

Eli Litoff

Partner

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A versatile litigator in the truest sense, Eli Litoff is equally adept at defending his clients against complex class actions in federal court, navigating their local matters in a county courthouse, and defending them against accusations by the government. He has tried civil and criminal cases to verdict in both state and federal court.

Eli's civil practice focuses on class actions and complex commercial litigation. He understands both sides of the "v.," having successfully prosecuted and defended actions for his clients. He has courtroom experience handling insurance coverage disputes, as well as civil RICO, fraud, breach of contract, tortious interference, trade secret misappropriation, and many other commercial disputes. He has also successfully prosecuted and defended federal civil rights actions.

In addition, Eli represents individuals and companies in government investigations and white collar criminal prosecutions. Eli has investigated and defended cases involving mail fraud, wire fraud, bankruptcy fraud, bribery, money laundering, and violations of the Anti-Kickback Statute. He also advises clients on compliance programs, including conducting anti-corruption and anti-bribery due diligence.

Thorough preparation, candor, and diligence are the touchstones of Eli's results-driven practice. His measured approach to litigation is informed by the insights he gained inside judges' chambers, having served as a Judicial Extern to the Honorable Rebecca R. Pallmeyer and the Honorable Jeffrey T. Gilbert in the U.S. District Court for the Northern District of Illinois.

EXPERIENCE

Representative Engagements - Commercial Litigation and Class Actions

- Successfully defended United Airlines in over a dozen putative consumer class actions across the country asserting a variety of claims, including breach of contract, fraud, unjust enrichment, violation of the RICO Act, violation of the Sherman Antitrust Act, and violation of state consumer fraud statutes.
- Successfully prosecuted and defended claims on behalf of a global insurance brokerage and risk management firm in litigation across the country involving alleged breaches of restrictive covenants, misappropriation of trade secrets, tortious interference, and related claims.
- Represented individual employees of a large nuclear power plant servicing company in a temporary restraining order and preliminary injunction action brought by their former employer for alleged misappropriation of trade secrets, tortious interference with business relations, and breach of fiduciary duty. Successfully resolved case following expedited discovery.
- Successfully defended CEO of a publicly traded company in a federal securities lawsuit involving claims of fraudulent misrepresentation.
- Obtained summary judgment in favor of a business owner in a Cook County action brought by his former employee, alleging that the business owner converted funds from the employee's retirement account.



- Represented health care services provider in Cook County breach of contract action against a hospital, resulting in a favorable settlement for client.
- Represented health care company in civil RICO action arising out of fraud committed by former company executives. Resolved the case via favorable settlements with multiple defendants.
- Represented global insurance brokerage and risk management company in earnout dispute with principal of an acquired business.
- Obtained favorable settlement for a state university following the filing of a persuasive motion to dismiss in an action alleging excessive force by a university police officer.

Representative Engagements - White Collar Defense, Investigations, and Compliance

- Obtained judgment of acquittal for prominent attorney after a jury trial regarding mail fraud, wire fraud and bankruptcy fraud charges.
- Represented a health care company in a U.S. Attorney's Office investigation involving fraud committed by the company's top executives. The investigation concluded with no charges against the company.
- Obtained a sentence of time served for the president of business accused of bribery and corruption involving the New York City Police Department, in a Department of Justice investigation conducted by the Southern District of New York.
- Represented individual employees of a chemical company in investigation following fatal explosion in the company's plant.
- Counseled leading airline in developing third-party anti-bribery due diligence compliance program and conducted due diligence on third parties globally.

Representative Engagements - Wrongful Convictions and Pro Bono Service

- Obtained a \$25.2 million jury verdict for client who was wrongfully convicted and incarcerated for 22 years for a crime he did not commit.
- Obtained a jury verdict of not guilty for a client wrongly accused of murder. The client had been convicted of a 1996 murder and spent over two decades in prison before obtaining a new trial. The client enlisted RSHC as his trial counsel, and Eli delivered the opening statement and cross-examined key witnesses in the 2023 retrial resulting in the not guilty verdict and exonerating his client after two decades of wrongful imprisonment.
- Part of the team of lawyers involved in the quadruple exoneration of the "Marquette Park 4": four men who as teenagers were convicted of a double murder and armed robbery that they did not commit and were exonerated over 20 years later.
- Successful appeal on behalf of a client who was denied bond while awaiting retrial after his wrongful conviction was overturned, convincing the Illinois Court of Appeals to not only reverse the denial of bond, but also to set a low bond that his client's family could afford, resulting in his client's release from custody after two decades of wrongful incarceration.
- Successfully argued for and obtained a Certificate of Innocence for a man who spent over 20 years in prison for a crime he did not commit.
- Lead author of a brief in the United States Court of Appeals for the Eleventh Circuit, which successfully argued that the district court misapplied the Prison Litigation Reform Act's "three strikes" rule, obtaining reversal of the district court's opinion and removal of a "strike" from his client's record.
- Obtained favorable settlement for prisoner in an action alleging that he received inadequate medical care while incarcerated.

CREDENTIALS

Education

Loyola University Chicago School of Law, J.D. 2014, *summa cum laude*
Lead Articles Editor, *Loyola University Chicago Law Journal*
Chief Justice, Loyola University Chicago Moot Court Program
University of Illinois at Urbana-Champaign, B.S., Business Administration, 2009, *with honors*

Bar Admissions

Illinois
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Seventh Circuit
U.S. Court of Appeals for the Eleventh Circuit
U.S. District Court for the Central District of Illinois
U.S. District Court for the Northern District of Illinois
U.S. District Court for the Northern District of Illinois (Trial Bar)

Professional Memberships

ACLU of Illinois Next Generation Society, Board Member
Just the Beginning – A Pipeline Organization, Board Member

Honors & Awards

Best Lawyers: Ones to Watch (Commercial Litigation, 2022-2024, Criminal Defense: White-Collar and Mass Tort Litigation / Class Actions-Defendants, 2021-2024), *Best Lawyers*®
Illinois Emerging Lawyer in Class Action/Mass Tort Defense Law and Commercial Litigation, *Law Bulletin Media Leading Lawyers* (2020-2024)
Illinois Rising Stars in Class Action, *Thomson Reuters' Illinois Super Lawyers* (2023-2024)
RSHC Pro Bono Award (2023)
Chicago Notable Rising Stars in Law, *Crain's Chicago Business* (2021)
Award for Excellence in Pro Bono Service, United States District Court, Northern District of Illinois (2016)

PUBLICATIONS & PRESENTATIONS

"U.S. District Court Enjoins Implementation and Enforcement of FT Rule Banning Non-compete Agreements," (co-author) *RSHC Client Alert* (July 5, 2024)
"Federal Trade Commission Approves New Rule That Prohibits Non-Compete Agreements," (co-author) *RSHC Client Alert* (April 24, 2024)
"Lessons from Facebook's Record \$550 Million Biometric Settlement," (co-author) *Illinois State Bar Association's Bench & Bar Section Council Newsletter* (March 2020, vol. 50, no. 6)
"Rule 502: Something Illinois Litigants Can Learn From Federal Courts," (co-author) *Illinois State Bar Association's Bench & Bar Section Council Newsletter* (May 2017, vol. 47, no. 10)
"Proportionality in e-Discovery: The Illinois Appellate Court Seeks to Find the Right Fit," (co-author) *Illinois State Bar Association's Bench & Bar Section Council Newsletter* (April 2017, vol. 47, no. 9)



“Rule of Preservation in Appellate Law,” (co-author) *Daily Report* (September 17, 2013)