

## W. Allen A. Woolley

Partner

Chicago

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Allen brings extensive experience in handling complex commercial, bankruptcy, environmental, employment, and product liability matters.

### OVERVIEW

Allen represents corporations, individuals, and trustees in state and federal courts. His practice encompasses contract disputes, fiduciary duty issues, corporate governance, fraud and securities fraud, Anti-Terrorism Act cases, trade secrets, and noncompete litigation.

Allen acts as lead counsel in trials, appeals, and arbitrations. He defends major class action and mass tort lawsuits involving environmental contamination, industrial accidents, and radioactive materials. Additionally, Allen defends clients in high-profile EEOC and private class actions, wage and hour disputes, and withdrawal liability assessments by multiemployer pension plans.

### REPRESENTATIVE MATTERS

#### Commercial and Bankruptcy Litigation

- Lead trial attorney for a Chinese heavy equipment manufacturer in a 2019 federal jury trial seeking to recover more than \$100 million for alleged misappropriation of trade secrets from a leading domestic crane manufacturer. The case was resolved during the trial.
- Represented the parents of an American teenager killed by Hamas terrorists in a high-profile action to enforce a \$156 million judgment obtained under the federal Anti-Terrorism Act against the successors and alter egos of organizations previously found to have provided material support to Hamas.
- Prosecuting claims by a major pharmaceutical manufacturer for a breach of asset purchase agreement following the acquisition of generic drug product lines in an FTC-directed divestiture.
- Defended a publicly traded online professional networking company in a lawsuit brought by a lender alleging violations of terms of warrants, securities laws, and Massachusetts unfair trade practices laws.
- Represented a bankruptcy court-appointed litigation trustee in federal and state court cases against Comdisco, Inc.'s former senior management to enforce more than \$74 million in promissory notes executed in connection with funding an employee stock option program. Served as co-lead counsel and trial lawyer in the federal bench trial.

- Represented a major real estate firm in an expedited adversary proceeding in the Lehman Brothers bankruptcy seeking to enjoin the sale of residential properties throughout the U.S. The injunction was defeated following an evidentiary hearing in bankruptcy court.
- Defended firearms manufacturer Sturm, Ruger in consolidated securities fraud class action claims filed on behalf of shareholders. Achieved court-approved class-wide settlement.
- Defended Motorola in a securities fraud class action following the bankruptcy of the Iridium satellite telephone system. Managed discovery, development of the expert case, and dispositive and *Daubert* motions. Settled claims following discovery and motion practice.
- Lead litigation partner in a two-pronged effort to recoup an investor's losses in a bankrupt bioenergy firm. Obtained partial recovery through settlement in the bankruptcy case, then pursued state court fraud action to recover the remainder from the bankrupt entities' insured directors and officers. Settled the director and officer lawsuit after defeating defendants' motions to dismiss.
- Lead partner in three related cases between an online securities trading firm and its CEO arising from the CEO's whistleblower complaint alleging that the company founder misused funds and violated securities laws. Defeated a \$40 million claim by the company against the CEO and ultimately obtained judgments against the company and founder for more than \$2.7 million. The sanctions award against the founder was upheld by the Seventh Circuit.
- Lead litigation partner in the defense of a \$30 million breach of a guarantee adversary proceeding in the Harnischfeger bankruptcy case. The U.S. District Court upheld the disallowance of claims. *In re Harnischfeger Industries, Inc.*, 316 B.R. 616 (D. Del. 2003).
- Lead trial and appellate lawyer in fraud litigation against a consultant in connection with the leasing of retail stores in a downtown Chicago shopping mall. Obtained a judgment following a bench trial for all requested relief and 100 percent of attorneys' fees. Defended the judgment in the Illinois Court of Appeals. *JMB/Urban 900 Development Partners, LTD. v. Hazan*, 2013 IL App (1st) 113714-U.
- Lead litigation partner in a bankruptcy adversary proceeding involving more than \$60 million in claims against the estate of Trans World Airlines (TWA). The settlement permitted confirmation of a plan of reorganization.
- Represented Threshold Entertainment, the producer of the blockbuster "Mortal Kombat" movie and television series, in connection with the Midway Games bankruptcy. Brought adversary proceeding to adjudicate the extent of Threshold's interest in intellectual property rights and negotiated a "pass-through" of Threshold's interests.
- Represented limited partners of a REIT that formerly owned numerous high-profile urban shopping centers throughout the U.S. in a derivative action alleging breach of fiduciary duties and breach of the partnership agreement.
- Represented a medical equipment supplier in preliminary injunction proceedings relating to a \$50 million bid to provide radiology equipment for a new hospital. Negotiated a three-party settlement with the county and a competing supplier.
- Represented a venture capital firm in the wind-down of an insolvent subsidiary and related litigation. Coordinated litigation of more than a dozen lawsuits in three states. Negotiated global settlement of shareholder derivative action and related cases.

