

# Edward Casmere

## Partner

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Confident, articulate, and exceptionally cool under pressure, Edward Casmere has been described by colleagues and opponents alike as one of the most engaging and persuasive attorneys with whom they have ever worked. Ed has built a career on providing clients with strategic, thorough, and practical counsel for handling extraordinarily challenging claims, in the most difficult jurisdictions, against some of the most talented opposing counsel.



Clients have looked to Ed to wear many hats in cases across the country – national coordinating counsel, litigator, high-level risk manager, strategic advisor, negotiator, and trial lawyer. Ed has represented clients of all sizes in cryptocurrency, private equity, sports/entertainment, banking, food, automotive, transportation, children’s products, insurance, agricultural products, chemical, industrial products, aviation, technology, and glass industries. He has litigated a diverse array of cases, including complex commercial litigation, class actions/mass torts, environmental claims, chemical exposures, securities fraud, employment discrimination, sexual harassment, railcar injuries, lease disputes, warranty claims, and catastrophic property damage/personal injury.

While Ed has an impressive history of securing positive litigation and trial outcomes for his clients, his first line of attack has always been to look for effective ways to proactively circumvent litigation through lawsuit avoidance strategies, compelling legal arguments, or efficient negotiations.

## EXPERIENCE

### Clerkships

Judicial Extern — U.S. Attorney’s Office Northern District of Illinois, Eastern Division (1999)

### Representative Engagements

- Member of the mediation team that successfully negotiated a \$600+ million resolution of a company’s future lifetime mass tort liabilities stemming from legacy product line liabilities.
- Serves as **first-chair trial lawyer** and **lead litigation counsel** in numerous catastrophic injury and wrongful death cases in state and federal courts nationwide.
- Won the dismissal, with prejudice, of a nationwide putative class action complaint alleging deceptive advertising of a consumer product filed on behalf of all New York and California consumers against his client.
- Successfully prosecuted several commercial lease actions on behalf of a national transportation company relating to force majeure COVID-19 pandemic claims.
- Acted as lead counsel in litigation and mediation of **complex investment dispute** involving national retail business.
- Successfully counseled major aviation industry supplier through pre-litigation supply chain management negotiations due to COVID-19 disruptions.

- Functions as **chief negotiation and settlement counsel** for clients in product liability and mass tort litigation nationwide.
- Defended transportation company in commercial lease disputes and serious personal injury cases in various states.
- Counseled **private equity firm** in its analysis of the product liability and litigation portfolios of target companies as part of the due diligence conducted at various points in the negotiations of the transactions.
- Led team that successfully prosecuted **securities fraud** claims on behalf of investors in New York federal court securing a favorable settlement.
- Secured dismissal of a **novel patent license product liability claim** in federal court, and successfully defended the dismissal on appeal.
- Successfully prosecuted a **wrongful death case for the family** of a young man who died from “undetermined” causes after their prior lawyer withdrew shortly before the final pre-trial mediation. Following some last-minute discovery, research, and forensic analysis, Ed crafted a mediation strategy and opening statement that resulted in the defendants changing their “no pay” position and settling the case.
- Successfully defended the enforceability of a broad exculpatory agreement/waiver of liability for an **adventure experience company** in a personal injury action resulting in the dismissal of several claims at an early stage of the litigation.
- When a customer refused payment for significant orders over several months, a **large commercial bakery** turned to Ed for help. He crafted and filed a complaint in federal court that compelled the customer to admit enough facts to obtain partial judgment in the bakery’s favor. He then executed on the judgment and negotiated a secured payment plan. That plan provided the bakery immediate cash flow and a secured debt and also allowed them to maintain a working relationship with their customer who was able to remain in business.
- Ed joined a small team of lawyers to assist a **Fortune 500 company** after an unanticipated onslaught of mass tort claims was filed against it and its subsidiaries. He assumed responsibility for managing hundreds of cases, working with the client’s upper management and national counsel to create and implement settlement negotiations and trial strategies. Following an intense period of discovery and trial preparations, Ed negotiated a short-term resolution that ultimately became the final negotiated resolution.
- Secured and defended on appeal, the dismissal of an action at the pleading stage against an **international banking client** based on claims related to Italian law, Illinois law, and the Commercial Code.
- Secured a substantial pre-suit settlement on behalf of a client asserting **sexual harassment and discrimination** claims.
- Successfully challenged, at trial and on appeal, the admissibility of experts in federal courts, and also defended experts against such challenges in state and federal courts.
- Obtained a directed verdict at the close of plaintiff’s case in a wrongful death jury trial involving a novel liability claim in a cancer case.
- Served as a member of the Defense Liaison Committee for the MDL-875 Court overseeing asbestos claims filed in Illinois, Indiana, and Wisconsin.

