

Richard L. Fenton

In Memoriam



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Overview

It is with a heavy heart that we advise of the unexpected and premature passing of Rick Fenton, our Partner, colleague and friend on April 24, 2021.

A dedicated and tenacious pillar of our Chicago Litigation team for over 40 years, losing Rick in the vibrancy of his career during these remote times is all the more difficult, as he has held a position of such influence and importance within our Chicago office, litigation practice and across the Firm.

A lawyer of recognition and renown, Rick was mentored into a world-class appellate and complex commercial, insurance, real estate and business litigator by the luminaries of our legacy, and paid it forward exponentially. Over the past four decades, Rick inspired lawyers both within our Firm and through every interaction he had with fellow members of the bar to reach for the highest standards, to act with the highest integrity, to provide the highest level of client service, and to do so with the highest humanity. His training, sponsoring, mentoring and guiding of lawyers at every point in their careers has inspired countless advocates to achieve the exacting talent and unrelenting passion he brought to all his client and pro bono work. Rick has long been admired as a leader in the bar and especially within the insurance industry, where clients have chosen him time after time as the voice of the industry and a voice of reason in and out of court.

Our thoughts and deepest sympathies during this incredibly difficult moment are first and foremost with Rick's wife Judy and their family.

May Rick's memory be a blessing, and may we carry forward the example he set for all of us.

Richard (Rick) Fenton has practiced for 40 years in the field of complex commercial, insurance, real estate and business litigation. Rick is the chair of Dentons' national **appellate** practice.

Rick is a member of the Bar of Illinois, the United States Supreme Court, the United States Courts of Appeals for the Second, Fifth, Sixth, Seventh, Ninth, Tenth and Eleventh Circuits, the United States District Courts for the Northern and Central Districts of Illinois, the Southern District of Indiana and the Eastern District of Wisconsin, and the United States Tax Court. Rick also has been admitted pro hac vice in numerous state and federal jurisdictions.

Rick has been recognized repeatedly in *Best Lawyers in America* since 2008 and in Illinois *Super Lawyers* since

2005. Rick is a member of the American Bar Association and is a contributing author to the both the first (2010) and second (2017) editions of the ABA publication "A Practitioner's Guide to Class Actions."

Rick has broad experience litigating and trying a wide variety of commercial disputes in both trial and appellate courts, including securities, product liability, ERISA, antitrust, RICO and consumer class action defense, executive compensation and employment litigation, fiduciary liability, misappropriation of trade secrets and proprietary information, insurance coverage, insurance bad faith and general business litigation. Rick also has extensive experience in the area of real estate litigation, and has tried a broad range of cases in both bench and jury trial settings arising out of the sale, purchase and financing of real estate projects on behalf of owners, developers, purchasers, lenders and investors.

Rick also has represented clients in regulatory and internal investigations in the securities, employee benefit and corporate governance areas, and has extensive experience representing clients in mediation and arbitration proceedings.

