

# James V. DiTommaso

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## BAR ADMISSIONS

- ◆ Illinois, 2018
- ◆ U.S. District Court for the Northern District of Illinois, 2018
- ◆ U.S. Court of Appeals for the Seventh Circuit, 2018

## EDUCATION

- ◆ Juris Doctor, Chicago-Kent College of Law, May 2017
- ◆ Bachelor of Fine Arts, Rochester Institute of Technology, May 2011

## PROFESSIONAL AFFILIATIONS

- ◆ American Bar Association
- ◆ Illinois State Bar Association
- ◆ DuPage County Bar Association
- ◆ The Chicago Bar Association
- ◆ Justinian Society of Lawyers
- ◆ Robert E. Jones Chapter of the American Inns of Court

## HONORS, AWARDS, AND APPOINTMENTS

- ◆ J.D. Certificate in Business Law
- ◆ Chicago-Kent College of Law Deans Honor List
- ◆ 2016 Recipient of the Justinian Society of Lawyers Endowment Scholarship
- ◆ 2015 Recipient of the Morici-LoBello Family Scholarship
- ◆ 2L and 3L Representative for the Chicago-Kent Justinian Society of Law Students
- ◆ Judicial Extern to the Honorable Thomas E. Hoffman, Illinois Appellate Court, First District, Sixth Division

## PROFESSIONAL EXPERIENCE

### Commercial & Intellectual Property Litigation

***Bell v. STA Enterprises, Inc.***, Circuit Court of Kane County, 2018-2019. Judge Susan Boles. Defended corporation and CEO of a roofing company for an alleged new roof installation that was allegedly defective. The case settled on very favorable terms. Opposing Counsel: Jean Francissen (Dickson, Francissen & Bartz, LLP).

***Berg v. Nexus Risk Management***, United States District Court for the Northern District of Illinois, 2015-2017. Judge Charles P. Kocoras. Defended one of Canada's largest investment fund companies against claims of alleged copyright infringement and trade secret misappropriation in connection with the development of risk management software. Won summary judgment for client and succeeded in having plaintiff's expert rejected by court and expert report stricken. Opposing Counsel: Michael Childress (Childress Loucks & Plunkett).

***ConsultADD, Inc v. John Doe Corporation***, American Arbitration Association, 2018. Defended the corporation who had a sub-contractor agreement with a corporation who provided an IT employee for an open position with another corporation. The employee abruptly quit the job and it resulted in the corporation not being paid for the alleged work the employee did. The case settled on very favorable terms for the client. Opposing Counsel: Patrick Papalia (Archer & Greiner, P.C.).

***ConsultADD, Inc v. John Doe Corporation***, Circuit Court of Cook County, 2018. Drafted a demand letter for breach of contract to John Doe Corporation. The case settled on very favorable terms for the client before the filing of the lawsuit. Opposing Counsel: Cathe R. Evans Williams (The Evans Williams Law Group, LLC).

***Converged Communication Systems, LLC v. Gelski***, Circuit Court of Cook County, 2017-2018. Judge Thaddeus Machnik. Represented Corporation who accidentally paid a former employee for over a year after his employment was terminated. Won the case on summary judgment for the client. Opposing Counsel: Benjamin A. Weinberg.

***First State Bank of Mendota v. Hagos***, Circuit Court of McLean County, 2019. Judge Paul Lawrence. Defended potential purchaser of a parcel of land for a possible Dunkin Donuts that was determined to not be feasible by the Franchisor. Case settled on very favorable terms after filing of a 2-615 Motion to Dismiss. Opposing Counsel: Jack C. Vieley.

***Lakhani v. American Powder Coatings, Inc.***, Circuit Court of Cook County, 2017-2018. Judge James Murphy. Represented one-third owner of a closely held corporation. It was alleged that the majority owners improperly held assets, received excessive compensation, and refused to make distributions to the shareholders. The case settled on very favorable terms for the client. Opposing Counsel: John McGuirk (Hoscheit, McGuirk, McCracken & Cuscaden, P.C.); Michael Trucco (Stamos & Trucco LLP).

***Leone's Grain and Supply v. John Doe Franchisor***, American Arbitration Association, 2017. Represented owner of snowmobile and ATV franchise that had its franchise terminated by the manufacturer. Manufacturer refused to repurchase the unsold inventory after terminating the

franchise. The case settled on very favorable terms for the client.

