



Jeffery M. Cross

Partner

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Representative Matters (See Case Summaries, below, for more detail)

Some of Mr. Cross's more significant assignments have included:

- Representation of The Burlington Northern and Santa Fe Railway Company in an antitrust case in San Francisco.
- Representation of Mission Linen Supply in a class action antitrust price fixing case involving surcharges in East St. Louis.
- Representation of BP America Inc. in a ten-week jury trial in federal court in Los Angeles against allegations that major oil companies conspired to allocate markets.
- Representation of BP America Inc. and The Standard Oil Company in a trial involving a dispute arising from BP's sale of its coal businesses, including environmental issues under the Surface Mining Control and Reclamation Act (SMCRA).
- Representation of Fina, Inc. in a jury trial in federal court in Indiana involving allegations of libel and slander following termination of an employee.
- Representation of Amoco Oil Company in one of the first dealer termination cases under the Petroleum Marketing Practices Act, including to successfully argue on appeal one of the first appellate decisions under this statute.
- Representation of Taito Corporation and Taito America Corporation in an antitrust case in federal court in Virginia involving tying and copyright misuse claims.
- Representation of Opryland, Inc. of Nashville, Tennessee in an antitrust case in North Carolina involving the televising of stock car races.
- Representation of Mobil Oil Corporation in a multibillion dollar antitrust suit brought by ethanol manufacturers alleging a conspiracy to restrain ethanol and gasohol sales.
- Representation of Fina, Inc. in a jury trial in federal court in Sioux Falls, South Dakota involving misbranding and breach of contract.
- Representation of Mobil Oil Corporation in a nationwide class action case in federal court in Detroit involving claims of false advertising of car wash prices.
- Representation of a Japanese manufacturer of hand-held breast pumps in a patent infringement and Lanham Act case in federal court in New Jersey.
- Representation of a manufacturer of x-ray machines in a Lanham Act case in federal court in Illinois involving false advertising claims.
- Presentation of an antitrust compliance training program to seven different divisions of Yamaha Corporation of America.
- Representation of Falconbridge, Ltd. in a class action antitrust case involving output restraints in Chicago.
- Representation of Falconbridge, Ltd. in the Department of Justice antitrust investigation of its proposed \$18 billion merger with Inco.



Professional Activities

Adjunct Professor, John Marshall Law School
Business Franchise Law - Spring, 2000
Antitrust Law - Fall, 2000 – Present

- Chairman, Illinois State Bar Association Antitrust Section Council, 1988-1989.
- Vice-Chairman, ABA Antitrust Section, Criminal Practice & Procedure Committee, 1986-1988.
- Chairman, ABA Antitrust Section, Subcommittee on RICO and Other Related Crimes, 1985-1988.
- Member, Drafting Committee, Sample Jury Instructions in Criminal Antitrust Cases, ABA Antitrust Section 1984.
- Member, ABA Antitrust Section Task Force on United States Sentencing Commission, 1986-1988.
- Vice-Chairman, ABA Antitrust Section, Committee on Computer Technology, 1989-1991.
- Member, Task Force on Criminal Antitrust in Health Care, ABA Antitrust Section, Health Care Committee, 1989-1993.
- Member, Drafting Committee for Model Jury Instructions in Criminal Antitrust Cases, ABA Antitrust Section, 2004-2009.
- The Lawyers Club of Chicago, Director, 2007-2008; Vice-President, 2008-2009; President, 2009-2010.

