

## James D. Dasso

### Partner

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James D. Dasso is a partner and trial lawyer with Foley & Lardner LLP. James focuses his practice on disputes relating to business acquisitions (such as fraud, breach of contract, working capital, purchase price adjustment, and earnout cases); intellectual property lawsuits (involving patent, trademark, copyright, and licensing issues); product liability and food and drug contamination claims; and other commercial lawsuits, including breach of contract and business tort.

James has nearly three decades of experience in presenting complex scientific, technical, and business cases to judges, juries, and arbitration panels around the United States. He has appeared in lawsuits and arbitrations pending in 19 different states from Alaska to Florida and California to New York, as well as in the District of Columbia.

Before joining Foley, he clerked for the Honorable J. Edward Lumbard, United States Court of Appeals for the Second Circuit.

James is chair of the Chicago Office Litigation Department. Prior to assuming that position, he served as co-chair of the firm's nationwide Appellate Practice and as the lead litigation training partner for that office.

## Representative Experience

### Business Acquisitions

- Recovering more than US\$13m in working capital adjustment after sale of manufacturing company.
- Securing a verdict of more than US\$8m after a two-plus week jury trial relating to a sale of business and associated claims of food contamination (before trial, the court granted summary judgment on fraud counterclaims seeking in excess of US\$40m).
- Obtaining a purchase price adjustment of more than US\$8m for the sale of a manufacturing company.
- Reducing the purchase price of a manufacturing company by more than US\$5m after litigation in state court and before an arbitration panel.

- Winning a nearly US\$5m decision after a five-day arbitration after the sale of a division of a corporation.
- Prevailing on nearly 80 percent of US\$20m in dispute after a week-long evidentiary hearing to determine purchase price of insurance company.

### **Intellectual Property Lawsuits**

- Obtaining summary judgment dismissing patent claims seeking in excess of US\$100m for a major consumer products company.
- Prevailing after a nearly three-week jury trial in the Eastern District of Texas and appeal to the Federal Circuit in an educational software patent dispute seeking in excess of US\$50m.
- Successfully settling a US\$100m-plus patent licensing dispute involving an internationally-known engine manufacturer (for less than an existing judgment) before closing arguments in a jury trial.

### **Product Liability and Food and Drug Contamination Claims**

- Securing a verdict of more than US\$8m after a two-plus week jury trial relating to a sale of business and associated claims of food contamination (before trial, the court granted summary judgment on fraud counterclaims seeking in excess of US\$40m).
- Convincing an Indiana court not to certify a class asserting breach of warranty, fraud and negligent misrepresentations with respect to a diesel engine sold by the firm's client.

### **Other Jury and Bench Trials, and Evidentiary Hearings Before Arbitration Panels**

- Securing a judgment in excess of US\$8m for usurpation of a corporate opportunity, along with the rejection of US\$12m in counterclaims, after a week-long arbitration and related multi-state litigation.
- Preventing any recovery after a month-long trial in the Northern District of Illinois and appeal to the Seventh Circuit in a breach of contract and fiduciary duty case brought against a prominent financial institution seeking more than US\$20m.
- Significantly limiting a client's liability during a three-week jury trial on an employment discrimination class action, allowing for a favorable settlement on appeal.
- Obtaining a seven-figure recovery after week-long trial of breach of contract and breach of fiduciary duty claim and related settlement against his client's former business partner.

### **Class Actions**

- Resolving two consumer fraud act class actions filed in Madison County, Illinois, against an insurance claims administrator without any payment by his client and with the recovery of a substantial portion of his client's attorney's fees and costs.
- Persuading court in a purported commodities fraud class action (which plaintiffs' counsel had announced on Good Morning America! and in the Wall Street Journal) to compel arbitration (eliminating the possibility of class certification) and to award attorney's fees to his client.

### **Awards and Recognition**

- Fellow of the Litigation Counsel of America, an invitation-only trial lawyer honorary society composed of less than one half of one percent of American lawyers
- Included in the 2005, 2007, 2009-16, 2021-22 *Illinois Super Lawyers*® lists\*
- Listed as a *Leading Lawyer* in the following categories: Advertising & Media Law, Commercial Litigation, and Copyright & Trademark Law
- Selected for inclusion in *The Best Lawyers in America*® in the fields of:
  - Food and Beverage Law (2015-2023)
  - Commercial Litigation (2016-2024)

## Affiliations

- Teaches trial advocacy as an adjunct professor at the Northwestern University School of Law and through The National Institute of Trial Advocacy.
- Member of the American Bar Association, including its Sections on Litigation and Intellectual Property Law and its Trial Evidence Committee, the Seventh Circuit Bar Association and the Practicing Law Institute.

\*The Illinois Supreme Court does not recognize certifications of specialties in the practice of law and no award or recognition is a requirement to practice law in Illinois.

## Sectors

- [Food & Beverage](#)
- [Health Care & Life Sciences](#)
- [Innovative Technology](#)
- [Racial Justice & Equity](#)

## Practice Areas

- [Appellate](#)
- [Business Litigation & Dispute Resolution](#)
- [Litigation](#)
- [Patent Litigation](#)
- [Private Equity](#)
- [Trademark, Copyright & Advertising Litigation](#)
- [Transactions](#)

## Education

- University of Michigan Law School (J.D., magna cum laude, 1986)
  - Order of the Coif
  - Executive editor of the *Michigan Law Review*
- University of Oregon
  - Mathematics and Economics

## Admissions

- Illinois
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the District of Maryland
- U.S. District Court for the Central District of Illinois
- United States Court of Appeals for the Third, Fourth, Seventh, Eighth, Ninth and Federal Circuits