## **Environmental, Toxic Tort, and Products Liability Litigation**

- Represented Chinese e-cigarette manufacturers in multiple product liability actions seeking to recover for injuries allegedly caused by defective vaping devices and batteries.
- Defended Motorola for more than 10 years in connection with multiple class action lawsuits alleging personal injuries and property value diminution in Scottsdale and Phoenix as a result of trichloroethylene in the groundwater. Member of a trial team in a seven-month jury trial of landmark environmental case *Baker v. Motorola*. Examined numerous fact and expert witnesses during the jury trial of class property damage claims. Complete defense verdict included in the *National Law Journal's* "Top Defense Verdicts" for 2001.
- Member of a trial team during a five-month jury trial of a high-profile class action brought against Rocky Flats

nuclear weapons facility contractors alleging diminution in property values in the north Denver suburbs due to alleged releases of plutonium.

- Represented the operator of a Uranium mill in personal injury action brought by 200 plaintiffs alleging exposure to radioactive materials from mill operations. All claims were dismissed voluntarily or following summary judgment.
- Represented a chemical manufacturer in a mass tort action brought by thousands of plaintiffs alleging chemical exposure following a tank car explosion. Scope of damages claims reduced by challenge to key medical and causation experts.
- Represented various chemical and electronics manufacturers in declaratory judgment actions against insurers to obtain coverage for environmental cleanup costs and tort liability throughout the U.S.
- Regularly represented and advised a major automobile parts manufacturer in connection with product liability and product recall matters throughout the U.S.
- Represented a major household products manufacturer in class action alleging a product defect in plug-in air fresheners. Defeated class certification and achieved settlements of individual actions.

### **Employment and Multiemployer Pension Plan Disputes**

- Lead litigation partner in a challenge to an ERISA withdrawal liability assessment. Following a three-day evidentiary hearing, the arbitrator issued a decision adopting the client's legal arguments. Arbitration decision upheld by the Northern District of Illinois and Seventh Circuit. *Chicago Truck Drivers, Helpers and Warehouse Workers Union (Independent) Pension Fund v. CPC Logistics, Inc.*, 698 F. 3d 346 (7th Cir. 2012).
- Regularly represent employers in multiemployer pension plan withdrawal liability disputes. Currently representing and advising a major energy construction and engineering firm in connection with multiple high-dollar withdrawal liability issues.
- Lead counsel in multiple noncompete and employment contract cases brought by and against former partners of a multinational human resources consulting firm. Argued and secured an appeal of dismissal of the MA case in the First Circuit Court of Appeals. *Platten v. Hg Bermuda Exempted Limited*, 437 F. 3d 118 (1st Cir. 2006).
- Represented a current employer of a high-level telecommunications executive in noncompete litigation against a former employer. Defeated former employer's effort to obtain an injunction to prevent the employment of the executive.
- Lead litigation partner in a collective and class wage and hour action against a temporary staffing agency alleging company-wide overtime pay violations. Achieved court-approved settlement in favor of the client after undermining the validity of the plaintiffs' damages model.
- Represented Morgan Stanley in a high-profile EEOC class action alleging gender discrimination against female traders and salespeople. The case settled on the first morning of the jury trial.
- Represented international engineering and construction firm Foster Wheeler in an EEOC class action and related individual cases alleging racial and sexual harassment at a power plant construction site. Settled EEOC claims and first-chaired a seven-day jury trial of a related discrimination case. As lead partner, obtained summary judgment and the dismissal of other related claims relating to the same construction site.