Speaking Engagements & Presentations

- Speaker, Freeborn & Peters LLP Antitrust Seminar, “Proposed Horizontal Merger Guidelines,” February 25, 2010, Northbrook, Illinois and May 18, 2010, Chicago, Illinois.
- Speaker, Associated Beer Distributors of Illinois, “Antitrust Compliance,” February 1, 2010, Chicago, Illinois.
- Speaker, American Bar Association Antitrust Brown Bag Series, “Recent Developments in Section 1 Jurisprudence Affect How Companies Do Business and How Courts Manage Cases,” February 10, 2010, Chicago, Illinois.
- Speaker, ExecSense Webinars, “The Instant Impact of *Starr v. Sony BMG Entertainment* (2nd Cir. Jan. 13, 2010) on Antitrust Lawyers and the Clarification of Post-Twombly Pleading Standards for Sherman Act Claims,” February 5, 2010, Chicago, Illinois.
- Speaker, Intellectual Property Law Association, “Standard Setting and Antitrust: The Patent Hold-Up Problem,” November 5, 2009, Chicago, Illinois.
- Speaker, PLI Corporate Compliance & Ethics Institute, “The Definition of An Effective Compliance Program Under the Sentencing Guidelines,” May 20, 2009, Chicago, Illinois.
- Speaker, Canadian Bar Association, “Gauging The Impact of a Guilty Plea in the United States,” April 29, 2008, Toronto, Canada.
- Speaker, Loyola University School of Law, 7th Annual Antitrust Colloquium “Comment on Paper by Robert L. Steiner: The Virtual Equivalence of Horizontal and Vertical Competition.” April, 2007, Chicago, Illinois.
- Speaker, John Marshall Law School Faculty Works in Progress, “The 2007 Model Criminal Antitrust Jury Instructions: The Demise of *Gypsum*,” February 2007, Chicago, Illinois.



- Speaker, Northwest Suburban Bar Association, "Use of Experts in Federal Court," March 15, 2007, Schaumburg, Illinois.
- Speaker, ABA Section of National Resources, Energy and Environmental Law, Annual Petroleum Refining and Marketing Law Conference, "PMPA Litigation: The Year in Review," November 2006, Chicago, Illinois.
- Speaker, Southern Oncology Association of Practices, "Antitrust Issues for Oncologists," November 5, 2004, New Orleans, Louisiana.
- Speaker, American Society of Clinical Oncologists Midwest Regional Conference, "Antitrust Issues for Oncologists," St. Louis, September 11, 2004
- Speaker, National Oncology Society Network, "Antitrust Compliance Program," April 26, 2003, Chicago, Illinois.
- Speaker, Petroleum Marketing Attorneys Meeting, "The Year In Review: Review of PMPA and Antitrust Litigation," April 2002, Washington, D.C..
- Speaker and Organizer, Antitrust Seminar Sponsored by The American Lawyer and Freeborn & Peters LLP, Antitrust Beyond Borders, "A Review of the Treatment of the *Per Se* Rule By the U.S. Supreme Court Over the Last Twenty-Five Years," November 2001, Chicago, Illinois.
- Speaker, Restaurant Industry Finance & Investment Institute, "Choosing the Business Model for the Restaurant Chain," New York, New York, June 8, 2001.
- Speaker, Center for International Law, February, 2000 Conference on International Distribution Law, "The Antitrust Issues of Tying Restraints," February 11, 2000, Crested Butte, Colorado.
- Speaker, Petroleum Marketing Attorneys Meeting, "The Resurgence of Antitrust In Petroleum Marketing Cases: Tying Claims," March 1998, Washington, D.C..
- Speaker, ABA Section of Natural Resources, Energy, and Environmental Law 9th Annual Petroleum Refining and Marketing Law Conference, "Hilo v. Exxon: An Attack On The Fundamentals Of Marketing In The Oil Industry," November 1994, Los Angeles, California.
- Speaker, Petroleum Marketing Attorneys Meeting, "Misbranding Litigation in Gasoline Franchising: The Interface Between the PMPA and the Lanham Act," March 1993, Washington, D.C..
- Speaker, Petroleum Marketing Attorneys Meeting, "Value of the Brand," March, 1992, Washington, D.C..
- Speaker, ABA Antitrust Section, Antitrust Fundamentals Program, March 1992, Washington, D.C.,
- Speaker, ABA Antitrust Section, Antitrust Fundamentals Program, December 1990, Chicago, Illinois.
- Speaker, Illinois State Bar Association Antitrust Spring Symposium, "A Step Toward Modern Times: Moving to End the Market Power Presumption for Intellectual Property Rights in Tying Cases," May 1990.
- Speaker, Illinois State Bar Association Antitrust Spring Symposium, "Non-Price Restraints," May 1989.
- Speaker, Joint Program of ABA Health Care Industry Committee and the Forum on Health Law, "Antitrust Issues in Health Care," September 1988.
- Speaker, ABA Antitrust Section, Health Care Committee, "Peer Review After Patrick," August 1988.
- Speaker, Illinois Institute of Continuing Legal Education, Health Care Symposium, "Health Care and Antitrust," March 1988.