***Minimally Invasive Therapy Specialists, P.C. v. Health and Home Management, Inc.***, American Arbitration Association, 2017-2018. Represented corporation that provides diagnostic and medical professional services to nursing homes. Respondent refused to pay the invoices for the medical services that were provided to the nursing home patients. Achieved a six-figure consent order in favor of the client. Opposing Counsel: Brian Stines (Vanek, Larson & Kolb, LLC).

***New Nation Anointed Ministries v. Cox***, Circuit Court of Cook County, Pending. Judge Daniel Kubasiak. Defend non-profit church entity and its board from an alleged hostile take-over and resulting litigation from one of its ministers. Opposing Counsel: Amos Smith.

***Palmer v. Lowes Companies Inc.***, American Arbitration Association, 2019-2020. Represented homeowners who contracted with a large corporation to remodel their kitchen. The kitchen remodel allegedly was never complete nor was it to the letter of the plans for the remodel. The case settled on very favorable terms for the clients. Opposing Counsel: Daniel Cetina (Lewis Brisbois).

***Siddiqui v. Crestview Builders, Inc.***, Circuit Court of DuPage County, 2017-2019, Judge Bonnie Wheaton. Represented homeowners of a newly constructed home that allegedly was not build to specifications per the agreement and allegedly had numerous flaws throughout the entirety of the newly built home. The case settled on very favorable terms for the clients. Opposing Counsel: Charles Corrigan (Dommermuth, Cobine, West, Gensler, Philipchuck, Corrigan & Bernhard Ltd.).

***Sitek v. Mulica***, Circuit Court of Cook County, Pending. Judge Sophia Hall. Defend client in an alleged breach of contract and accounting action in connection with a condominium that was purchased in the Lakeview area of Chicago. Opposing Counsel: Michael Morrisroe (Morrisroe & Associates).

***Super Legit, LLC v. Pullman Porter LLC***, United States District Court for the Northern District of Illinois, 2019-2020. Judge Robert Gettleman. Represented corporation and managing member in copyright infringement, defamation, and breach of contract against former promotional company after an event that allegedly did not happen as anticipated. Received a default judgment against the Defendants for an injunction, costs, and fees.

***Weil v. Fuller***, Circuit Court of DuPage County, 2017-2018. Judge Kenneth Popejoy. Defended the individuals of a dissolved corporation in the alleged failed deal for a new restaurant venture with its alleged former business associate. The case settled on favorable terms for the clients. Opposing Counsel: Ted Donner (Donner & Company Law Offices, LLC).

### **Class Action Litigation**

***Ademoye v. Austin Highland Development Company, Inc.***, Circuit Court of DuPage County, 2016-2018. Judge Kenneth Popejoy. Represented class in action alleging violation of the Illinois Security Deposit Return Act in connection with deductions to security deposit made by

management company. After defeating motions to dismiss and for summary judgment, successfully obtained certification of settlement class for full refund of allegedly improper security deposit deductions. Opposing Counsel: Reese J. Peck (Rathje & Woodward, LLC).

**Cinta v. Life Alert Emergency Response, Inc.**, Circuit Court of DuPage County, 2019. Judge David Schwartz. Represented class in action alleging violation of the Automatic Contract Renewal Act and the Consumer Fraud Act in connection with automatically renewing service contracts for emergency response services. Case settled on favorable terms and on an individual basis. Opposing Counsel: Arthur F. Radke (Manatt, Phelps & Phillips, LLP).

**George v. Mercedes-Benz USA**, Circuit Court of Kane County, 2017-2019. Judge Susan Clancy Boles. Represented class in action alleging that certain Smartcar vehicle's gas-gauges do not work properly and do not represent the actual amount of gasoline in the fuel tank. The case settled on favorable terms and on an individual basis. Opposing Counsel: Garrett Boehm, Brian Langs (Johnson & Bell LTD).

**Liewald v. Country Financial Insurance**, Circuit Court of DuPage County, 2016-2019. Judge Kenneth Popejoy. Represented class in action alleging breach of contract and consumer fraud in connection with medical expense benefits that the insurance company allegedly failed to pay on behalf of the class. The case settled on favorable terms and on an individual basis. Opposing Counsel: David Lubben, Paul Burmeister (Davis & Campbell, LLC); William Kelly III, Chanda Feldkamp (Kelly & Walker, LLC).

