



## W. Gordon Dobie

Partner

Chicago

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Gordon represents clients in high-stakes disputes involving business torts and fraud, contracts, antitrust, unfair competition, securities, and RICO matters. In addition to winning for companies and executives on the defense, he has an active practice representing plaintiffs with more than US\$1.5B in judgments and settlements. As a seasoned trial lawyer, Gordon has a track record of success in important matters for clients.

Gordon has been litigating high-profile business disputes for his entire career and has a practice that encompasses clients from across the United States and abroad. Recent matters include serving as lead trial lawyer in obtaining a US\$385M judgment on a promissory note for the former Chairman of an international energy company—which he successfully defended on appeal. Gordon similarly won a major defense judgment for a pharmaceutical client, alleged to have monopolized a multi-billion-dollar market involving one of the bestselling pharmaceutical products in the United States.

His record includes victories at all stages of the proceedings—defeating class action certification, prevailing on motions before and after discovery to end cases, winning at trial, and preserving those victories on appeal. Large litigations frequently involve class actions, and Gordon is a veteran of more than 100 class actions and multi-district litigation cases. He also has significant experience with judgment enforcement and collecting on his clients' victories even when assets are located abroad.

Gordon works closely with GC's, Managers and Board Members to strategically address their legal issues and, has represented companies and individuals in a number of industries including, energy, pharmaceuticals, securities and financial sectors, telecommunications, consumer products, automotive, and agriculture. Gordon also has extensive experience assisting clients in cross-border disputes, with particular focus on Europe and Asia.

## Key Matters

### BUSINESS TORTS, FRAUD AND CONTRACT MATTERS

- Recently resolved a case for a large overseas telecom that sued Hewlett Packard Enterprises (HPE) in California federal court, for the catastrophic failures of IT systems sold by HPE, which were alleged to have impacted the client's 80M mobile subscribers. Won all substantive motions, procedural battles, and successfully entered into a confidential settlement with the defendant.
- Won a US\$385M judgment for the former chairman of a major coal company in a scorched-earth litigation battle defended by five law firms. As lead counsel, Gordon defeated all of the defendant's substantive and procedural defenses, obtained preliminary injunctions to prevent collateral litigation, won ten contested appeals, and effectively managed worldwide dispute towards victory and an undefeated record. The matter has garnered worldwide media attention.
- Won dismissal of a case seeking hundreds of millions of dollars from a European bank. Presented case at trial court and in argument before the U.S. Court of Appeals for the Second Circuit, which affirmed the dismissal of the claims of fraud and conversion against clients.
- Represented the former chairman of a publicly traded corporation in five-week jury trial, raising allegations of fraud and breach of fiduciary duty. The case ended through a highly favorable settlement with the corporation dismissing all claims and making payments to the client.
- Represented PE firms in a Delaware Chancery case alleging fraud in connection with sale of a business. Following heavy litigation, obtained very favorable result for clients who paid nothing on plaintiffs' claims and were reimbursed for all of their litigation costs.

### ANTITRUST

- Currently representing a U.S. pharmaceutical company in defense of antitrust actions commenced by the State Attorneys General for 48 states, multiple civil antitrust class actions and three direct actions.
- Represented a U.S. government subsidized company, Solyndra, in antitrust litigation against three NYSE Chinese solar manufacturers, that dumped solar panels in the United States and that were alleged to have driven American solar companies out of business. Prevailed in hotly contested motions, through discovery, and reached favorable settlements for clients. This case and win have received extensive media coverage.
- Lead counsel for Southern Marketing Agency (alleged 65% market share defendant) in MDL antitrust case *In re Southeast Milk Antitrust Litigation*. Obtained summary judgment for client in indirect purchaser antitrust class action – with the other defendants marching towards trial or settlement. Successfully resolved remaining class actions for less than 5% of other defendants.
- Won summary judgment for a multinational pharmaceutical defendant in a certified antitrust class action alleging the defendant had monopolized a multibillion-dollar market involving one of the best-selling pharmaceutical products in the United States, with judgment affirmed on appeal.
- Approved by federal court as Special Litigation Counsel for antitrust investigation into record labels' practices as part of RDIO bankruptcy and plan confirmation.
- Currently representing pharmaceutical companies blocked from entering \$100M market as a result of anticompetitive activities of defendant companies.

