

Leland H. Chait

Partner

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Leland H. Chait helps his clients solve problems. He always protects their interests and makes his clients' money through recoveries or efficient and effective defense of claims and effective advice for avoiding disputes. He provides efficient and effective counsel and advice on approaching complex factual and legal problems. He has a record of success in trying to judgment or other dispositive outcome trials, arbitrations, motions for temporary restraining orders, and motions for preliminary and permanent injunctive relief. Lee has been named a "Leading Lawyer" from 2013-2018, and has received other similar distinctions.

Areas of Practice

Civil Litigation, Insurance Litigation, Insurance Industry Advocacy and Litigation, Healthcare Services and Providers, Employee Benefits and ERISA, Employment and Labor Litigation

Leland has a significant amount of representative experience including:

Represented bankruptcy debtor in winning bell weather trial of five consolidated motions to lift stay and stopped efforts to repossess equipment needed for the debtor to continue reorganization plan.

Represented plaintiff law firm in dispute with its information technology vendor over the vendor's alleged failure to competently convert the firm from incumbent IT infrastructure to new hardware and software systems. After the client filed suit, the IT firm counterclaimed for a mid-six figure amount due under the IT contract and refused to provide the client access to its own back-up data. The client filed a motion for temporary restraining order and preliminary and permanent injunctive relief for access to its back-up data, and, at trial, the defendant vendor agreed to the relief sought. Thereafter, the parties agreed to a settlement favorable to the law firm.

Represented insurer in determining coverage under professional liability policy. Insured dropped claim without suit after exchange of letters concerning coverage.

Represented plaintiff who fulfilled orders for goods sold by a major non-profit association, but for which the association allegedly failed to pay fees and reimbursable expenses to my client. After filing a complaint alleging breach of contract, fraud in the inducement, unjust enrichment, and account stated, the matter settled on favorable terms for the plaintiff.

Represented plaintiff in a Section 1983 dispute in claims of abuse on bid award. Matter settled favorably to plaintiff after presentation of claim.

Represented executor of estate in opposing claims brought by decedent's spouse seeking to invalidate the decedent's last will due to undue influence, and waste and oppression. After moving to dismiss the undue influence claims, the matter settled on terms that left the challenged will effective.

Represented municipality in allegations of Section 1983 violation due to alleged abuse by government employees. Matter settled confidentially without suit.

Represented plaintiff, a successful chain of hair salons, in suing a key former employee who resigned to join a competitor and, after leaving the plaintiff, allegedly accessed electronically and without authorization the plaintiffs' data about its customers, and then allegedly used this information to unlawfully solicit customers. The complaint alleged breach of contract, fraud, violation of two federal statutes, the Stored Communications Act and the Computer Fraud and Abuse Act, misappropriation of trade secrets, breach of fiduciary duties, civil conspiracy, tortious interference with employment agreements, and conversion. After substantial discovery confirming the accessing, and use, of the salon client's data, the case settled for an amount that represented a substantial portion of the claimed damages.

Represented father in suit filed by his disgruntled son to have invalidated the father's powers of attorney over healthcare decisions and property, have an executor of the son's choosing installed to control the father's assets, and have the father declared incompetent. After filing the petition, the son asked the Court to have the client submit to a medical exam to determine his competency. After father filed a motion to dismiss the petition and opposed the medical exam, the Court denied son's request for the father's medical examination, and granted the father's motion to dismiss the complaint in its entirety.

Represented insured in declaratory judgment action seeking coverage under CGL policy. Matter settled with coverage provided after defeating insurer's motion to dismiss.

Represented plaintiff owner of car dealerships and real estate in suit against partners for failure of the partners to keep plaintiff informed of the earnings, cash flows and expenses of the partnership's assets, and failure to pay my client his share of partnership distributions. Case settled on terms favorable to my client.

Represented world-renowned conductor of symphonic music in arbitration against a booking and management company that failed to pay promised fees or secure promised bookings. The client won an arbitration trial that awarded the entire amount sought, plus the conductor's costs and interest.

Represented a client who had lost his wife to illness and wished to have the community where they lived establish in his wife's memory a dog park accessible to those with disabilities, which the community rebuffed. We filed a complaint with the United States Department of Justice alleging the community's denial violated the Americans with Disabilities Act by providing a dog park facility accessible to the able-bodied, but not the disabled. The Justice Department intervened and, working with the Justice Department and me, the community designed and built a disability-accessible dog park on property which the Justice Department and the client approved.