Experience

- Rick is currently lead counsel for a major national client in consolidated ERISA class actions asserting claims for reinstatement of certain retiree life insurance benefits and alleged breaches of ERISA fiduciary duties. Rick also successfully represented a major pension fund in connection with the fund's assessment of withdrawal liability against a participant in a multi-employer plan, obtaining the reversal of an arbitration award in federal district court and affirmance on appeal.
- Rick is lead counsel for a major national insurance carrier in connection with a series of nationwide consolidated antitrust and RICO actions brought by collision repair facilities, alleging improper and collusive claims practices in connection with automobile repair. Rick also represents various insurance clients in defending national and state class actions dealing with homeowners and automobile insurance underwriting, coverage and claims practices. Rick was a lead member of the trial team that obtained a defense verdict for a major national insurance carrier in a multi-state class action that was tried in St. Clair County, and was lead appellate counsel on that same matter, where the defense verdict was affirmed.
- Rick recently was lead counsel for one of the principal insurance company defendants in a class action under the California Cartwright Act, alleging an anticompetitive conspiracy relating to the specification and use of aftermarket parts in automobile repair. After an evidentiary hearing, the federal district court denied class certification, and subsequently entered summary judgment for the defendants. Rick also represented the client on the appeal, where the judgment was affirmed by the Ninth Circuit Court of Appeals. Previously, Rick had argued the 11th Circuit appeal in another antitrust action relating to aftermarket parts, resulting in the complete dismissal of one of the largest antitrust class actions ever certified.
- Rick was lead counsel for a major national insurance carrier in connection with property claims arising out of Hurricanes Katrina and Rita, coordinating the defense of thousands of homeowners claims in both State and Federal Court, and actively first-chairing the defense of numerous class actions, mass actions, attorney general suits and other related complex litigation arising out of Hurricane Katrina. In that connection, Rick successfully argued more than a dozen major Katrina-related appeals to the United States Court of Appeals for the Fifth Circuit dealing with homeowner flood exclusions and various issues of federal jurisdiction under the Class Action Fairness Act, respectively, including several matters where Rick was selected by the Katrina insurance joint defense group to argue appeals of general importance to the insurance industry. Rick has also acted as national counsel in connection with litigation arising out of Hurricane Sandy.
- Rick recently was co-lead counsel defending foreign building materials manufacturers in major multi-district product liability litigation arising out of the manufacture, sale and distribution allegedly defective drywall products in residential and commercial construction and remodeling projects throughout the Southeast United States.
- Between 2009 and 2014, Rick was lead counsel for one of the world's largest retail mall owners/operators in defense of a major breach of contract and fiduciary liability action brought by minority investors, arising out of the acquisition and management of a national portfolio of retail mall properties.

- Rick was lead trial counsel for a major national retailer and its real estate developer in defending fiduciary and contract litigation arising out of the development and construction of an arena facility in Hoffman Estates, Illinois. Most of plaintiffs' claims were dismissed before trial, and the trial resulted in an award representing a small fraction of plaintiffs' claimed damages.

Representative past and current clients:

- Allstate Insurance Company
- Beijing New Building Material (Group) Co., Ltd.
- Simon Property Group
- Prudential Insurance Company
- General Electric Credit Corporation
- McDonald's Corporation
- VMS Realty Partners
- Jones Lang LaSalle
- Ryan Companies
- Chas. Levy Circulating Company/Levy Home Entertainment
- Chicago Bridge and Iron Company
- Great West Insurance Company
- Sears Roebuck and Co.
- DBTel Corporation
- American Home Mortgage Corp.
- The Central Bank of Uruguay
- Hudson Highland Group
- Universal Underwriters Insurance Company
- Central States Pension Fund
- Sun Chemical Corporation

Recognition

Honors and Awards

- Listed in *Best Lawyers in America*, 2008–2019
- Listed in Illinois *Super Lawyers*, 2005-2017

Insights

- Co-author, "Chapter 19: Property and Casualty Insurance," *A Practitioner's Guide to Class Actions*, October 2017

Activities and Affiliations

Memberships

- Federation of Defense and Corporate Counsel

Areas of focus

Practices

- Appellate Advocacy
- Class Action Defense
- Commercial Litigation
- Employment and Labor
- ERISA Litigation
- Financial Services Litigation
- Internal Investigations
- Litigation and Dispute Resolution
- Pensions and Benefits Disputes
- Real Estate Litigation and Dispute Resolution

Industry sectors

- Bad Faith Defense
- Catastrophe and Major Claims Litigation
- Financial Institutions
- Insurance
- Insurance Litigation and Arbitration
- Property, Casualty and Liability Insurance
- Real Estate
- Retail

Education

- University of Chicago, 1978, JD
- University of Chicago, 1975, BA, with honors, Political Science, Recipient, Goettler Political Institutions Award

Admissions and qualifications

- Illinois
- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Fifth Circuit
- US Court of Appeals for the Sixth Circuit
- US Court of Appeals for the Seventh Circuit
- US Court of Appeals for the Ninth Circuit
- US Court of Appeals for the Tenth Circuit
- US Court of Appeals for the Eleventh Circuit
- US Court of Appeals for the Federal Circuit
- US District Court for the Central District of Illinois
- US District Court for the Eastern District of Wisconsin
- US District Court for the Northern District of Illinois
- US District Court for the Northern District of Illinois, Trial Bar
- US District Court for the Southern District of Indiana
- US District Court for the Western District of Wisconsin
- US Supreme Court
- US Tax Court