

Rodney Perry

Partner

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Don't let Rodney Perry's even-keeled manner and low-key sense of humor fool you. He's a no-nonsense litigator who competes to win. For the past 20 years, Rod has helped his clients when they need him most, resolving complex civil litigation matters and business disputes in courtrooms across the country with confidence and skill.

Rod represents clients in commercial litigation, class actions, and employment litigation matters both locally and nationally in state and federal courts, before administrative agencies, and in arbitration forums. Rod's considerable litigation experience includes a special focus on real estate, financial services, and consumer protection litigation.

Rod has represented financial institutions and a wide variety of other clients in commercial real estate related matters, including commercial (judicial and non-judicial) foreclosures, bankruptcy real estate litigation, guaranty litigation, fraud and negligent misrepresentation litigation, lien priority litigation, construction disputes, mechanics lien litigation, title insurance litigation, landlord and tenant/leasing disputes, and other litigation involving contract interpretation, fraudulent conveyance litigation, land use, zoning and permitting litigation, and property rights disputes.

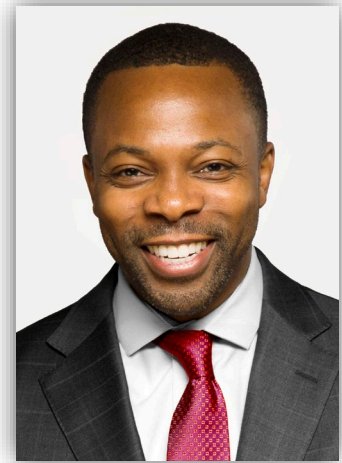
Rod has defended a variety of clients in complex consumer-related disputes, including putative consumer class actions and individual cases involving alleged violations of the Truth in Lending Act (TILA), Fair Credit Reporting Act (FCRA), Real Estate Settlement Procedures Act (RESPA), Fair Debt Collection Practices Act (FDCPA), the Telephone Consumer Protection Act (TCPA), as well as state unfair and deceptive acts or practices (UDAP) statutes and other consumer protection laws, statutes and regulations, such as those promulgated by the Consumer Financial Protection Bureau (CFPB).

In addition, Rod has represented employers with respect to claims regarding race, age, disability, religious and sex discrimination, wage and hour violations, sexual harassment, retaliation, employee non-competition, and various common law claims.

EXPERIENCE

Clerkships

Hon. Catherine D. Perry, U.S. District Court, Eastern District of Missouri



Representative Engagements – Real Estate Litigation

- Represent a community college system in parallel litigation and arbitration proceedings arising out of defective construction of facilities at one of its campuses.
- Represented a Fortune 500 manufacturing company in high-stakes litigation involving property rights issues, disputes regarding railroad easements, and complex federal preemption issues under the statutory framework governing railroad transportation; obtained summary judgment in circuit court and affirmance on appeal.
- Represent the owner of a commercial office building project in a dispute with the developer and contractor related to various construction defect claims, including structural defects in the exterior walls, basement, garage, and elevator shaft.
- Defeated in trial court and on appeal in various cases claims against a national retail developer in litigation arising out of zoning, permitting, and land use disputes related to multi-million-dollar development projects.
- Obtained summary judgment for a cell tower ground lease management provider in litigation involving its purchase of easement rights to a cellular transmission tower site and a competitor's claim of a right of first refusal to purchase the property based on its existing lease of the site.
- Obtained favorable resolutions on behalf of a national retail chain in various disputes arising from the client's early termination of leases due to store closings.
- Served as lead trial counsel for a lender in a trial in U.S. Bankruptcy Court involving the debtor's objections to the lender's proof of claim related to a multi-million loan secured by a retail shopping center.
- Obtained a directed finding for a retail store operator in a trial involving claims of public and private nuisance arising from the development of a shopping center near a residential area.
- Represented various financial institutions in commercial foreclosure matters, guaranty enforcement litigation, and bankruptcy litigation related to a retail shopping center development, hotel chain development, and a multi-family residential development.

Representative Engagements – Consumer Litigation

- Managed consumer financial services litigation in a multi-state area for a major banking institution and its affiliates, obtaining countless early dismissals, summary judgments, appellate victories (including after oral argument), and favorable settlements.
- Obtained dismissal of a putative class action asserting against a national banking institution claims for violations of various consumer protection laws, including the Stored Communications Act (SCA), the Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA), and the Illinois Consumer Fraud and Deceptive Business Practices Act (ICFA).
- Obtained a favorable settlement for a global banking institution in a putative class action asserting claims for violations of the Illinois Mortgage Act, breach of contract, and quiet title.
- Obtained a favorable settlement and pre-litigation resolution for an American media conglomerate in putative class actions alleging violations of the Telephone Consumer Protection Act (TCPA), the Illinois Prizes and Gift Act, the Illinois Telephone Solicitations Act, and asserting common law claims arising from text messaging and other telephone marketing practices related to the client's publications.
- Defeated consumer fraud claims in an arbitration proceeding for a national financial services company.