## CREDENTIALS

### Education

Harvard Law School, Program on Negotiation, The Harvard Negotiation Master Class, 2019  
University of Illinois Chicago School of Law, J.D., Jan. 2001, *magna cum laude*, *Order of John Marshall*  
Illinois State University, B.S., Double major in Political Science, and Public Relations/Communications, 1995

### Bar Admissions

Illinois  
Missouri  
New York  
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 (Trial Bar)  
U.S. District Court for the Southern District of Illinois  
U.S. District Court for the Eastern District of New York  
U.S. District Court for the Southern District of New York  
U.S. District Court for the Eastern District of Missouri  
U.S. District Court for the Western District of Missouri  
U.S. District Court for the Eastern District of Wisconsin  
U.S. District Court for the Western District of Wisconsin

### Professional Memberships

American Bar Association  
Tort Trial and Insurance Practice Section  
Toxic Torts and Environmental Law Committee, Chair (2017-2018)  
Toxic Torts and Environmental Law Committee, Vice-Chair  
Products Liability Committee, Vice-Chair  
Chicago Bar Association  
Defense Research Institute (DRI)  
Illinois State Bar Association  
Bench & Bar Section Council Member  
Asst. Editor Bench & Bar Section Newsletter  
Federation of Defense and Corporate Counsel  
Toxic Torts and Environmental Law Committee, Vice-Chair

### Honors & Awards

Chicago's Notable Gen X Leaders in Law, *Crain's Chicago Business* (2021)  
Top Rated Litigators, *Martindale-Hubbell and ALM* (2021)  
Award For Excellence In Pro Bono Service United States District Court, Northern District of Illinois (2015)

Settlement Assistance Program Service Award United States District Court, Northern District of Illinois (2015)  
Peer Reviewed AV<sup>®</sup> Preeminent<sup>™</sup>, *Martindale-Hubbell* (Since 2014)  
Illinois Leading Lawyer, *Law Bulletin Media Leading Lawyers* (Since 2012)  
Illinois Rising Stars, *Thomson Reuters' Illinois Super Lawyers* (2008-2012)  
40 Illinois Attorneys Under Forty, *Law Bulletin Media* (2009)