## FINANCIAL AND SECURITIES LITIGATION

- Won judgment of “not guilty” from Delaware Chancery and Delaware Supreme Court for directors and officers of a corporation faced with claims of breach of fiduciary duty arising from US\$609M casino sale.
- Successful prosecution at trial court and Delaware Supreme Court requiring indemnification and advancement in connection with a billion-dollar securities/RICO action brought against the former chairman and CEO of a publicly traded corporation.
- Obtained judgments of no liability for a professional services firm in the defense of numerous securities class action lawsuits.
- Representation of board member/major stockholder in corporate governance dispute involving client’s removal from company’s Board of Directors. Case won, defeated declaratory judgment claim with client reinstated to Board and all legal fees reimbursed.
- Successful defense in three-week trial of NYSE gaming company in action by limited partners alleging insider transactions and self-dealing.

## RICO

- Lead counsel for a group of sophisticated investors in litigation against off-shore banks involved in an elaborate international Ponzi scheme. Obtained US\$67M settlement from one off-shore bank, and US\$330M RICO judgment against another financial institution. Brought successful enforcement actions in the Caribbean courts, beat defendant’s appeal to UK Privy Council, and distributed more than 70 cents on the dollar to investors for their losses in this Ponzi scheme.
- Successfully defended large Dairy Cooperative in RICO case before Mississippi federal court which dismissed the claims finding that plaintiffs failed to allege a viable pattern of racketeering against our clients.
- Representing private equity companies in defense of RICO claims brought by large pharmaceutical manufacturers in New Jersey federal court. The matter is ongoing.
- Represented corporate defendant in RICO class action in Connecticut federal court involving investors in limited partnership. Case won with dismissal of client with prejudice.
- Represented client in RICO claim relating to the sale of a telecom company, and successfully obtained 9 figure settlement for client.

## COMPLEX COMMERCIAL LITIGATION

- Obtained a US\$350M recovery for unsecured bondholder clients in one of the largest bankruptcy cases in U.S. history. The clients’ bankruptcy claims had been previously rejected in their entirety.
- Representing pharmaceutical manufacturer in MDL litigation involving alleged sale of opioid related products. The matter is ongoing.
- Successful defense of a pharmaceutical company in mass tort and individual actions alleging that its product was defective and caused death and injury.
- Represented large creditors in connection with litigation arising out of the bankruptcy of the Yukos oil company seeking to halt the sale of major assets. The Yukos bankruptcy case, which would have been the largest in U.S. history, was dismissed.
- Won technology company’s international arbitration trial against its former partner – obtaining client’s goal of ending partnership and collecting damages award in its favor.
- Co-lead counsel in a tax lawsuit against the State of Florida. Following trial court and Florida Supreme Court judgments, clients received a full recovery on their claim of US\$188.1M—the largest tax refund in Florida history.

## INVESTIGATIONS

- Led an internal investigation of North America's largest pharmaceutical test company stemming from an inquiry by the United States Senate Finance Committee related to alleged violations of government rules, death, injury of various human test subjects, and other business abuses. After publication of the report of the investigation and negotiation, the Committee concluded its inquiry into the company with a finding commending the company for its "renewed commitment to ensure the protection and ethical treatment of test subjects."
- Led internal investigation and representation of a pharmaceutical company in connection with action by U.S. Attorney for alleged violations of good manufacturing practices and the production of allegedly unlawful pharmaceuticals. The matter was resolved with the government dismissing the action, with no fine or other censure against the company.

## Recognitions

Gordon has been named in *Chambers Global*, *Expert Guides: The Legal Media Group Guides to the World's Leading Lawyers*, *The Best Lawyers in America*® and *Super Lawyers*. He is also an "AV" Peer Review-rated lawyer by *Martindale Hubbell* (highest rating in legal ability and ethical standards).

Gordon along with his cases and two partners were singled out by *The National Law Journal* as part of the firm being named "Chicago Litigation Department of the Year" for 2015.

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## Activities

Gordon was elected by the ten Midwest states as Chairman of the U.S. Midwest-Japan Association. He works with ten Midwest states and Japanese governmental and industry leaders to further investment between Japan and the Midwest states—where there are now 1,600 Japanese businesses employing 150,000 Americans. Most recently, Gordon Co-Chaired the Midwest US.-Japan Association's 53rd Annual Joint Meeting in Tokyo, which was attended by U.S. and Japanese ambassadors, governors, and business leaders to discuss the growth and progress of economic relations of the American Midwest and Japan.

He is routinely asked by the Northern District of Illinois to handle complex criminal matters on a pro bono basis.

