million and case resolved without any financial contribution from our client.
- Represent industrial manufacturer for the aerospace industry in class action case under the Biometric Information Privacy Act alleging misuse of employees' biometric data, resolving on an individual basis and avoiding class action certification.
- Represent nonprofit senior service provider in lawsuit alleging breach of contract, whistleblower, and defamation claims, and prosecute counterclaim alleging intentional breach of fiduciary duty, fraud, conversion, and unjust enrichment. After asserting a counterclaim, the case resolved for a small fraction of the initial settlement demand.
- Represent third-party claims administrator in case alleging substantial unpaid commissions from a unique insurance product offering.

Product Liability

- National counsel for largest full line wheel-service equipment manufacturer in North America facing mass tort litigation nationwide. Experience includes driving all aspects of defense strategy, including expert witnesses, as well as taking several cases to defense jury verdict and others that settled favorably during trial.
- National counsel for multinational technology conglomerate focused on industrial automation, distributed energy resources, rail transport, and health technology facing mass tort litigation nationwide.
- National counsel for full-line manufacturer of thinners, solvents, paint removers, cleaners, mildew treatments, and paint additives in product liability matters from New York to California.

- Represent two industrial manufacturing companies in all asbestos-related product liability cases throughout the Midwest.
- Trial counsel for world's largest producer of rolled aluminum sheet and largest recycler of aluminum in two-week product liability trial that resolved minutes before closing arguments for 4% of pre-trial settlement demand.
- Represent one of nation's foremost agricultural and specialty formulators and distributors in lawsuits alleging exposure to various crop protection products.

Toxic Tort/Environmental

- Represent real estate developer in two-site CERCLA cost recovery case alleging groundwater contamination of naphthalene, xylene, and other substances resulted in over \$100 million in response costs.
- Represent semiconductor designers and manufacturers in claims that former employees' alleged exposure to various chemicals caused them to have children born with birth defects.
- Represent one of the nation's leading pipeline rehabilitation contractors in lawsuit alleging styrene exposure generated from sewer rehabilitation project caused illness to facility's staff members. Strategy of retaining industrial hygiene and safety experts to conduct contemporaneous air sampling confirmed exposure was less than 1% of permissible levels.

Professional Liability

- Obtained complete dismissal on behalf of financial analysis and actuarial firm in alleged actuarial malpractice case alleging various ERISA and Illinois common law violations, including professional liability claims.
- Represent large insurance brokerage firm in case alleging professional negligence by failing to provide notice to excess insurer resulting in alleged multimillion-dollar loss stemming from underlying construction accident involving a paraplegic.
- Represent real property assessor in lawsuit alleging professional negligence and breach of contract in the provision of assessment services to township alleging millions of dollars in damages.
- Obtained dismissal on behalf of accountant following ethics investigation.

Miscellaneous

- Represent information services company in class action lawsuit alleging violations of the Illinois Right to Publicity Act. Case resolved favorable following our filing of a comprehensive motion to dismiss.
- Obtained \$100,000 judgment on behalf of consumer product retailer in trademark infringement and unfair competition case.

- Represent largest dedicated owner and operator of medical office buildings in the U.S. in dispute concerning the appropriate division of shared expenses between sellers, buyers, and managers in 26-story mixed-use high-rise building.
- Represent condominium board and its members individually in case alleging breach of fiduciary duty arising from the enactment of certain rules, as well as the legality of such rules under the Illinois Condominium Property Act and First Amendment.
- Represent defendants in wrongful death action stemming from boating accident.

Pro Bono

- Regularly served as court-appointed guardian ad litem for dozens of children involved in domestic disputes related to guardianship and parental rights. Averaged 100-200 hours annually for 5+ years for this work.
- Advised and represented many individuals in a wide range of legal matters, including those involving employment, housing, and estate planning.

PUBLICATIONS

- Author, Illinois Enacts Mandatory Paid Leave for Any Reason: What Employers Should Know, *Gordon Rees Scully Mansukhani Client Update*, 2023
- Author, Illinois Employment Law Developments – 2023 Legal Updates, *GRSM Client Update*, 2023
- Author, Illinois Employment Law Developments – 2022 Legal Updates, *GRSM Client Update*, 2022
- Author, , GRSM Client Update, 2021
- Author, Illinois Employment Law Developments in First Half of 2020, *GRSM Client Update*, 2020
- Author, New Legislation for Illinois Employers – 2020 Legal Updates, *GRSM Client Update*, 2019
- Author, Important Amendments to the Illinois Minimum Wage Law, *GRSM Client Update*, 2019
- Author, New Legislation for Illinois Employers – 2019 Legal Updates, *GRSM Client Update*, 2018
- Author, New Rules to Make Millions Eligible for Overtime: What Employers Need to Know, *GRSM Client Update*, 2016
- Author, The Defense of Trade Secrets Act: Key Takeaways and Recommendations for Businesses, *GRSM LLP Client Update*, 2016
- Author, Illinois Slashes Jury Size from 12 to 6 Effective June 1, *Environmental & Toxic Tort Defense Insight*, 2015
- Author, New Fracking Rules Unveiled for Federal Lands, *Environmental & Toxic Tort Defense Insight*, 2015
- Author, Fifth Circuit Holds Company Not Liable for Cleanup Costs Under Difficult-to-Establish CERCLA Arranger Liability, *Environmental & Toxic Tort Defense Insight*, 2015
- Author, The Tipping Point: Does a Recent IRS Ruling Mean the End of Automatic Gratuities?, *Illinois Bar Journal*, 2014

PRESENTATIONS

- Speaker, Wage & Hour Updates: Best Practices for Employers in 2016 (2016)

CREDENTIALS

Admissions

- Illinois
- United States District Court, Northern District of Illinois

Memberships

- American Bar Association
- Chicago Bar Association
- State Bar of Illinois
- Phi Delta Phi Honors Fraternity
- Scribes: The American Society of Legal Writers

Education

- J.D., *cum laude*, University of Illinois Chicago School of Law
 - Editor-in-Chief, Law Review
 - Order of John Marshall
 - Dean's List (every semester)
- B.A., The University of Iowa

Honors

- *Rising Stars*® distinction in the field of Civil Litigation: Defense (2020-2023, *Law & Politics*)