



## Christopher G. Dean

Member

Cleveland

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### Practice Focus

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- Antitrust and competition
- Appeals
- Business litigation
- Class action defense
- Directors and officers litigation
- Data privacy litigation

Christopher is a business litigator with offices in Cleveland and Chicago. He represents clients in all manner of complex civil litigation around the country, with an emphasis on class action, data privacy and cybersecurity, commercial, competition, and shareholder disputes. As the chair of McDonald Hopkins' appellate practice group and the leader of its data privacy and cybersecurity litigation team, he has defended dozens of class action lawsuits, including for alleged privacy violations following data breaches, and for alleged violations of Illinois's Biometric Information Privacy Act, Michigan's Preservation of Personal Privacy Act, the Telephone Consumer Protection Act, federal and state antitrust laws, and various state consumer protection statutes, among others. He also regularly provides business counsel on a wide range of matters, from competition issues to compliance with data protection laws. Christopher takes pride in his ability to present complex issues clearly and simply, and has been praised for his practical approach and concise writing style.

Before joining McDonald Hopkins, Christopher practiced with a well-regarded, commercial litigation firm in Chicago and a large, international firm in Washington, D.C., where he focused on antitrust, consumer protection, and white collar crime issues. Before law school, he spent nearly four years as a consultant and project manager with IBM in New York City.

Christopher earned a J.D. with high honors from George Washington University School of Law, where he was managing editor of The Law Review. He received a B.A., cum laude, from Denison University.

### Representative Cases/Matters

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#### Class Actions

- Won dismissal of a 23-count class-action lawsuit involving 12 federal antitrust claims and 11 consumer protection and tort claims under the laws of five different states on behalf of two technology companies
- Won dismissal of several multi-count class-action lawsuits against hospitals following data breaches involving hundreds of thousands of patients

- Obtained dismissal of, or otherwise resolved on favorable terms, numerous class actions stemming from cyberattacks against healthcare providers, school systems, and private businesses collectively involving millions of putative class members
- Defended and resolved on favorable terms multiple class-action lawsuits under Illinois's Biometric Information Privacy Act on behalf manufacturing, healthcare, and technology companies
- Defended and resolved on very favorable terms class-action lawsuits asserting claims under the Telephone Consumer Protection Act
- Counseled manufacturing company on defending wage-payment class and collective-action claims
- Defended large hospital system in a class-action antitrust lawsuit brought by nurses' union

### **Data Privacy and Cybersecurity Matters**

- Represented numerous managed service providers against claims and demands by former clients following cybersecurity incidents
- Defended hospital system from statutory and tort claims following the unauthorized access of thousands of patients' records by a hospital employee
- Defended several plastic surgeons against claims by former patients related to the unauthorized disclosure of patient information on medical practice websites
- Defended a drug habilitation facility against claims by a former patient following the alleged disclosure of protected health information by a nurse
- Defended several behavioral health clinics against claims by patients for the alleged unauthorized disclosure of medical records by clinic staff
- Defended physician and medical practice from threatened claims by former patients following wide-spread disclosure of patient information through an inadvertent e-mail transmission
- Defended healthcare, steel, and technology companies from claims by employees related to the allegedly unlawful use of biometric information for timekeeping purposes

### **Partnership, Shareholder, and Business Disputes**

- First-chaired complex arbitration proceeding concerning sale of three affiliated businesses
- Tried and resolved on favorable terms earn-out and breach-of-representation-and-warranty claims in connection with the sale of a pharmaceutical company
- Obtained a jury verdict for a property developer following a three-week trial in claims against a former partner and attorney
- Won dismissal and the subsequent appeal of claims against the general partners of a partnership that owns and operates a large apartment complex in downtown Chicago
- Obtained a permanent injunction and attorneys' fees on behalf of the minority member of a limited liability company in a dispute concerning the potential sale of membership interests
- Negotiated the favorable resolution of potential derivate claims against a corporate board on behalf of a shareholder who opposed the sale of the business
- Prosecuted claims for breach of contract and breach of fiduciary duty on behalf of a medical practice against former shareholder
- Represented business founder in claims by and against co-founder and former investor Defended title company from claims by discharged shareholder

