



Paul Gamboa

PARTNER

Chicago

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RELATED SERVICES

- Product Liability
- Commercial Litigation
- Healthcare
- Professional Liability Defense
- Employment
- Class Action Defense

OFFICES

- Chicago
- Milwaukee

OVERVIEW

Concentrating his practice on representing clients in professional liability matters, Paul Gamboa works with lawyers, accountants, physicians, nurses, and various professional agents and brokers to protect their interests. These matters range from lawsuits alleging professional malpractice to issues before regulatory and licensing bodies. Additionally, Paul regularly represents clients in commercial disputes, working with businesses that range from Fortune 50 companies to closely-held corporations. This work has involved contract disputes, restrictive covenants, trade secret theft, shareholder disputes, and licensing matters.

Paul has also defended more than 90 lawsuits, including nation- and statewide class claims, arising from alleged violations of various consumer protection statutes. These include claims brought under the Fair Debt Collection Practices Act, Telephone Consumer Protection Act, Fair Credit Reporting Act, Illinois

Consumer Fraud and Deceptive Business Practices Act, and Missouri Merchandising Practices Act. In an effort to proactively combat these claims, he has assisted his clients identify and implement risk mitigation strategies.

Having spent the majority of his professional career with GRSM, Paul recently returned to the firm after working as an Associate Director at Humana, one of the nation's largest private insurance organizations offering Medicare Advantage plans. There, he worked with those responsible for its various product offerings, as well as the company's sales and marketing teams, to ensure his enterprise partners complied with various federal and local regulations. He was fortunate to work on several quickly emerging areas there, including telemedicine.

Paul has successfully tried both jury and bench trials to verdict, and has been recognized by *Chicago Magazine* and *Illinois Super Lawyer Magazine* as a "Rising Star" on 6 separate occasions. Rising Stars are lawyers under the age of 40 who have been in practice for 10 years or less, and it is a distinction given to approximately 2.5 percent of attorneys in the state.

Paul is a member of the Auxiliary Board of the Lincoln Park Zoo, a group committed to supporting a Chicago landmark and one of the few remaining free zoos in the United States. He is also a member of the Fenwick Bar Association, the Chicago Bar Association, and the Illinois State Bar Association.

REPRESENTATIVE EXPERIENCE

Professional Liability

- *Confidential* (Circuit Court of Cook County; November, 2013) – Obtained the outright dismissal of a malpractice suit arising out of the drafting of a living trust. While the limitations periods afforded to attorneys in estate planning situations have long been criticized as being as "clear as mud," the Court found that Plaintiff's claim was time-barred under any conceivable interpretation of that statute.
- *First Midwest Bank v. Trainor* (Circuit Court of Cook County; September, 2013) – Secured the dismissal, with prejudice, of a complaint filed against a consulting firm specializing in the turnaround of financially troubled companies. Plaintiff sought to void \$18.5 million in personal guaranties and recover compensatory and punitive damages related to the failure of his business. The Court determined the complaint failed as a matter of law, dismissing it with prejudice. Mr. Gamboa was also primarily responsible for handling the appeal, which was also successful. A copy of that Appellate decision can be found [here](#).

- *Confidential* (Circuit Court of Kane County; June, 2013) – GRSM obtained dismissal of a suit alleging breach of fiduciary duties, waste, and negligence against one of Chicago's largest property receivers, in connection with his actions related to Plaintiffs' commercial real estate, valued at more than \$6 million. After extensive argument, the Court not only determined that Plaintiffs' complaint failed as a matter of law, but also denied his request to attempt to replead, dismissing the action with prejudice instead.
- *Stoller v. Johnson, et al.*, (Circuit Court of Cook County; March, 2013) – Successfully defended our client from defamation, intentional infliction of emotional distress, and various other claims. The Court agreed with Defendants that the allegedly defamatory statements were protected by the "fair report" doctrine, and further found there was no evidence of that would support the intentional infliction of emotional distress claim. A copy of the Court's memorandum opinion and order granting summary judgments for Defendants is available [here](#).
Mr. Gamboa was also primarily responsible for handling the appeal, which was also successful. A copy of that Appellate decision can be found [here](#).
- *Confidential* (Circuit Court of Cook County; October, 2012) – GRSM successfully secured the dismissal of its accountant clients (including the firm and individual partner) in a lawsuit alleging professional negligence, fraud, and breach of contract in relation to a failed turnaround and eventual insolvency of a large private company. Not only was dismissal obtained, but a judgment against Plaintiff was entered with respect to Defendants' counterclaim.