- Speaker, Northwestern University School of Law, Third Annual Health Law Institute, "The Antitrust Aspects of Networking," September 1986.
- Speaker, ABA Antitrust Section, Health Care Committee, "Essential Facilities Doctrine," August 1986.
- Speaker, Illinois State Bar Association, Antitrust Law Section, "Antitrust and Home Health Care," May 1987.
- Speaker, ABA Antitrust Section, Health Care Committee, Spring Meeting, "Physician Joint Activities," April 9, 1986.
- Speaker, Illinois State Bar Association Annual Meeting, "Changing Antitrust Laws," November 14, 1985.
- Speaker, Chicago Bar Association Health Care Committee, "Antitrust and Health Care Joint Ventures," January 23, 1986.
- Speaker and Program Organizer, Renal Physicians Association, Annual Meeting, "Antitrust and Health Care," February 21-23, 1985.

Writing

- Lead-author, "Sentencing," Chapter 65, Antitrust Counseling and Litigation Techniques, Matthew Bender & Co. (von Kalinowski ed.).
- Lead-author, "Franchising: Antitrust Considerations," Chapter 9, Antitrust Counseling and Litigation Techniques, Matthew Bender & Co. (von Kalinowski ed.).
- Author, chapter on "Antitrust Considerations" in Illinois Institute of Continuing Legal Education Health Care Handbook (1988 ed.).
- Lead-Author, "Problems of Access to Health Facilities and Equipment ? New Competition for Limited Resources," 55 Antitrust Law Journal 599 (1987).
- Lead-Author, "Hospital Peer Review and the State Action Doctrine After Patrick," Antitrust Magazine, Fall, 1988.
- Lead-Author, "FTC v. Ticor Title Insurance: Supreme Court Puts State Action Immunity Under the Lens," Antitrust Magazine, Fall/Winter, 1992.
- Co-Author, "Antitrust Issues Involving Cooperation Among Competitors in Japan," (Unpublished).
- Co-Author, "The Future of Antitrust Liability for Vertical Restraints Between Manufacturers and Distributors," ILS International Legal Strategy, 1995 (in Japanese).
- Author, "Antitrust Compliance Programs: A Basic Primer of the Whys and Wherefores," The Metropolitan Corporate Counsel, June, 1997.
- Author, "The Use of Technology at Trial: Some Practical Thoughts on the Bells and Whistles," The Metropolitan Corporate Counsel, December, 1997.
- Author, "Boon For Branded Distributors: Megamergers In The Oil Industry Are Likely To Speed Divestment Of Retail Outlets," Energy, Winter, 1999.
- Lead-author, "Corporate Antitrust Liability and Compliance Programs," Chapter 2, Corporate Legal Compliance Handbook, Aspen Publishers (Banks ed. 2002).
- Lead-author, "The Sentencing Guidelines," Chapter 3, Corporate Legal Compliance Handbook, Aspen Publishers (Banks ed. 2002).
- Author, "A Review of the Treatment of the *Per Se* Rule By The U.S. Supreme Court Over The Last Twenty-Five Years," 14 Loyola Consumer Law Review 593 (2002).



Case Summaries

Truck Rail Handling, et al. v. The Burlington Northern and Santa Fe Railway Co., (C 02 2825 JSW, N.D. Calif.)

Jeffery was lead counsel for defendant BNSF in this antitrust case in San Francisco federal court involving allegations of tying, violation of the essential facilities doctrine, attempted monopolization, vertical foreclosure, coerced reciprocity and price fixing.

The case arises from BNSF's termination of the leases of a transloader operating on BNSF-owned facilities near Denver, Colorado and near El Paso, Texas.

The trial court granted summary judgment for BNSF on all counts. The case was appealed to the Ninth Circuit. Jeffery took the lead in preparing BNSF's appellate briefs and argued for BNSF in the Ninth Circuit. The trial court decision was affirmed.