## **PUBLICATIONS & PRESENTATIONS**

- “Keys to Increasing Your Prospects for Success in Mediation: Insights from the Chief Circuit Mediator for the U.S. Court of Appeals for the Seventh Circuit,” (author) *Illinois State Bar Association's Bench & Bar Newsletter* (March 2022, vol. 52, no.5)
- “The Lung Cancer Docket Update,” (co-presenter) Perrin Conferences, Beverly Hill, CA (March 7, 2022)
- “Illinois Supreme Court Lifts Its Pause Order Regarding Judicial Redistricting,” (author) *Illinois State Bar Association's Bench & Bar Section Council Newsletter* (January 2022, vol. 52, no. 4).
- “Illinois Supreme Court Sinks the ‘Test the Waters’ Doctrine,” (author) *Illinois State Bar Association's Bench & Bar Newsletter* (July 2021, vol. 52, no. 1)
- “The Challenge of Recognizing Good Science in the Courtroom,” (panelist) Law & Economics Center, The Marketplace of Ideas Podcast (May 24, 2021)
- “The Challenge of Recognizing Good Science in the Courtroom,” (panelist) Law & Economics Center, Antonin Scalia Law School at George Mason University (March 8, 2021)
- “How Bar Associations are adapting to the legal paradigm,” (panelist) The Impact Lawyers (March 2, 2021)
- “Employer liability issues implicated by COVID-19,” (panelist) Law & Economics Center, Antonin Scalia Law School at George Mason University (January 15, 2021)
- “Does Allowing Employees to Work From Home Put Corporations at Risk of Expanding Where They Can Be Properly Sued Under Illinois's Venue Statute? The Illinois Supreme Court Weighs In,” (co-author) *Illinois State Bar Association's Bench & Bar Section Council Newsletter* (November 2020, vol. 51, no. 4)
- “Civility, Sincerity, and Other Compelling Negotiation Concepts: Tips From an American President,” (author) *Illinois State Bar Association's Bench & Bar Section Council Newsletter* (October 2020, vol. 51, no. 3)
- “Social Inflation, Punitive Damages, and U.S. Litigation Trends: Where are claims and verdicts headed?,” (co-panelist) Lloyd's Market Association (September 22, 2020)
- “Illinois Supreme Court Sculpts the Edges of the Collateral Source Rule in Class Action Economic Loss Case,” (author) *Illinois State Bar Association's Bench & Bar Section Council Newsletter* (June 2020, vol. 50, no. 8)
- “Social Inflation, Punitive Damages, and U.S. Litigation Trends: Where are claims and verdicts headed?,” (co-panelist) Lloyd's Market Association (June 8, 2020)
- “COVID-19: Facts, Myths and Hypotheses with Dr. Michele Carbone,” (moderator) American Bar Association, Tort Trial & Insurance Practice Section, ABA TIPS/Toxic Torts and Environmental Law Committee (May 14, 2020)

- “Timeless Negotiation Insights from President Kennedy’s Inaugural Address,” (author) American Bar Association, Tort Trial and Insurance Practice Section, *Toxic Torts and Environmental Law Newsletter* (Spring 2020)
- “What you don’t know might cost you: How to be a few steps ahead with negotiating and mediating disputes,” (co-panelist) The Federation of Defense & Corporate Counsel 2020 Winter Meeting, Scottsdale, AZ (March 6, 2020)
- “Caveat Venditor: Illinois Supreme Court Clarifies Revocation of Acceptance Rights, Remedies, and Obligations for Buyers and Sellers in Landmark Decision,” (co-author) *Illinois State Bar Association’s Bench & Bar Section Council Newsletter* (November 2019, vol. 50, no. 4)
- “DNA in the Courtroom,” (co-presenter) Perrin Conferences, Beverly Hill, CA (March 11, 2019)
- “Premises Liability: Where Are the Claims Headed?,” (co-panelist) Perrin Conferences Cutting-Edge Issues in Asbestos Litigation, Beverly Hills, CA (March 8, 2018)
- “Shakespeare’s cold wisdom – Too early seen unknown, and known too late?,” (author) *Illinois State Bar Association’s Bench & Bar Section Council Newsletter* (September 2017, vol. 48, no. 3)
- “Rule 502: Something Illinois litigants can learn from federal courts,” (co-author) *Illinois State Bar Association’s Bench & Bar Section Council Newsletter* (May 2017, vol. 47, no. 10)
- “Practice Pointer: Persuading Jurors, What Works and What Doesn’t,” (co-presenter) ABA 26th Annual Spring CLE Meeting, Phoenix, AZ (April 8, 2017)
- “Proportionality in e-discovery: The Illinois appellate court seeks to find the right fit,” (co-author) *Illinois State Bar Association’s Bench & Bar Section Council Newsletter* (April 2017, vol. 47, no. 9)
- “People v. Jones: Prejudicial Remarks in a Criminal Trial,” (co-author) *Illinois State Bar Association’s Bench & Bar Section Council Newsletter* (December 2016, vol. 47, no. 5)
- “The Second District avoids causing new ripples in the common Law ‘test the waters’ doctrine,” (co-author) *Illinois State Bar Association’s Bench & Bar Section Council Newsletter* (September 2016, vol. 47, no. 2)
- Program Chair of the American Bar Association’s, Tort Trial and Insurance Practice Section, Toxic Torts & Environmental Law Committee’s 25th Annual Spring CLE Meeting, Phoenix, AZ (April 8-9, 2016)
- From the Trenches: Strategies and Tips from 21 of the Nation’s Top Trial Lawyers, Chapter 3: Brevity (author), 2015, American Bar Association
- “Recent Developments in Toxic Torts and Environmental Law,” (co-author) *Tort Trial and Insurance Practice Law Journal*, American Bar Association (Winter 2015)
- “On Point: Predicting the Next Mass Torts and Pattern Litigation,” (co-presenter) Lloyd’s of London Old Library, London, England (October 20, 2015) discussed the state of mass tort litigation and its future. **The topics included nanotechnology, pharmaceuticals and medical devices, e-cigarettes, wearable technology, and fracking.**
- “Apportioning Liability in Jurisdictions with Fault Allocation: Products, Product Types, Product Uses, Product Identification Witnesses, Deposition Strategies, Trigger of Coverage Issues, and Beyond,” (co-presenter), American Conference Institute, Chicago, IL (June 24, 2015)
- “Take Home Exposures in Asbestos Cases: How Jurisdictions Differ in Their Approach,” (co-presenter) American Conference Institute, Chicago, IL (June 23, 2015)
- “Avoiding Ethical Pitfalls When Preparing Clients and Experts to Testify at Trial,” (co-presenter) ABA 24th Annual Spring CLE Meeting, Phoenix, AZ (April 10, 2015)