**Yarbrough v. DuPage County Clerk**, Circuit Court of DuPage County, 2017-2018. Judge Brian McKillip. Represented class in an action alleging the DuPage County Clerk improperly charged and collected filing fees for certain pleadings that it is not authorized to charge for under Illinois law. After defeating a motion to dismiss, successfully obtained certification of a settlement class for a full refund of the allegedly improperly charged fees. Opposing Counsel: Gregory Vaci (DuPage County Assistant States Attorney).

### **Class Action Defense**

**Music v. Beta Electric**, Circuit Court of Cook County, 2014-2016. Judge Patrick Sherlock. Represented defendant company and its owner against putative class action. Defeated class action by successfully picking-off putative representative. Case settled on an individual basis. Opposing Counsel: Ernest T. Rossiello (Ernest T. Rossiello & Associates).

**Stingley v. Laci Transport Inc.**, United States District Court for the Northern District of Illinois, 2018-2019. Judge Sara Ellis. Represented defendant company and CEO against putative class action regarding state and federal wage claims. Case settled on favorable terms. Opposing Counsel: John Billhorn (Billhorn Law Firm).

### **Family Law**

**In Re Marriage of Buell**, Circuit Court of DuPage County, 2018-2019, Judge Linda Davenport. Represented client in petition for rule to show cause against former wife to comply with the Court's order with respect to care for their child that has special needs. Case settled on very

favorable terms. Opposing counsel: Deborah Carder (Carder Law Firm P.C.).

***In Re Marriage of Fermon***, Circuit Court of Kane County, 2018. Judge Joseph Grady. Represented father in defense of a Petition for Contribution of Post-Secondary Educational Expenses under 750 ILCS § 5/513. Case settled on very favorable terms. Opposing Counsel: Robin Zandri (Goosetree Law Group, P.C.).

***In Re Marriage of Maze***, Circuit Court of Lake County, 2018-2019. Judge Joseph Salvi. Limited scope representation of client in an emergency motion for the sale of her corporations. Opposing Counsel: Joseph McKeown (McKeown Law, P.C.).

***In Re Marriage of Ward***, Circuit Court of Will County, 2018-2019. Judge Dinah L. Archambeault. Represented the father in defense of a Petition for Contribution for Contribution of Post-Secondary Educational Expenses under 750 ILCS § 5/513. Case settled on very favorable terms. Opposing Counsel: Jennifer Wood (Wood Law, P.C.).

***Yakich v. Aulds***, Circuit Court of DuPage County, 2015-2018. Judge Thomas A. Else. Represented the biological father of adult child who did not marry the mother. Mother of adult child brought an action for the biological father to contribute to the college expenses. Court first ordered that the Father was required to pay for the adult child's college expenses under 750 ILCS § 5/513. The Court then decided that Section 513 is unconstitutional as it violates the Equal Protection Clause of the United States Constitution because it treats children of married and unmarried parents different. Opposing Counsel: William J. Arendt (William J. Arendt & Associates, P.C.).

***Yakich v. Aulds***, Illinois Supreme Court, 2018-2019. Represented the biological father of adult child who did not marry the mother. Defended the father and the trial courts order that 750 ILCS § 5/513 is unconstitutional as it violates the Equal Protection Clause of the Constitution because it treats children of married and unmarried parents different. Opposing Counsel: Todd Scalzo (Mirabella Kincaid Frederick & Mirabella, LLC); Michael Scalzo (Scalzo Law Offices).

***In Re Marriage of Zejer***, Circuit Court of Lake County, 2018-2020. Judge Raymond Collins. Represent third-party who alleges her constitutional rights were violated by an overreaching and harassing subpoena. Court granted a motion to quash and a motion for protective order in favor of the client. Opposing Counsel: Michael Weiman (Weiman Silberman, LLC).

### **Non-compete Agreements and Trade Secret**

***Paul Joseph Salon & Spa Inc. v. Yeske***, Circuit Court of DuPage County, 2017. Judge Robert Rohm. Represented Salon that an employee departed from and started a competing business with the Salon's clients in violation of a non-compete agreement. Granted a Temporary Restraining Order by the Circuit Court and won the appeal of the Order in the Appellate Court. Then, successfully achieved a permanent injunction against the former employee. Opposing Counsel: James R. Griffin (Schain Banks Kenny & Schwartz, Ltd.).