Personal Injury/Wrongful Death

- *Confidential* (U.S. District Court for Central District of Illinois; December, 2013) – Successfully defended a privately-owned geothermal heating company and its alleged agents from a wrongful death claim stemming from a boating collision that occurred on the Mississippi River. The Estate's wrongful death action claim was voluntarily dismissed with prejudice four months after GRSM removed the case to federal court.
- *Dawson v. CareSouth Health System, Inc.* (U.S. District Court for Northern District of Illinois; February, 2013) – Within two weeks of retention, GRSM removed the case to federal Court and a week later, moved to dismiss the suit for lack of personal jurisdiction. After a preliminary hearing on Defendant's motion, Plaintiff voluntarily dismissed the wrongful death suit with prejudice.
- *Shimkus v. Target Corp.* (U.S. District Court for Northern District of Illinois; February, 2012) – Secured summary judgment for Defendant, as Plaintiff was unable to impute constructive knowledge of an allegedly hazardous condition pursuant to the "pattern or practice" doctrine. A copy of the Court's memorandum opinion and order granting Defendant summary judgments is available [here](#).

- *Wood v. Metra, 09 L 2981* (Circuit Court of Cook County; November, 2011) – Obtained summary judgment two weeks from trial, as Defendant could not be held to the heightened degree of care owed by a common carrier and because the evidence failed to support a finding that it had notice of any defect on its train platform. A copy of the Court’s order granting Defendant summary judgment is available [here](#).

Consumer Protection

- *Confidential* (Circuit Court of Will County; January, 2014) – Served as lead trial counsel for suit alleging violations of the FDCPA. Rather than try the case to verdict, Plaintiff dismissed it with prejudice at trial.

PUBLICATIONS

- Seventh Circuit Applies Spokeo and Requires Actual Injury to Establish Article III Standing in FACTA Case, *Privacy Teaches and Breaches*, December 20, 2016
- Wendy’s May Face Liability for Failing to Upgrade Payment Systems, *Privacy Teaches and Breaches*, February 11, 2016
- Illinois Appellate Court Finds Increased Risk of Harm from Data Breach Insufficient to Confer Standing, *Privacy Teaches and Breaches*, August 12, 2015
- Seventh Circuit Revives Consumer Class Action Relating to Neiman Marcus Data Breach, *Privacy Teaches and Breaches*, July 24, 2015
- Target Ends Dispute with Mastercard Over 2013 Data Breach, *Privacy Teaches and Breaches*, April 20, 2015
- Security Threatening Dating Apps and its Effect on Employers, *Privacy Teaches and Breaches*, February 23, 2015
- With Data Breach Class Actions on the Rise, Clapper Provides a Viable Defense, *Privacy Teaches and Breaches*, October 27, 2014

PRESENTATIONS

- *The Ethics of Conflict of Interest*, GRSM National Professional Liability Webinar Series, March 15, 2017
- *Out of Sight, Out of Mind: Trade Secret, Noncompete and Franchise Issues in the Employment Arena*, GRSM National Employment Webinar Series, December 9, 2014

CREDENTIALS

Admissions

- Illinois
- Wisconsin

- Illinois Supreme Court
- U.S. District Courts, Northern, Southern, and Central Districts of Illinois
- U.S. District Courts, Northern District of Illinois Trial Bar
- U.S. District Courts, Northern and Southern Districts of Indiana
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Eastern District of Missouri
- United States Court of Appeals for the Seventh Circuit

Memberships

- Fenwick Bar Association
- Chicago Bar Association
- Illinois Bar Association
- Wisconsin Bar Association

Community Involvement

- Lincoln Park Zoo Auxiliary Board (2012-present)

Education

- J.D., *cum laude*, University of Illinois College of Law, 2004
- Lincoln Scholar (2001-2004)
- B.A., History, University of Illinois at Urbana-Champaign, 1999
- President's Award Program Scholarship Recipient (1995-1999)
- Minority Student Award for Academic Excellence (1995-1999)

Honors

- *Super Lawyers*® Rising Stars distinction in the fields of General Litigation, Professional Liability: Defense, and Business/Corporate (2013-2017)
- *Super Lawyers*® Rising Stars distinction in the fields of General Litigation and Transportation Practice (2011)