



## David C. Gustman

Partner Emeritus | Chicago

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### Areas of Practice

Litigation/Trial Practice | Antitrust and Trade Regulation | Appellate Practice | Class Action Litigation | Insurance Coverage Litigation | Insurance and Reinsurance | Product Liability Litigation / Auto Dealership Litigation

For decades David has served clients as lead trial counsel on a variety of complex business litigation matters involving antitrust, accounting, auto dealerships, banking, bankruptcy, construction, finance, insurance coverage and broker disputes, real estate, product liability, and securities. He is a “go to” lawyer for the Firm’s most challenging and difficult cases and is often called upon by clients to take over cases that have been previously handled by other counsel.

David also provides antitrust counsel to joint ventures, trade associations, research consortiums and companies involved in mergers and acquisitions, as well as those facing antitrust claims. He has also successfully defended clients in connection with criminal antitrust investigations by the U.S. Department of Justice.

While at Freeborn (now SGR), he served as Head of the Litigation Practice, Co-head of the Firm’s Antitrust Practice Group and a member and former Chairman of the Firm’s Executive Committee.

### Representative Experience

- Obtained a defense verdict in favor of our clients in a nationwide antitrust class action, in which plaintiffs sought \$500 million in Also successfully argued and defended the judgment before the Seventh Circuit Court of Appeals. *In re Sulfuric Acid Antitrust Litigation*, 703 F.3d 1004 (7th Cir. 2012).
- Obtained a \$36.4 million judgment against a governmental entity that wrongfully interfered with our client’s easement rights, delaying construction of The Ritz-Carlton Residences, Chicago, Magnificent Mile.
- Tried claims worth over \$100 million to a federal jury arising out of defendant’s breach of a technology licensing agreement. The case settled before closing arguments, resulting in a recovery for our client of multiple millions of dollars (exact amount is confidential at the request of the defendant.)

- Following a two-week jury trial on behalf of a private equity fund client, obtained a multimillion-dollar jury verdict against the seller of a business for misrepresentations and omissions in connection with the sale of the business to our client.
- Obtained approval from the U.S. Department of Justice for the merger of a large international mining company after a second request for This resulted in one of the largest mergers in Canadian history.
- Handle multiple disputes between automobile dealers and manufactures in federal and state courts on behalf of automobile dealerships.

## Admissions

Illinois

U.S. Supreme Court

U.S. Court of Appeals, Sixth, Seventh, Eighth and Federal Circuits

U.S. District Court, Northern District of Illinois (including Trial Bar), Central and Southern Districts of Illinois

U.S. District Court, Eastern and Western Districts of Wisconsin

U.S. District Court, District of Colorado

United States District Court, District of Minnesota

## Memberships

Fellow, Litigation Counsel of America

The Trial Law Institute

Chairman of the Illinois Finance Authority (2004-2007)

## Recognitions

Illinois Super Lawyers - Business Litigation, Antitrust Litigation, Securities Litigation - 2021 (cited in multiple years)

Leading Lawyers - Antitrust Law, Commercial Litigation, and Corporation Law

Chambers-USA Guide to America's Leading Lawyers for Business - General Litigation Recognized Practitioner - 2019 (cited in multiple years)

The Best Lawyers in America® - Antitrust Law and Commercial Litigation - 2022 (cited in multiple years)

Martindale-Hubbell legal ability/ethical standards rating ("A-V") - Highest possible rating - 2026(cited in multiple years)

Illinois Leading Lawyers - 2020 (cited in multiple years)

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