- “Effectiveness and Ethical Considerations in Depositions,” (co-presenter) Perrin Conferences, Beverly Hills, CA (March 17, 2015)
- “Evaluating the Need for Daubert Hearings Challenging Expert Opinions and Methodologies in Light of Barabin,” (co-presenter) American Conference Institute, Chicago, IL (June 26, 2014)
- “Hot Topics in Food Litigation,” (moderator) Hot Topics in Toxic Torts and Environmental Law, ABA 23rd Annual Spring CLE Meeting, Phoenix, AZ (April 5, 2014)
- “A Cautionary Note For Lawyers in Asbestos Litigation,” (co-author) *Law 360* (March 7, 2014)
- “Recent Developments in Toxic Torts and Environmental Law,” (co-author) *Tort Trial and Insurance Practice Law Journal*, American Bar Association (Fall 2013)
- “Navigating the Nanotechnology Frontier: Getting Smart about Getting Small,” (co-author) *Tort Source* (Spring 2013)
- “Cook County, Illinois Asbestos Litigation: Docket and Procedures,” (co-presenter) Midwest Asbestos Litigation Conference, St. Louis, MO (Sept. 21, 2012)
- “The Illinois Rules of Evidence - Perspectives from Plaintiff and Defense Counsel,” HarrisMartin Midwest Conference, St. Louis, MO (Sept. 23, 2011)
- “Examination of Corporate Representative,” (co-presenter) HarrisMartin Asbestos Conference: Trial of a Mesothelioma Case from Jury Selection to Verdict, Chicago, IL (June 23, 2009)
- “Do the Right Thing: Ethical Challenges in Asbestos Litigation,” (co-presenter) Andrews Asbestos Litigation Conference 2009, New Orleans, LA (April 30, 2009)
- “Rx for Liability: Advocating the Elimination of the Pharmacist’s No Duty to Warn Rule,” (author) *33 John Marshall Law Review* 425 (Winter 2000)

## **COMMUNITY SERVICE**

- Feed My Starving Children  
Helping Girls Navigate Adolescence, Inc.  
Walnut Grove Homeowners Association, President