Exhaust Unlimited, Inc. v. Cintas Corporation, et al., (02-614 MJR, 2004 WL 1728598 S.D. Ill. 2004)

Jeffery was lead counsel for defendant Mission Linen Supply of Santa Barbara, California in this antitrust class action case in East St. Louis, Illinois. The plaintiff alleged that the defendants conspired to fix prices by agreeing to add an environmental surcharge to invoices. The case involved only circumstantial evidence of an agreement.

On July 26, 2004, Judge Michael Reagan, in the written opinion cited above, denied plaintiff's motion to certify the class.

Jeffery took the lead on behalf of all defendants in working with defendants' class economic expert and in conducting discovery of plaintiff's class expert. This culminated in Jeffery undertaking the direct examination of defendants' expert on behalf of all defendants at an evidentiary hearing on the class issue, as well as taking the lead responsibility for cross-examining plaintiff's expert. Jeffery also made the closing rebuttal argument on behalf of all defendants at the class hearing.

In re Sulfuric Acid Antitrust Litigation (MDL 1536, 03 C 4576 N.D. Ill.)

Jeffery is one of the senior counsel for defendants Noranda Inc., Falconbridge Ltd., and NorFalco LLC in this antitrust class action case involving allegations of price fixing and output restraints in the sulfuric acid industry.

Jeffery has played a lead role in working with defendants' class expert and in preparing defendants' briefs concerning class certification.

Jeffery also took the lead in deposing plaintiffs damage expert, preparing the Daubert briefs seeking to bar the expert's opinion, and arguing on behalf of all defendants at the Daubert hearing seeking to strike this expert.

Jeffery also took the lead in preparing several of the summary judgment briefs currently pending in the case.

Jeffery is also played a lead role in the merits discovery.

Jeffery was actively involved in representing the Noranda defendants in the concurrent grand jury criminal investigation which resulted in the Department of Justice closing the investigation without any indictments.



Falconbridge Ltd. proposed merger with Inco.

Jeffery was one of the lead counsel for Falconbridge Ltd. in the Department of Justice investigation of Falconbridge's proposed \$18 billion merger with Inco. Jeffery was involved in negotiation of a consent decree with the Department of Justice. Jeffery also was involved in preparing Falconbridge's second request response and in presenting various facts and expert witnesses to the DOJ.

MBI Acquisition Partners, L.P. v. The Chronicle Publishing Co., et al.,
(01-C-0177C, W.D. Wis.)

Jeffery was one of the co-lead trial counsel for the plaintiff MBI in this securities fraud case involving the acquisition of a book publishing company from the owners of the San Francisco Chronicle. The case involved allegations that the defendants failed to reveal the existence of a large quantity of book returns which caused the financial statements to be materially false.

Jeffery was co-lead counsel at the jury trial in the Western District of Wisconsin that resulted in a verdict for the plaintiff on the state securities fraud claims.

Hilo, et al. v. Exxon Corp. and BP America Inc., et al.,
(CV 92-4408, C.D. Calif.)

Jeffery was lead trial counsel for defendant BP America Inc. in an antitrust allocation, price fixing conspiracy and monopolization case in Los Angeles against nine major oil companies.

The case arose after the major oil companies withdrew from various retail markets beginning in the 1980s following the lifting of price and volume restraints under the Emergency Petroleum Allocations Act of 1973. As part of that rationalization of markets, many companies withdrew from uneconomical markets utilizing the provisions of the Petroleum Marketing Practices Act, allowing for the sale of their franchised dealerships to another oil company, and the like-kind exchange provisions of the tax laws. The plaintiffs argued that the jury could infer a conspiracy to allocate retail gasoline markets from such conduct.

Jeffery was trial counsel for BP in ten-week jury trial in Spring, 1996, resulting in acquittal on one count and a hung jury on a second count. Favorable settlement ensued as a result of the fact that the jury had voted 7 to 1 for the defendants on the hung count.