Representative Engagements – Employment Litigation

- Served as employment litigation counsel for a 15-state area for a national telecommunications company, securing many early dismissals, summary judgments, and favorable settlements.
- Represent a global integrated logistics company in employment litigation matters, including numerous favorable settlements and dismissals, and provided counseling involving a myriad of labor and employment issues throughout the U.S.
- Obtained dismissal on behalf of a client in a putative class action arbitration alleging violations of the Illinois Biometric Information Privacy Act (BIPA) arising out the client’s use of fingerprint-scanning timekeeping devices for employees to clock-in and clock-out; negotiated a favorable settlement after the named plaintiff re-filed the case as an individual arbitration. Obtained a favorable settlement on behalf of the client in a second arbitration alleging violations of BIPA arising out the client’s timekeeping devices.
- Obtained dismissal with prejudice of *qui tam* (i.e., whistleblower) claims brought under the False Claims Act (FCA) and the Illinois False Claims Act (IFCA) by a former employee against one of the nation’s largest public school districts.
- Secured numerous early dismissals, summary judgments, and favorable settlements for a retail supermarket and pharmacy chain in various cases alleging employment discrimination and wage and hour violations.
- Obtained favorable results on behalf of a national food manufacturing company in various cases asserting employment discrimination claims.
- Successfully defended a financial services company in broker/dealer arbitration proceedings involving a variety of employment claims before the regulatory authority.
- Obtained a directed verdict in a jury trial involving wrongful termination claims.

Representative Engagements – Other Commercial Litigation

- Successfully defended a manufacturer of commercial-grade window coverings against claims of breach of express and implied warranties under the Illinois Uniform Commercial Code (UCC).
- Obtained a judgment of non-dischargeability of debt as lead trial counsel for a creditor in U.S. Bankruptcy Court.
- Worked as part of a trial team that obtained a record jury verdict in a breach of contract action.

CREDENTIALS

Education

Washington University, J.D., 1998, Managing Editor, *Washington University Journal of Urban and Contemporary Law*

Tennessee State University, B.A., 1994

Bar Admissions

Illinois

Missouri

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Central District of Illinois
U.S. District Court for the Northern District of Illinois
U.S. District Court for the Northern District of Illinois (Trial Bar)
U.S. District Court for the Eastern District of Missouri

Professional Memberships

American Bar Association
National Bar Association
Chicago Bar Association
The Cook County Bar Association
Illinois State Bar Association
Section of Antitrust & Unfair Competition
Newsletter Editor (2015-2016)

Honors & Awards

Chicago's Notable Minorities in Law, *Crain's Chicago Business* (2020)
Illinois Leading Lawyer, *Law Bulletin Media Leading Lawyers* (2018-2021)

PUBLICATIONS & PRESENTATIONS

"From Crisis to Crisis: The CFPB's COVID Mortgage Regulations," (co-author) *Illinois State Bar Association's Bench & Bar Section Council Newsletter* (November 2020, vol. 51, no. 4)
"Participation Goals: Strategies to Achieve Them," (moderator) Construction SuperConference 2019, Rancho Palos Verdes, CA (December 16, 2019)
"Advancement, Transitions, and Career Planning," (panelist) Leadership Council on Legal Diversity (LCLD) Fellows Alumni Speaker Series, Chicago, IL (April 5, 2018)
"The First District affirms sanctions against a judgment debtor raising frivolous defenses," (co-author) *Illinois State Bar Association's Bench & Bar Section Council Newsletter* (November 2017, vol. 48, no. 5)
"Agencies Issue Antitrust Guidance to Human Resources Professionals," (co-author) Client Alert (November 2, 2016)
"Employment Strategies in Challenging Times: Litigating National Origin and Religious Discrimination Claims in the Aftermath of 9/11," ABA Annual Meeting (August 2008)
"Litigating Employment Discrimination Actions," Illinois Institute for Continuing Legal Education (April 2008)
"Employment Discrimination Based on Disability," Employment Discrimination 2007 Edition, Illinois Institute for Continuing Legal Education (2007)

COMMUNITY SERVICE

Civic and Charitable Memberships

Greater Chicago Legal Clinic, Board of Directors (2019-Present)

Leadership Council on Legal Diversity (LCLD)

Fellows Alumni Executive Council, Program Development Committee

Midwest Regional Lead (2019-Present)

Chicago City Lead (2017-2019)

Fellow (2015-2016)

Legal Aid Society of Chicago, Board Member (2007-2016)

Chicago United, Leadership Council (2017)