### **Pro Bono and Public Interest Representations**

- Lead partner in a wrongful termination case alleging retaliation for complaints of discriminatory treatment of Hispanic job applicants. Co-counsel with the Chicago Lawyers' Committee for Civil Rights Under Law and Mexican American Legal Defense and Education Fund (MALDEF).
- Court-appointed counsel and lead partner in multiple excessive force cases alleging unlawful beating of jail detainees. *Walker v. Sheahan*, 526 F. 3d 973 (7th Cir. 2008).
- Lead partner in a class action against the Illinois Department of Corrections alleging certain inmates were subject to unlawful conditions of confinement. After a settlement in favor of the clients, the case was included as a "Pro Bono Highlight" in an *American Lawyer* article (January 3, 2002).

## Reported Decisions

- *Zydus Worldwide DMCC v. Teva API Inc.*, \_\_ F. Supp. 3d \_\_, 2020 WL 2570043 (D.N.J. May 20, 2020).
- *Simons v. Fox*, 725 Fed. Appx. 402 (7th Cir. 2018).
- *Simons v. Ditto Trade, Inc.*, 63 F. Supp. 3d 874 (N.D. Ill. 2014).
- *Simplexity, LLC v. Zeinfeld*, 2013 WL 1457726 (Del. Ch. 2013).
- *JMB/Urban 900 Development Partners, LTD. v. Hazan*, 2013 IL App (1st) 113714-U.
- *U.S. Gas & Elec., Inc. v. Big Apple Energy, LLC*, 705 F. Supp. 2d 216 (E.D.N.Y. 2010).
- *U.S. Gas & Elec., Inc. v. Big Apple Energy, LLC*, 667 F. Supp. 2d 237 (E.D.N.Y. 2009).
- *Walker v. Sheahan*, 526 F. 3d 973 (7th Cir. 2008).
- *Platten v. HG Bermuda Exempted Ltd.*, 437 F. 3d 118 (1st Cir. 2006).
- *Joy v. Hay Group, Inc.*, 403 F. 3d 875 (7th Cir. 2005).
- *Hay Group, Inc. v. Bassick*, 2005 WL 2420415 (N.D. Ill. 2005).
- *EEOC v. Morgan Stanley & Co.*, 324 F. Supp. 2d 451 (S.D.N.Y. 2004).
- *In re Harnischfeger Industries, Inc.*, 316 B.R. 616 (D. Del. 2003).
- *Malone v. Foster Wheeler Constructors, Inc.*, 2001 WL 1263664 (7th Cir. 2001).
- *EEOC v. Foster Wheeler Constructors, Inc.*, 1999 WL 528196 (N.D. Ill. 1999).

## TOP AREAS OF FOCUS

- Class Action
- Environmental Litigation + Enforcement Defense
- Litigation + Trial
- Product Liability

## ALL AREAS OF FOCUS

- Business Litigation
- Class Action
- Commercial Mortgage-Backed Securities Special Servicing
- Environmental Litigation + Enforcement Defense
- Litigation + Trial
- Product Liability
- Securities Litigation

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- Duke University School of Law, J.D., 1991
- Duke University, M.A., 1991
- Dartmouth College, A.B., *cum laude*, 1987, philosophy

### BAR ADMISSIONS

- Illinois

- Colorado

## COURT ADMISSIONS

- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, District of Arizona
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, First Circuit
- U.S. District Court, Northern District of Illinois, Trial Bar
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Central District of Illinois

## SPEAKING ENGAGEMENTS

- Speaker, “Going Through Withdrawal: Dealing with Multiemployer Pension Plan Withdrawal Liability,” Troutman Pepper Locke, September 30, 2025.
- Speaker, “Countering the Financing of Terrorism: No Room For Error,” ABA Business Law Hybrid Section Annual Meeting, September 15-17, 2022.
- Speaker, “Countering the Financing of Terrorism: International & Domestic Law and Policy Banking Law,” ABA Business Law Virtual Section Annual Meeting, September 21, 2020.

## PUBLICATIONS

- Author, “Private Litigation Against Terrorism Financing,” *Countering the Financing of Terrorism: Law and Policy*, edited by John M. Geiringer, American Bar Association, 2022.

## MEDIA COMMENTARY

- Quoted, “Employer Tab for Exiting Pensions at Stake in High Court Appeal,” Bloomberg Law, October 22, 2024