Zeigler Coal Holding Co. v. BP America Inc. and The Standard Oil Company,
(93 CH 6673, Cir. Ct. of Cook County)

Jeffery was lead trial counsel for defendants in a breach of contract and breach of warranties case following BP's sales of its coal business to Zeigler. The case involved a dispute concerning whether costs for surface mine reclamation should be included in the net working capital adjustment agreed to in the purchase and sale agreement. The case also involved issues of whether generally acceptable accounting principles (GAAP) should be used in making the net working capital adjustment and whether the method of expensing reclamation costs met GAAP requirements.



Jeffery was the lead trial counsel for BP in three-week bench trial resulting in favorable verdict for BP.

Jeffery argued the appeal brought by Zeigler in the Illinois Appellate Court. The Appellate Court affirmed the trial court's decision for BP.

Publicis Communications v. True North Communication

(97 C 8263, N.D. Ill.)

Safety-Kleen Corp. v. Laidlaw Services, Inc.

(97 C 8003, N.D. Ill.)

Jeffery was retained by a New York arbitrageur to observe and monitor these two cases brought by shareholders to stop acquisitions of the companies. At the end of each trial day,

Jeffery was required to predict the outcome to the arbitrageur to enable it to make investment decisions based on the outcomes. In both cases, Mr. Cross successfully predicted the outcome. In the second case, William Blair & Company had been retained to provide investment advise to the majority shareholders.

Elizabeth M. Higgins, M.D., et al. v. Medical College of Hampton Roads, et al.,

(No. 2:93 CV 1037, E.D. Va.)

Jeffery was lead trial counsel for plaintiffs in an antitrust monopolization case involving two radiation oncologists who accused a local medical school of unlawfully interfering with their development of a competing oncology department that the hospital requested the doctors organize to replace the contract that the medical school had with the hospital.

Jeffery was trial counsel for plaintiffs in a bench trial in federal court in the Eastern District of Virginia.

The case settled during trial.

General Leaseways, Inc. v. National Truck Leasing Association,

744 F.2d 588 (7th Cir. 1984)

Jeffery represented the plaintiff in this case brought under Section 1 of the Sherman Act case involving horizontal territorial restraints imposed by members of a cooperative venture of actual or potential competitors.

Jeffery was lead trial counsel for plaintiff during a preliminary injunction and an appeal to the Seventh Circuit Court of Appeals.

The preliminary injunction was won after a one-week trial before Judge Frank McGarr. Jeffery argued in the Seventh Circuit Court of Appeals, where the preliminary injunction was affirmed in one of the few decisions by Judge Richard Posner of the Seventh Circuit finding antitrust restraints per se unlawful. Judge Posner's decision adopted the position that restraints that were necessary and ancillary to pro-competitive joint cooperative conduct could be lawful, but held that the restraints in the case did not meet this test.

Jeffery was then lead trial counsel in seven-week jury trial on damages before Judge McGarr.

Jeffery was counsel in the second appeal to the Seventh Circuit.



Volk v. Fina, Inc.,
(H92-0246, E.D. Ind.)

Jeffery was lead trial counsel for Fina in libel and slander case resulting from the termination of employee caught cheating on his expense accounts.

Jeffery was the lead trial counsel for Fina in jury trial in Hammond, Indiana.

The Jury awarded only the nominal damages that Fina's expert asserted should be appropriate.

The case settled favorably for Fina following trial.

Thelen Oil Company v. Fina Oil and Chemical Company,
962 F.2d 821 (8th Cir. 1992)

The case involved the termination of a distributor, who then sued under the Petroleum Marketing Practices Act. Fina counter-claimed for breach of contract and violation of the Lanham Act case.

Jeffery was lead trial counsel for Fina.

The case was tried case before a jury in Sioux Falls, South Dakota with verdict for Fina on complaint and damages awarded to Fina on counterclaim.

Jeffery successfully argued the Lanham Act damage claim before the Eighth Circuit Court of Appeals.

Apperson, et al. v. Nykiel Carlin & Co., Ltd., et al.,
(No. 92 L 04648, Cir. Ct. of Cook County)

Jeffery was lead trial counsel for the plaintiff in accountant malpractice case.

The case was tried before a jury in the Circuit Court of Cook County.

