



Michael L. McCluggage PARTNER

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Over the course of a three decade practice in business litigation, Mike McCluggage has represented corporate clients throughout the United States in a wide variety of complex proceedings. He has extensive experience in antitrust litigation, government antitrust investigations, internal investigations of client business practices, and the counseling of clients on antitrust and other business risks. He has had lead roles in major litigation throughout the country including a number of antitrust lawsuits brought parallel to government investigations, class actions and other business lawsuits. He currently serves as head of a group of defendants in 22 lawsuits in multidistricted antitrust, RICO, and class action proceedings. His prior experience includes leadership of a joint defense group in the successful resolution of 14 related conspiracy cases filed throughout the country. He has significant background in formulating defenses to certification of classes in antitrust and other business-based commercial cases. His experience encompasses representation of a variety of industries including pharmaceutical manufacturers, insurers, airlines, and equipment manufacturers. Many of these engagements have included counseling clients on governmental and media attention to litigation. Mike is counsel to the legal affairs committee of the board of one of the nation's largest corporations.

Other recent experience includes trial defense of a client in a federal false claims lawsuit in southern Mississippi and successful defense of a client in the Insurance Brokerage Antitrust Litigation, the civil class action litigation stemming from former New York Attorney General Spitzer's investigation of the insurance brokerage industry. Among other engagements, Mike's current responsibilities include representation of a lead defendant in antitrust and RICO litigation

PRACTICE FOCUS

Antitrust
Antitrust Litigation
Civil Antitrust Investigations
Class Action & Multidistrict Litigation
Contract and Commercial Disputes
Insurance Industry Business Practices

EDUCATION

J.D., University of Chicago
B.A., Ohio Wesleyan University

- *magna cum laude*
- *Phi Beta Kappa*

ADMISSIONS

U.S. Supreme Court
U.S. Court of Appeals for the First Circuit
U.S. Court of Appeals for the Third Circuit
U.S. Court of Appeals for the Fifth Circuit
U.S. Court of Appeals for the Seventh

against insurers brought by body shops asserting conspiracies to suppress labor rates, and representation of a turkey producer in antitrust litigation claiming an unlawful information exchange.

Mike would be pleased to provide further information concerning past and current representations, as well as client references.

Before joining Eimer Stahl, Mike was a partner at Wildman, Harrold, Allen & Dixon in Chicago, where he was head of the firm's antitrust practice and a member of the Executive Committee for over twenty years. While carrying on an active law firm practice, he also served for over 3 years as acting head of the litigation department of a major corporate client. The experience enhanced his perspective on management and resolution of major, high-profile disputes from the client point of view.

CASE EXPERIENCE

- *In re Auto Body Shop Antitrust Litigation*
- *In re Insurance Brokerage Antitrust Litigation*
- *Sandwich Chef of Texas, Inc. v. Reliance National Indemnity Insurance Co., et al.*
- *Commonwealth of Massachusetts v. Great American, et al.*
- *Weatherford Roofing, et al. v. Employers National Insurance Company, et al.*
- *Brand Name Prescription Drug Antitrust Litigation*
- *AARP v. Home Insurance, et al.*
- *Bristol Hotel Management, et al. v. NCCI, et al.*
- *State of Louisiana, ex rel., Charles C. Foti, Jr. v. McKinsey, et al.*

HONORS & AWARDS

Mike is and has been recognized by *Chambers USA* for the past several years as a leading antitrust lawyer in Illinois and selected by his peers as an Illinois *Leading Lawyer* for antitrust law. He was also named an Illinois Super Lawyer for antitrust litigation in *Super Lawyers'* corporate counsel edition.

Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Illinois

U.S. District Court for the Eastern District of Wisconsin

U.S. District Court for the Eastern District of Indiana

U.S. District Court for the District of Arizona

SPEAKING ENGAGEMENTS

Supreme Court Roundup: *Gomez*, *Tyson Foods*, *Spokeo* and Beyond: Expert Insights on Each Case, Critical Nuances to Consider When Developing Your Litigation Strategy, and Points to Drive Home to Your Clients/Business Leaders
New York City, New York, 04.12.2016

Criminalization of Business Conduct in the United States, The Geneva Association's 11th Annual Liability Regimes Conference
Ruschikon, Switzerland, 11.04.2015

PUBLICATIONS

Pandemic Coverage Litigation
EimerStahl Insights, April 2020