



## Thomas Weber

Partner

Chicago  
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**Thomas is a trial lawyer with extensive experience with jury and bench trials, as well as arbitrations before the AAA, JAMS, and ICC. He focuses his practice on high-stakes disputes in state and federal courts throughout the United States, with an emphasis on M&A, stockholder breach of fiduciary duty, breach of contract, class action, and other complex commercial disputes.**

In just the last few years, Thomas has tried and obtained favorable outcomes in jury and bench trials and in arbitrations. In the spring of 2020, Thomas second-chaired a week-long fully remote arbitration hearing before the AAA, one of the first remote hearings of its kind.

Thomas has substantive experience in transactional litigation (including stockholder derivative, books and records demands, and post-closing M&A litigation), securities litigation, all facets of breach of contract/commercial litigation, class actions, and restrictive covenants litigation. Thomas has litigated claims under Delaware law in the Court of Chancery involving corporations, LLCs, and partnerships. He is particularly well-versed in disputes that arise in the asset management, financial services, trading, and private equity industries. Thomas also has experience successfully litigating business disputes in the pharmaceutical, life insurance/annuity, and consumer products industries.

Short of trial, Thomas achieved early victories in numerous cases where clients faced significant legal exposure and business disruption. And Thomas has amassed a significant track record of prevailing in prosecuting and defending

expedited proceedings seeking injunctive relief, both in the Delaware Court of Chancery and in federal courts. He is closely familiar with the procedural and strategic considerations of these expedited proceedings, and in the last two years alone, has handled TRO/preliminary injunction proceedings relating to non-compete and restrictive covenants, shareholder derivative claims, and claims under the Administrative Procedure Act.

## Key Matters

### Trial and Arbitration Experience

A representative sample of Thomas' recent trial experience includes:

- Represented large foreign bank in two-week arbitration regarding dispute over minority shareholder rights, resulting in judgment in favor of client.
- Represented alcohol producer in week-long federal court bench trial regarding post-closing breaches of representation and warranties in purchase agreement, defeating buyer's claims and prevailing on client's counterclaim.
- Represented buyer of interface technology in earn-out dispute in the Delaware Court of Chancery, obtaining successful dismissal and later obtaining judgment in arbitration.
- Represented consumer services company in two-week jury trial against competitor, resulting in successful settlement after trial.
- Represented seller in post-closing dispute over alleged commissions owed in week-long arbitration hearing, resulting in successful settlement after trial.
- Represented household goods manufacturer in international arbitration in Paris regarding termination of a distributorship agreement, resulting in successful outcome.
- Represented pharmaceutical company in jury trial concerning employment claims, leading to favorable settlement during trial.
- Represented pharmaceutical company in federal court bench trial concerning breach of agreement to distribute FDA-approved product.

### Financial Services/Commercial Litigation Experience

As an integral team member, in the last few years, Thomas has successfully handled complex and critical litigation for a number of clients:

- Represented individual client in litigation in New York state court to enforce a promissory note, obtaining judgment in his favor of over US\$500M.
- Represented large financial services company in federal court litigation concerning RICO claims, resulting in favorable early settlement.
- Represented buyer of air ambulatory company in litigation against seller for breaches of representation and warranty in the Delaware Court of Chancery, along with parallel action against R&W insurance carrier, resulting in successful settlement.
- Represented provider of home services in dispute over put right agreement in the Delaware Court of Chancery.
- Represented aluminum company in post-closing environmental indemnification matter in federal court, settling on favorable terms on eve of trial.
- Represented international airline in federal court litigation, obtaining complete dismissal of claims at motion to dismiss stage.

- Represented professional baseball team in breach of contract action, leading to favorable settlement.

#### Life Insurance and Annuity Litigation Experience

- Represented large insurance company in regulatory action against state regulators regarding premium tax, resulting in favorable settlement.
- Represented large insurance company in federal court litigation concerning the sale of annuities, resulting in favorable settlement.
- Represented large insurance company in litigation over alleged non-payment of insurance commissions, resulting in dismissal at motion to dismiss stage.

## Activities

Thomas primarily focuses his pro bono practice on representing students and families to get necessary services and support in special education cases under the IDEA. He previously represented defendants in criminal matters in the Northern District of Illinois, the U.S. Court of Appeals for the Seventh Circuit, and Illinois state court.

Thomas is a member of the Firm's Associate Evaluation Committee and was previously a member of the Firm's Summer Associate Committee.

Thomas serves on the Board of Governors and is an adjunct professor of law at Loyola University Chicago School of Law, where he teaches "Trial of a Business Dispute," which focuses on the unique strategies for trying commercial and breach of contract cases. He is also on the Board of Junior Achievement of Chicago.

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## Credentials

### EDUCATION

Thomas received a B.A. in history from the University of Notre Dame in 2005. He received a J.D., *magna cum laude*, in 2010 from the Loyola University Chicago School of Law, where he was editor-in-chief of the *Loyola University Chicago Law Journal*. While attending law school, Thomas served as an extern to the Hon. Wayne R. Andersen of the U.S. District Court for the Northern District of Illinois.

Before joining the firm, Thomas served as a law clerk to the Hon. Virginia M. Kendall in the Northern District of Illinois. During his clerkship, he dealt with a variety of commercial and criminal cases at all stages of litigation, from responsive pleadings through trial.

### ADMISSIONS

- Illinois

### CLERKSHIPS

- USDC - Northern District of IL for the Honorable Virginia M. Kendall

## Related Insights & News

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**CLIENT ALERT**

Post-Closing Private M&A Litigation: Four Notable Decisions from the Delaware Court of Chancery  
APRIL 13, 2023

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**CLIENT ALERT**

Delaware Stockholder Litigation Update: Recent Cases Applying the *MFW* Cleansing Framework to Motions to Dismiss  
MARCH 14, 2023

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**ARTICLE**

Duty of Best Execution and Payment for Order Flow: A Review of Recent Civil Litigation  
APRIL 8, 2022

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**WEBINAR**

Deals Gone Sideways: M&A Litigation in COVID-Churned Markets  
MAY 28, 2020

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**CLIENT ALERT**

COVID-19-Spawned “Busted Deal” M&A Litigation and MAEs  
MAY 11, 2020

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**CLIENT ALERT**

Guidance for Mutual Funds from the Sixth Circuit’s Recent Decision Addressing Claims of Excessive Advisory Fees  
APRIL 20, 2020

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**CLIENT ALERT**

CMBS Litigation Redux: The First COVID Crisis Claims  
APRIL 7, 2020

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**ARTICLE**

Winston & Strawn Discusses Recent Excessive Fees Litigation  
NOVEMBER 7, 2019

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**RECOGNITIONS**

Winston & Strawn Recognized in *The Legal 500 U.S.* 2019  
MAY 30, 2019

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**ARTICLE**

New Chancery Guidance On Books And Records Law

## NEWS

Winston Announces Newly Elected Partners

DECEMBER 3, 2018

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## PRO BONO IN ACTION

Pro Bono Reporter – Fall 2018

FALL 2018

# Capabilities

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Financial Services Litigation

Class Actions & Group Litigation

Commercial Litigation & Disputes

Corporate Governance

Mergers & Acquisitions

Litigation/Trials

Securities, M&A & Corporate Governance Litigation

Trade Secrets, Non Competes & Restrictive Covenants

Financial Services

Insurance

Medical Devices