Ringer's Amoco Service Center, et al. v. Welsh Oil, et al.,
(Civil 3:97CV0138AS, N.D. Ind.)

Jeffery was lead counsel for an Amoco distributor, Welsh Oil, in Petroleum Marketing Practices Act case.

Jeffery negotiated favorable settlement for Welsh.

Branding Oil Co. v. Mobil Oil Corporation,
(97-540-WDS, S.D. Ill.)

Jeffery was lead trial counsel for Mobil Oil Corporation in Petroleum Marketing Practices Act case.

Jeffery negotiated favorable settlement for Mobil.

Brenda Porter Helms, Trustee for Trianon Consulting v. Mobil Oil Corporation, et al.,
(97 A 1346, N.D. Ill. Bankr. Ct.)

Jeffery was lead counsel for Mobil Oil Corporation in adversary proceeding in bankruptcy court involving alleged breach of contract for energy consulting agreement.

Case settled favorably for Mobil after Jeffery won a motion for summary judgment limiting liability.



Green v. Mobil Oil Corporation,
(95 C 4056, N.D. Ill.)

Jeffery was lead counsel for Mobil Oil Corporation in a tortious interference case involving toll road inspector.

Case settled favorably for Mobil.

Greater Rockford Energy & Technology Corp., et al. v. Shell Oil Company, et al.,
998 F. 2d 391 (7th Cir. 1993)

The case alleged an antitrust conspiracy by the oil industry to restrain the sale of gasohol.

Jeffery was lead counsel for defendant Mobil Oil Corporation.

District Court in the Central District of Illinois granted summary judgment for all defendants on standing. Seventh Circuit affirmed on causation issues.

Dombrowski & Holmes v. Mobil Oil Corp.,
(Newton County, Indiana Cir. Ct.)

The case involved a breach of a refinery waste removal contract.

Jeffery was lead counsel for defendant Mobil Oil Corporation.

Case settled favorably for Mobil.

Osterman v. Fina Oil and Chemical Company,
(Cir. Ct. of Cook County.)

The case involved a breach of contract case under Uniform Commercial Code.

Jeffery was lead counsel for Fina.

The case settled favorably for Fina.

Open Pantry Food Marts, Inc. v. Mobil Oil Corp.,
(92 C 862, E.D. Wis.)

Jeffery was lead counsel for Mobil Oil Corporation in Petroleum Marketing Practices Act and Lanham Act case.

The case settled favorably for Mobil.

Sarmonpal v. Mobil Oil Corp.,
(88 C 8945, N.D. Ill.)

The case involved a dealer termination under the Petroleum Marketing Practices Act. The dealer was absent from the gasoline station a significant amount of time while operating a Thai restaurant.

Jeffery was lead counsel for Mobil Oil Corporation.

Jeffery represented Mobil in a trial on the merits before Judge Prentice Marshall.

Jeffery negotiated a favorable settlement for Mobil following Mobil's presentation of its case.



Anderson v. Mobil Oil Corp.,

(86 C 1805, N.D. Ill.)

The dealer sued Mobil under the Petroleum Marketing Practices Act alleging that Mobil had improperly failed to renew his franchise.

Jeffery was lead trial counsel for Mobil Oil Corporation.

Jeffery defeated a preliminary injunction brought against Mobil after two-day trial before Judge Milton Shadur.

Boyers v. Texaco Refining & Marketing, Inc. and Mobil Oil Corp.,

(86 C 2915, N.D. Ill.)

This was a dealer termination case involving the Petroleum Marketing Practices Act. Jeffery was lead counsel for Mobil Oil Corporation.

Jeffery defeated preliminary injunction brought against Mobil before Judge Grady.

Won summary judgment on all counts against Mobil.

Ghiotto v. Texaco, Inc. and Mobil Oil Corp.,

(86 C 3603, N.D. Ill.)

A Petroleum Marketing Practices Act case.

Jeffery was lead counsel for Mobil Oil Corporation.

Jeffery defeated preliminary injunction brought against Mobil before Judge Norgle.

Mobil Oil Corp. v. Devan Shah,

671 F. Supp. 503 (N.D. Ill. 1987)

This was a dealer termination case under the Petroleum Marketing Practices Act.