Represented leading Midwest fitness club chain that suffered a defective flooring system costing millions of dollars in its signature facility. After multiple unsuccessful attempts to correct the defects, the owner of the building in which the club was located filed arbitration proceedings against my client and all vendors involved in the construction. Matter settled at mediation with my client obtaining a fully functioning flooring system at no cost, and damages for its loss of use of the club in the form upgrades to the flooring and other improvements to its facility.

Northside Management v. Chee, 07 L 7154, (Circuit Court of Cook County, Illinois, Law Division (May 2012) Represented property owner in dispute for unpaid rent and costs. After bench trial, judgment entered for my client, for full six-figure amount claimed.

Represented of reinsurer on quota share reinsurance program. Matter turned on trigger of coverage and follow the fortunes clauses issues. Dispute resolved in mediation.

Represented reinsurer in dispute over responsibility under quota share reinsurance plan involving definition of program layers.

Peoria Day Surgery Center v. OSF St. Francis Healthcare System, 2007 U.S. Dist. Lexis 3962 (January 19, 2007) Antitrust monopolization and tying claims of my client survive dismissed. Case settled on favorable terms after discovery.

Krzalic v. Republic Title Co., 314 F.3D 875 (7th Cir. 2002), *cert. denied*, 2004 U.S. LEXIS 5050 (U.S. June 27, 2003) Successful class action defense for my client title insurance agent.

Burnham Service Corp., et al. v. American Motorists Ins. Co., et al., 732 N.Y.S.2d 223 (Sup. Ct. N.Y. 2001) Successful defense of client workers' compensation insurer.

AARP, et al. v. National Surety Corp., et al., 98-82 0589-CZ, 2001 WL 530348 (Mich. Cir. Ct. October 2, 2001) Successful defense of client workers' compensation insurer.

Foodarama Supermarkets, Inc. et al. v American Ins. Co., et al., 2000 Philadelphia County Rptr. LEXIS 1, 43 Pa. D. & C.4th 467 (Philadelphia Court of Common Pleas, Pennsylvania, January 10, 2000) Successful defense of client workers' compensation insurer.

Lipman, et al. v. Batterson, et al., 738 N.E.2d 623 (III. App. 2000). Successful defense of client issuers of securities.

Represented reinsurer in dispute with ceding carrier over amounts purportedly owed under captive program including facultative reinsurance contract. Dispute settled after trial concluded.

Searls v. GATX, 64 F.3d 1061 (7th Cir. 1995) Successful defense against allegations of securities fraud.

Achievements

Lee has successfully tried business disputes courts and arbitral fora in 19 states and in federal courts in 6 of the federal circuits throughout the United States, and has practiced before the U.S. Supreme Court.

Lee focuses on:

- Insurance: Advising and litigation insurance regulatory, business, and coverage matters on subjects including risk selection, pricing, marketing, and sales practices. Lee has handled disputes or advised carriers in cyber, errors & omissions, professional liability, property, workers' compensation, specialty and life insurance lines of business. He has assisted business clients with internal investigations and audits for compliance with laws and regulations concerning insurance rating, claims handling, and marketing.
- Antitrust: Planning and litigating antitrust disputes as plaintiff and defendant on matters concerning competition, reselling, monopolization, and tying claims. Lee has advised business clients with compliance with antitrust laws and decisions.
- Healthcare: Representing managed care firms, healthcare providers and payers and pharmacy benefit managers in regulatory matters and provider-payer disputes.
- Business Litigation: Successfully handling business disputes involving breach of contract, fraud, business torts, federal and state claims concerning unlawful intrusion into computer networks, systems and programs, and breach of fiduciary duty. Lee also has extensive experience defending class action cases and prosecuting and defending contested adversary and other evidentiary proceedings in federal bankruptcy proceedings.
- Employment: Successfully prosecuting and defending disputes concerning covenants not to compete, confidentiality covenants, incentive compensation and discrimination in employment claims.
- Probate: defeating motions seeking to have his clients declared incompetent and for appointment of a receiver or guardian ad litem; successfully prosecuted and defended against claims of undue influence and waste.