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## Credentials

### EDUCATION

Gordon received a B.A., *cum laude*, from Boston University. He received a J.D. from Washington University, where he was awarded the Roos Scholarship for academic excellence, served as Managing Editor of the *Washington University Law Quarterly*, and was elected to Order of the Coif.

### ADMISSIONS

- Illinois

## Related Insights & News

Gordon is a frequent speaker at events involving the U.S. Midwest States and Japan.

Certain of Gordon's cases have also been the subject of significant media attention. The press called his case against the State of Florida one of the "Top 10" news stories of the year. The *Yukos* litigation has been the subject of national and international media scrutiny, and *The Wall Street Journal* quoted Gordon in connection with the successful *WorldCom* litigation, among others. He was also quoted by *The National Law Journal* in an article entitled "DOJ's Global Cash Hunt," which related to litigation involving funds stolen by a former Ukrainian prime minister and his representation of a corporation impacted by such actions. Most recently, Gordon's work on the *Solyndra* antitrust litigation and *Gliklad v. Cherney* business disputes received extensive U.S. and worldwide print and television media coverage.

He has also been an author and editor for several publications, including:

- "Conference Closing Remarks from Midwest-U.S. Japan Conference," Japan External Trade Organization, *JETRO Chicago Midwest Newsletter*, Vol. 28, No. 4, Autumn 2018;
- "Benefits of America Justice System," *Kommersant*, April 6, 2016;
- "Gotham Goes Global," *Global Legal Post*, Nov. 2014;
- "Securities Litigation Practice Commentaries to United States Code," 15 U.S.C.S. §§ 77 & 78, 2002 and LEXIS electronic version (2002-2011);
- Editorial Advisory Board, *BNA Class Action Reporter* (2000 et seq.);
- "Presumed Guilty, Assuming the Factual Truthfulness of Plaintiff's Complaint in the Class Certification Decision," *United States Law Week*, July 9, 2002;
- "Strategic Use of Communications with Putative Class Members," *Class Action Litigation Report*, Oct. 13, 2000;
- "Litigating the Yankee Tax: Application of the Lodestar to Attorneys' Fee Awards in Common Fund Litigation," 23 *Florida State Law Review* 897 (1996).

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## **SPEAKING ENGAGEMENT**

Gordon Dobie Serves as Chairman of 2024 Midwest U.S.-Japan Association Conference

SEPTEMBER 8, 2024

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## **RECOGNITIONS**

Winston Attorneys Recognized in *The Best Lawyers in America*® 2025

AUGUST 15, 2024

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## **SPEAKING ENGAGEMENT**

Gordon Dobie, Chair of the Midwest U.S.-Japan Association, Attends 2023 Annual Conference in Tokyo

SEPTEMBER 10-12, 2023

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## **RECOGNITIONS**

Winston & Strawn Antitrust/Competition Practice Recognized in 2023 GCR100

DECEMBER 19, 2022

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## **SPEAKING ENGAGEMENT**

Gordon Dobie Chairs Midwest U.S.-Japan Association 2022 Conference

SEPTEMBER 11, 2022

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### **PRO BONO IN ACTION**

Winston Pro Bono Team Secures Felony Dismissal for Young Man Striving for a Better Life

JANUARY 2, 2020

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### **NEWS**

Gordon Dobie Serves as U.S. Honorary Chairman of the Midwest States-Japan Conference

SEPTEMBER 9, 2018

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### **NEWS**

Winston Closes the Door—Again—on Russian Oligarch

DECEMBER 7, 2016

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### **PRESS RELEASE**

New York Appellate Court Unanimously Affirms Enormous Judgment for Winston & Strawn Client Alexander Gliklad Against Russian Oligarch Cherney

NOVEMBER 5, 2015

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### **CLIENT ALERT**

EU Court of Justice Kills Safe Harbor

7 OCTOBER 2015

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### **IN THE MEDIA**

Israeli Businessman Ordered to Give \$100M to Winston Client

JUNE 25, 2015

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### **RECOGNITIONS**

Winston Named Chicago Litigation Department of the Year by *National Law Journal*

APRIL 20, 2015

# Capabilities

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Commercial Litigation & Disputes

Antitrust/Competition

Technology Antitrust

Litigation/Trials

Class Actions & Group Litigation

Securities, M&A & Corporate Governance Litigation

International Arbitration

Financial Services

Medical Devices

Technology, Media & Telecommunications

Health Care

Energy