Jeffery was lead counsel for Mobil Oil Corporation.

Jeffery won summary judgment for Mobil on all counts.

Wisdom Oil Co. v. Mobil Oil Corp.,

(84-001 529 (SE), E.D. Mo.)

This case involved the Bankruptcy Act and the Petroleum Marketing Practices Act. Mobil terminated the dealer after he filed for bankruptcy and the dealer sued under the PMPA

Jeffery was lead trial counsel for Mobil Oil Corporation.

Jeffery defeated preliminary injunction against Mobil.

Ballis v. Mobil Oil Corp.,

No. 85 C 7525, slip op. (N.D. Ill. October 31, 1985)

This was a dealer termination case under the Petroleum Marketing Practices Act.

Jeffery was lead trial counsel for defendant Mobil Oil Corporation.

Jeffery defeated a preliminary injunction brought against Mobil.

The case was subsequently dismissed on motion of Mobil.



Atlantic Richfield Co. v. Brown,
(85 C 5131, N.D. Ill.)

Petroleum Marketing Practices Act case.

Jeffery was lead counsel for Mobil Oil Corporation.

Jeffery defeated a motion for temporary restraining order against Mobil.

Brach v. Amoco Oil Co.,
677 F.2d 1213 (7th Cir. 1982)

This was a dealer termination case under the Petroleum Marketing Practices Act.

Jeffery was lead counsel for Amoco Oil Co. in jury trial before Judge Milton Shadur and before Seventh Circuit Court of Appeals.

Seventh Circuit opinion was one of the first substantive appellate court decisions interpreting the PMPA and one of the most frequently cited decisions under this Act.

Mobil Oil Corporation v. Ruben Flores,
(99 C 6979, N.D. Ill.)

Jeffery was lead trial counsel for Mobil Oil Corporation in a breach of contract case. The dealer raised the Petroleum Marketing Practices Act as an affirmative defense.

The case involved the validity of a liquidated damages clause in the dealer contract.

Jeffery was lead trial counsel for Mobil Oil Corporation in a bench trial resulting in a decision for Mobil on all counts and an award of the total amount of damages sought by Mobil. The court upheld the liquidated damages clause as an enforceable contract damages clause and not an unenforceable penalty.

Holland v. Arthur Anderson & Co.,
127 Ill. App. 3d 854, 469 N.E.2d 419 (1st Dist. 1984)

Fraud and breach of contract against accountants.

Jeffery was lead counsel on behalf of plaintiff trustee in bankruptcy of American Reserve Corporation.

Jeffery successfully argued the case before Illinois Appellate Court on behalf of trustee. The Appellate Court's decision recognized the right of the trustee to sue for fraud and breach of contract even though the top officers of the corporations were allegedly involved in the fraud.

Deburco, Inc. v. Overland-Bolling, Co.,
(Cir. Ct. Cook Cty. No. 83 CH 5332)

Tortious interference and theft of trade secrets case.

Jeffery was lead trial counsel for defendant. Jeffery defeated a preliminary injunction brought against the defendant before Judge Porter after a two-day trial.



Associates in Nephrology, v. Roseman,
(Cir. Ct. Cook Cty. No. 82 CH 3699)

Tortious interference and breach of contract case involving terminated physician.

Jeffery was lead trial counsel for the plaintiff, a dialysis unit. Jeffery successfully tried a preliminary injunction before Judge Green.

NurseCall of Wisconsin, Inc. v. Home Health Services of Metropolitan Chicago, Inc.,
(Cir. Ct. Cook Cty. No. 85 CH 3275)

Tortious interference and breach of contract case.

Jeffery was lead trial counsel for plaintiff, a home health services group. Jeffery tried a preliminary injunction before Judge Dunne.

Sawyer Machine Works v. Pumpit Concrete Pumps,
(E.D. Penn. No. 82-4390)

Breach of express and implied warranties case.

Jeffery was lead trial counsel for defendant/counter-plaintiff. Represented defendant in all aspects of pretrial proceedings and discovery through settlement

Derby Meadows Utility Co. v. Village of Orland Park,
(Cir. Ct. Cook County. 87 CH 9418)

Tortious interference and equitable estoppel.

