

RUBERRY

RUBERRY STALMACK & GARVEY LLC

Ed Ruberry



- Admitted in Illinois and New York, and before the U.S. Supreme Court and the U.S. Court of Appeals for the Seventh Circuit
- AV-Preeminent rating by Martindale
- Leading Lawyers and SuperLawyers Illinois selectee
- Author of numerous articles, and speaker at several conferences and seminars, on insurance issues
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Ed Ruberry has obtained over \$250 million in verdicts and settlements in cases, in jurisdictions across the country, involving numerous areas of law, including antitrust, securities, breach of fiduciary duty, business fraud, breach of contract, insurance coverage, bad faith, and professional liability, including the defense of attorneys, brokers, managing general agents, architects, engineers, and bankers. Ed also has tried lawsuits involving rule of reason and group boycotts. Ed has also litigated numerous complex insurance coverage disputes and bad faith actions throughout the country.

Ed has represented clients in some of the largest commercial lawsuits throughout the country, including the Corrugated Container Antitrust Litigation, the Uranium Cartel Antitrust Litigation, the Folding Carton Antitrust Litigation, the Fine Paper Antitrust Litigation, and the Liquid Gas Antitrust Litigation. Ed also represented the officers and directors of Continental Bank in the Continental Bank Securities Litigation, which involved the demise of Penn Square Bank and the massive EPS securities litigation. He also was one of the lead lawyers for the insurance industry in the tobacco litigation brought by States Attorneys General, as well as in litigation against the manufacturers of breast implants.

After graduating from the law school at Loyola University Chicago (where he edited the Law Review), Ed clerked for Chief Justice Daniel Ward of the Illinois Supreme Court, Presiding Judge Arthur McGloin of the Illinois Appellate Court, and Judge Edward Becker of the U.S. District Court for the Eastern District of Pennsylvania.

Representative Cases (for plaintiffs)

Breach of Contract Litigation (Delaware) – Ed obtained a \$31 million settlement in an action his client brought against an insurance company for breach of contract, breach of warranty, and business fraud arising out of a complex commercial transaction.

Breach of Fiduciary Duty Arbitration (Chicago) – An insurance carrier brought a claim against a managing general agent for breach of contract and breach of fiduciary duties. On this claim, Ed obtained a \$25 million settlement.

Employment Dispute (Chicago) – In the course of resolving a hotly-contested dispute over compensation and bonuses the client was owed under oral agreements with his employer, Ed obtained a \$30 million settlement for his client.

Folding Carton Antitrust Litigation (Chicago) – Ed obtained a \$21.5 million settlement as an "opt out" plaintiff. The class, consisting of thousands of plaintiffs, obtained only a \$190 million settlement.

(over, please)

Pillsbury v. International Paper (Houston) – After a six month jury trial, Ed obtained over \$8 million for Pillsbury in a lawsuit that it brought against 15 defendants in a price-fixing conspiracy case.

TIG v. Phelps Dunbar (Tampa) – Ed won a \$6.2 million award in an arbitration involving a legal malpractice action against defense counsel for failing to adequately defend the insured in the underlying action.

Securities Litigation (Chicago) – Ed obtained a \$15 million settlement in an action for securities fraud against a national brokerage firm and for malpractice against a national accounting firm.

Legal Malpractice Litigation (Tampa) – Two law firms were alleged to have engaged in legal malpractice, causing damage to Ed's client. After vigorous litigation, Ed recovered \$14 million in settlements from the firms.

Hedge Fund Litigation (New York) – A hedge fund sought damages from a proxy solicitation firm, and from a law firm for breach of their professional duties. Ed obtained over \$3 million in settlements for the hedge fund on these claims.

Directors and Officers Litigation (Chicago) – Ed obtained over \$2 million in settlements on behalf of directors and officers against a national insurance company in a bad faith lawsuit.

International Insurance v. Employer's Casualty (Huntsville, Ala.) – After a one-month trial, Ed won \$900,000 – the maximum under the applicable contract – for an excess carrier, against an insurer that failed to settle within policy limits.

Will v. Comprehensive Accounting (Chicago) – After a lengthy trial, the jury returned a multi-million dollar verdict in favor of numerous franchises in a case involving claims of group boycott, tie-in, and breach of contract.

Representative Cases (for defendants)

Sargent & Lundy v. ISLIC (Chicago) – Ed represented a Crum & Forster entity in the longest insurance coverage trial in the history of Cook County. The case involved nuclear power plants in Ohio, Kentucky, and Illinois, and required 161 days of trial over five years. The plaintiff sought over \$100 million in damages. The case is under a protective order.

Wells Fargo v. Zurich (New York) – Ed tried an environmental coverage case for Kemper, regarding an environmental policy purchased as additional security on a loan tied to a number of Florida gas stations. The plaintiffs claimed damages of \$15 million. Ed obtained a zero-dollar verdict, which was affirmed on appeal.

Johnson v. New Orleans (Louisiana) – A class action was brought against New Orleans by residents of the Agricultural Landfill Project, who sought tens of millions of dollars on claims that exposure to environmental conditions caused catastrophic losses. After a lengthy trial on class certification, Ed obtained a favorable settlement for the city.

CSX Transportation v. Admiral (Jacksonville) – Ed defended his client in a coverage suit against a number of carriers, to recover tens of millions of dollars the plaintiffs had expended to remediate environmental problems at railroad yards throughout the country, and to obtain reimbursement for settlement in a number of cases involving exposure to chemicals and other toxic materials. After a month-long trial, Ed's client was found to have no liability.

Continental Western Insurance v. Foxfire Townhomes Owners Association (Des Moines) – After a lengthy trial, the Court held that liability insurance provided by Ed's client did not cover repair and replacement costs associated with claims for defective roof work, and that defective construction work alone does not constitute an "occurrence" causing "property damage" under the client's CGL policy. The Iowa Court of Appeals affirmed.

Goodman v. Otis (Denver) – Ed won a defense verdict in a breach of contract suit, where millions of dollars were sought. Ed then won a multi-million dollar verdict on a counterclaim for breach of contract and malicious prosecution.