## **Auto Fraud Litigation**

***Aldis v. John Doe Car Dealership***, Better Business Bureau of Chicago, 2018. Clients purchased a Lexus which, unbeknownst to them, allegedly had severe water damage. Case settled on confidential terms. Opposing Counsel: James Stark.

***Carocci v. John Doe Car Manufacturer***, Circuit Court of Cook County, 2019. Drafted a demand letter for breach of warranty to John Doe Car Manufacturer. The case settled on very favorable terms for the client before the filing of the lawsuit. Opposing Counsel: Miller, Canfield, Paddock and Stone, PLC.

***Dwyer v. Ownershild, Inc.***, American Arbitration Association, 2018. Client purchased a used BMW and a vehicle service agreement. The BMW had total engine failure, so she filed a claim for the engine to be fixed. The service agreement provider denied the claim alleging the engine is not covered by the agreement. Case settled on favorable terms. Opposing Counsel: Brian Bedinghaus (Roetzel & Andress LPA).

***Freeman v. Infiniti of Clarendon Hills, Inc.***, American Arbitration Association, 2018-2020. Client purchased a certified pre-owned high-end Infiniti and made her purchase without seeing the vehicle in-person. Vehicle allegedly is a re-built wreck with frame damage among other mechanical flaws. Case settled on favorable terms. Opposing counsel: Mark Scarlato (Fornaro Law).

***Gallego v. John Doe Car Manufacturer***, American Arbitration Association, 2018. Client leased a new Ford Focus and purchased a vehicle service agreement. The Focus allegedly has an unrepairable transmission shudder and other manufacturer defects that could not be repaired. Case settled on favorable terms. Opposing counsel: Edward Fu (Donohue, Brown, Mathewson & Smyth, LLC).

***Hoover v. John Doe Car Dealership***, American Arbitration Association, 2017. Represented buyers in arbitration against dealership alleging that dealer improperly sold a used car as a new car and the vehicle allegedly had frame damage. Case settled on favorable terms. Opposing counsel: Edward Fu (Donohue, Brown, Mathewson & Smyth, LLC).

***Jaimes v. Red Shield Administration, Inc.***, Circuit Court of Cook County, Pending. Judge Yvonne Coleman. Client purchased a used Audi and a vehicle service agreement. The Audi had total engine failure and he filed a claim for the engine to be fixed. The service agreement provider denied the claim alleging the engine is not covered by the agreement. Opposing counsel: David Shapiro (Mckenna Storer).

***Jones v. John Doe Car Dealership***, Circuit Court of Cook County, 2019. Drafted a demand letter for alleged consumer fraud for a Tesla that allegedly had frame damage to John Doe Car Dealer. The case settled on very favorable terms for the client before the filing of the lawsuit.

***Kennard v. John Doe Car Dealership***, American Arbitration Association, 2017. Represented car buyer in arbitration alleging that a car dealer violated the Illinois Consumer Fraud Act in connection with the sale of a Mercedes-Benz with significant accident damage. Parties settled the

dispute with buyer returning the vehicle and receiving the full purchase price back along with her attorney's fees and costs. Opposing Counsel: Antonio DeBlasio (DeBlasio Gower).

***Marrero v. Appel***, Circuit Court of Cook County, 2018-2019. Judge Jeffrey Chrones. Represented defendant who sold a rare motorcycle that allegedly had repairs that was unbeknownst to the seller. Case settled on very favorable terms. Opposing Counsel: Arnold Landis (Law Offices of Arnold H. Landis).

***Mazzaferro v. Foresti Auto Sales, Inc.***, Circuit Court of Cook County, 2019. Judge Jeffrey Chrones. Represented purchaser of a Mercedes-Benz that allegedly had the odometer rolled-back and had other undisclosed mechanical flaws. Default judgment awarded against the Defendants.

***Twyman v. S & M Auto Brokers, Inc.***, United States District Court for the Northern District of Illinois, 2016-2018. Judge Virginia Kendall. Represented client who purchased a luxury vehicle that allegedly had undisclosed structural damage and allegedly was a rebuilt wreck. Case settled on confidential terms. Opposing Counsel: Joel Brodsky (Law Office of Joel A. Brodsky).

***Zeglen v. John Doe Car Dealership***, Better Business Bureau of Chicago, 2017-2018. Client purchased a Maserati which, unbeknownst to him allegedly was a rebuilt wreck purchased at auction. Case settled on confidential terms. Opposing Counsel: Mark Lyman, Steve Varhola, Jason Christopoulos (The Lyman Law Firm).