Jeffery was lead counsel for plaintiff.

Jeffery won an expedited trial on the merits before Judge Roger Kiley after a short discovery schedule.

Opryland USA, Inc. v. ESPN, Inc.,
(M.D. North Carolina 4:91CV00142)

Jeffery was lead counsel for Opryland on antitrust issues involving monopolization of cablecasts of Winston Cup stock car racing.

The Case settled favorably for Opryland at the close of discovery.

Red Baron-Franklin Park, Inc. v. Taito Corp. et al.,
(E.D. Va. 88-156-A)

Antitrust tying and copyright misuse case.

Jeffery was lead counsel for Taito Corp. and Taito America Corp.

Jeffery defeated a preliminary injunction brought against the defendants before Judge

Hilton in the Eastern District of Virginia and won a motion dismissing damages under Illinois Brick.

The case settled on eve of trial with clients paying no money in settlement.



Tallent v. Vanderbilt,
(C.D. Tenn. 3 85 0772)

Antitrust case involving Section 1 and Section 2 of the Sherman Act, brought by a renal transplant surgeon, alleging an essential facility.

Jeffery defeated summary judgment motion on the Section 2 monopoly count.

The case settled.

Desco v. Sandelman,
216 Ill. App. 3d 226 (1st Dist. 1991)

Declaratory judgment involving real estate lease.

Jeffery won a bench trial before Judge Arthur Dunne.

Jeffery successfully argued the case for Desco in Appellate Court upholding the decision of Judge Dunne

Sajja v. Bennettsville Dialysis Center, Inc.,
(D.S.C. 4: 88-3296-15)

Antitrust case involving nephrologist terminated from dialysis clinic.

Jeffery was lead counsel for the plaintiff, a nephrologist.

The case settled on eve of trial with plaintiff nephrologist was reinstated and paid damages.

Gendex Corp. v. Bennett X-Ray Corp.,
(N.D. Ill. 92 C 2934)

Jeffery was lead trial counsel for Bennett in false and misleading advertising case under Lanham Act.

Jeffery was lead counsel for defendant in preliminary injunction trial before Judge Brian Barnett Duff.

The case settled.

Askew v. DCH Health Care Authority,
995 F.2d 1033 (11th Cir. 1993)

Jeffery was counsel for plaintiffs in antitrust monopolization case involving an acquisition of a quasi-public hospital in Alabama.

Jeffery defeated motion to dismiss brought under state action doctrine in trial court in Birmingham, Alabama.

Jeffery argued the case as lead counsel in the Eleventh Circuit Court of Appeals.

PDQ v. Nissan Motor Co., Ltd., (In re Nissan Antitrust Cases, MDL 120),
577 F.2d 910 (5th Cir. 1978)

Section 1 of the Sherman Act case involving vertical price maintenance.

Jeffery was a member of the trial team for defendants during a successful five week jury trial in Miami



United States v. International Harvester Co.,
564 F.2d 769 (7th Cir. 1977)

Section 7 of the Clayton Act case.

Jeffery was third chair for defendant International Harvester Co. Participated in the bench trial and appeal.

United States v. International Paper Co.,
(Criminal No. H-78-11 S.D. Texas)

Criminal case under Section 1 of Sherman Act.

Second chair for corporate defendant Weyerhaeuser Co. Represented company and individuals before grand jury prior to indictment. Represented corporation after indictment until plea of nolo contendere. Assisted counsel for indicted individual employees in criminal jury trial.

In re Corrugated Shipping Container Cases,
MDL 310 (S.D. Tex)

This was a civil treble damage class action case involving Section 1 of Sherman Act allegations of price-communications.

Jeffery was second chair for defendant Weyerhaeuser Co. Jeffery represented the company in all phases of pretrial discovery through settlement.

Freedman Seating Co. v. American Seating Co. and General Motors Corp.,
(N.D. Ill.)

Sections 1 and 2 of Sherman Act case.

Jeffery was second chair for the defendant General Motors Corp. Jeffery represented General Motors Corp. in all phases of discovery and pretrial matters until settlement.