

## Jonathan W. Garlough

### Partner

[jgarlough@foley.com](mailto:jgarlough@foley.com)

Chicago

312.832.5702



Jonathan Garlough is a litigator with extensive experience handling complex disputes, with a particular focus on class action and multistate litigation. He has represented clients in a variety of commercial disputes involving RICO, consumer protection act, supply-chain disruptions, commercial real estate, securities fraud, breach of contract, trade secret, and employment disputes. He is a partner in the firm's Commercial Litigation Practice and a member of the firm's Consumer Law, Finance and Class Action Practice.

Jonathan has also advised clients in connection with white collar defense and government investigations involving Anti-Kickback, Stark Act and other claims of fraud, and has conducted internal investigations concerning alleged violations of related state and federal laws.

Jonathan is a skilled and experienced trial lawyer, who has first and second-chaired disputes in state and federal court, and in AAA and JAMS arbitration proceedings.

He has appeared in state and federal courts in Illinois, Arizona, California, Iowa, Maryland, Michigan, Minnesota, Nevada, New Jersey, Pennsylvania, and West Virginia, and he has represented clients in the U.S. Supreme Court and the U.S. Courts of Appeals for the Fourth, Fifth, Sixth, Seventh, and Ninth Circuits.

Jonathan has made a significant commitment to pro bono work, arguing before the U.S. Court of Appeals for the Seventh Circuit and the Department of Justice's Immigration Court in Chicago. He also represented a public university before the Seventh Circuit in a complex First Amendment challenge to the University's distribution of student activity funding.

Prior to joining Foley, Jonathan served as a judicial clerk for the Hon. Richard A. Griffin in the U.S. Court of Appeals for the Sixth Circuit and for the Hon. Tu M. Pham, United States Magistrate Judge for the Western District of Tennessee.

### Representative Experience

- First-chaired medical device company in jury trial arising from FDA approval of device, obtaining complete defense verdict on all claims against client, and prevailing on counterclaims against plaintiff/counter-defendant for breach of contract and misrepresentation.
- Defeated class certification in consumer protection act and fraud claims brought by users of Louisville-Southern Indiana Ohio River toll bridges.
- Defeated class certification, and secured decertification, of FLSA claims brought challenging employer's wage and hour practices.
- Obtained emergency injunctive relief for nationwide automobile seller to prevent effort by Illinois Secretary of State to revoke state licensure and prevent seller from operating business pending outcome of administrative proceedings.
- Obtained dismissal of defamation and other business tort claims brought against nationwide pharmacy chain by prescribers in state and federal courts located in Indiana, Virginia, Michigan, Nevada, and North Carolina.
- Successfully represented student loan servicer in business tort dispute with subcontractor in Delaware Chancery Court, obtaining critical discovery and dispositive motion rulings resulting in settlement.
- Secured seminal ruling from federal court that state prompt pay law did not apply to third-party payor.
- Secured dismissal in a series of class action multistate lawsuits filed in California, Arizona, and Nevada federal courts challenging foundational components of the secondary mortgage market.
- Successfully petitioned the United States Court of Appeals for the Seventh Circuit for rehearing en banc and obtaining dismissal of a request for injunctive relief pursuant to the federal Tax Injunction Act.
- Secured dismissal of breach of contract and business tort claims arising under referral agreement between automobile financing company and leasing company.
- Represented wide range of participants in health care industry, including PBMs, pharmacies, medical device manufacturers, and billing and coding specialists, in litigation and arbitration throughout the United States.
- Obtained summary judgment in Illinois state and federal courts on wage and hour claims involving donning and doffing of work clothing and equipment.

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## **Awards and Recognition**

- *Illinois Super Lawyers–Rising Stars®* (2014-2016)\*

## Presentations and Publications

- Contributor, *Chicago Law Bulletin*, *InsideCounsel*, the annual employment law treatise, *The Law Guide – Employee Relations Law for Illinois Employers*, published by MRA – The Management Association, Inc.
- Contributor, 2009 update of the practice treatise *Secured Transactions*, published by the Illinois Institute for Continuing Legal Education
- Author, “Weighing in on the Wine Wars: What the European Union Can Teach Us About the Direct Shipment Controversy,” 46 *Wm. & Mary L. Rev* 1533 (2005)
- Co-author, “SEC Modifies Settlement Language For Cases Involving Criminal Convictions,” *Financier Worldwide Magazine* (July 2012)

## Practice Areas

- [Commercial Litigation](#)
- [Financial Institutions](#)
- [Litigation](#)

## Education

- William and Mary School of Law (J.D., 2005)
  - Articles Editor, *William and Mary Law Review*
  - Named a Benjamin Rush Scholar for his scholarship in health care law
- University of Michigan (B.A., with distinction, 2002)

## Admissions

- Illinois
- Indiana

*\*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.*