Thought Leadership

- Vice Chair-Membership (2019-2020) and Vice Chair (2018-2019) of the Excess, Surplus Lines and Reinsurance (ESLR) Committee of the American Bar Association's Tort Trial and Tort Trial and Insurance Practice Section (TIPS)
- Vice Chair of the Corporate Counsel Committee of the American Bar Association's Tort Trial and Tort Trial and Insurance Practice Section (TIPS) (2019-2020; 2018-2019)
- Leading Lawyer in Antitrust Law, "Class Action, Commercial Litigation and Health Law by Leading Lawyer Magazine (2013, 2014, 2015, 2016, 2017, 2018)
- Nightingale's Healthcare News, Outstanding Healthcare Antitrust Lawyer (2006)

Education & Certifications

University of Chicago, Chicago, Illinois
Juris Doctor, 1988

University of Chicago, Chicago, Illinois

B.A. with honors, 1981

Bar & Court Admissions

Illinois
Louisiana
U.S. District Court for the Northern District of Illinois
U.S. District Court for the Eastern District of Louisiana
U.S. District Court for the Eastern District of Michigan
U.S. Court of Appeals for the Seventh Circuit
U.S. Tax Court
U.S. Supreme Court

Experience

2019 – Present **Schuyler Roche & Crisham, P.C.**, Chicago, IL
Partner

2018 **Latimer LeVay Fyock LLC**, Chicago, IL
Partner

2007 – 2018 **Sugar Felsenthal Grais & Hammer LLP**, Chicago, IL
Partner

2005 – 2007 **McGuireWoods LLP**, Chicago, IL
Partner

1996 – 2005 **Wildman Harrold Allen & Dixon**, Chicago, IL
Associate/Partner

1990 – 1996 **Mayer, Brown, Rowe & Maw LLP**, Chicago, IL
Associate

1983-1985 **Janet Diederichs & Associates**, Chicago, IL
Account Executive

1981-1984 **Cook County States Attorneys Office**, Chicago, IL
Speechwriter

Peer Recognition

“Issues in Cyber Coverages for Law Firms and Their Clients Alike,” ABA Tort Trials and Insurance Practice Section (TIPS) 5th Annual Section Conference, Westin New York at Times Square, May 1, 2019, Moderator of Panel Discussion.

“Defending Against Bankruptcy Avoidance Actions” West LegalEd Webinar, April 23, 2019, Moderator.

“Resolving Shareholder Disputes 2019,” West LegalEd Webinar, March 26, 2019, Moderator.

“Common Commercial Conflicts 2019,” West LegalEd Webinar, February 26, 2019, Moderator.

“Business Breakups 2019,” West LegalEd Webinar, February 5, 2019, Moderator.

“Issues in Complex Litigation,” West LegalEd Webinar, May 9, 2018, Panelist.

“Fraud and Abuse In Managed Care”: American Bar Association, Health Law Section Webinar, March 14, 2018, Panelist.

“Complex Financial Litigation for the Non-Expert,” West LegalEd Webinar, February 23, 2017, Panelist.

"Preparing for the Ripple Effect: Pricing Transparency and the Medical Device Industry," American Conference Institute's In-House Counsel forum on Government Regulation of Medical Device Pricing & Reimbursement, Chicago, Illinois, May 20-21, 2007, Panelist.

"Current Trends in Managed Care & Provider Relations: How to Avoid & Manage Disputes," McGuireWoods Health Care Litigation Department, Chicago, Illinois, February 8, 2007, Speech.

“U.S. Supreme Court Clarifies Important Criteria for Qui Tam Litigation,” McGuireWoods Life Sciences Industry News, April 16, 2007.

"Defeat of Nationwide Class in *Baycol* Litigation Shows Importance of Detailed Evidence to Oppose Certification," McGuireWoods Life Sciences Industry News, March 12, 2007.

"Horizon Health Deal Hits Snag - FTC Launches Antitrust Investigation of Psych Pact," Quoted in Article, Modem Healthcare, February 19, 2007.

"Gainsharing and Pay for Performance - A Regulatory Breakthrough, but Challenges Remain," Center for Business Intelligence's 2nd Annual Forum on Medical Device and Diagnostics Reimbursement and Medicare Coverage, Anaheim, California, December 11, 2006, Speech.

"Risks Presented Antitrust and False Claims Act Cases," Center for Business Intelligence's Medical Device Conference, Washington, D.C., June 20-22, 2006, Speech.

"Advantages of Gainsharing for Medical Device Firms" and "Pros & Cons of Gainsharing," American Academy of Orthopaedic Surgeon's Corporate Advisory Council Meeting, Rosemont, Illinois June 8, 2006, Speech.

Professional Membership

Federal Bar Association

Illinois State Bar Association

American Bar Association – Antitrust, Health Law and Tort Trial and Insurance Practice (TIPS) Sections

Civic Affiliations

Board member, New Trier Education Foundation.

General Counsel and Board Member, Friends of Future Builder Scouts, NFP, a 501 (c)(3) organization that supports Future Builder Scouts, a youth organization that builds outdoor and leadership skills and self-reliance in young people in the county of Ghana.

Camping Chair, Boy Scouts of America, Troop 20, Winnetka, Illinois.