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- Advised small-business owner in claims related to dissolution of company Represented tech startup in dissociation of co-founder and investor
- Defended and resolved on favorable terms claims against partnership and general partners by disgruntled limited partner
- Advised internet marketing and sales company in connection with threatened claims by former independent contractor who demanded equity stake in business

### **Misc. Litigation**

- Won summary judgment and affirmance on appeal to the Sixth Circuit for an insurance company in a coverage dispute
- Won a multi-million dollar equitable subordination claim against the insiders of a bankrupt scrap metal company on behalf of the trustee of the liquidating trust
- Secured summary judgment on a personal injury claim for a natural gas company following a gas explosion in which a passerby was injured
- Obtained summary judgment for a natural gas company in a lease dispute with a property owner Defended parts distributor from contract and warranty claims in product defect and recall lawsuit brought by manufacturer following product explosion and wrongful death action
- Represented DNA testing company in claims by and against large, web-based rival in trademark infringement claims
- Prosecuted sanctions claims on behalf of large airline against international cargo shipper for violation of bankruptcy discharge injunction
- Defended individual in high-profile RICO lawsuit involving bankruptcy consulting industry
- Pursued collection action on behalf of private equity fund against founder and former executives of defunct borrower
- Defended former employees of bankrupt hospital system from insurance claims stemming from plaintiff's attempt to collect a previously entered \$28 million medical malpractice judgment
- Resolved a multi-million dollar mechanic's lien claim for the developer of one of Chicago's newest and most high-profile mixed-use skyscrapers on extremely favorable terms
- Secured summary judgment for a national bank against a multimillion dollar employment claim Defended a large law firm and a named partner in a \$300 million legal malpractice lawsuit
- Defended international energy company in various tort claims stemming from the cleanup of a major offshore oil spill
- Negotiated the settlement of lease disputes on behalf of a wide variety of clients, including a high-end restaurant franchise, a well-known discount retailer, and various property owners
- Obtained dismissal of False Claims Act, fraud, and breach of contract claims on behalf of a corporation in connection with a sizeable state contract
- Negotiated a favorable settlement on behalf of a company in a consumer protection claim brought by Federal Trade Commission

### **Admissions - Court**

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- U.S. Court of Appeals for the 2nd Circuit

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- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 7th Circuit
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. Supreme Court

### Admissions - State

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- Illinois
- Ohio

### Education

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- George Washington University School of Law
- Denison University

### Honors and Awards

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- Elected Managing Editor of Law Review at the George Washington University School of Law
- Elected to Moot Court, Mock Trial & Alternative Dispute Resolution Skills Boards in law school

### Professional Membership

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- Cleveland Metropolitan Bar Association (CMBA)
  - Unauthorized Practice of Law Committee (Chair, 2019)

### Alerts

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- Supreme Court of Illinois holds no actual injury is required to state a claim under the Illinois Biometric Information Privacy Act
- FTC wins two key hospital merger challenges in federal courts

### Blog Posts

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- Update – Illinois Supreme Court to decide whether claims under the Illinois Biometric Information Privacy Act governed by 1-or-5 year limitations
- Illinois appellate court clarifies accrual date of BIPA claims
- Claims under Illinois Biometric Information Privacy Act governed by 1-or-5 year limitations, Illinois appellate court finds
- U.S. Supreme Court dramatically limits "no injury" class action lawsuits in federal court
- Maryland is latest state to propose regulating use of biometrics
- Illinois appellate court holds that Workers' Compensation Act does not preempt claims for statutory

damages under Biometric Information Privacy Act

- Newly proposed Federal Biometrics Privacy Act mirrors controversial - and expensive - Illinois statute
- Seventh Circuit offers narrow - and uncertain - path to Article III standing under Illinois's Biometric Information Privacy Act
- No good deed goes unpunished: Free educational tools ensnare Google in new biometrics lawsuit
- Illinois Supreme Court reaffirms availability of "pick off" strategy in class action cases
- Trade Association Basics: Simple tips for reducing antitrust risk in an information exchange
- Plaintiffs face uphill battle in revived data breach lawsuit against Barnes & Noble
- Antitrust laws protect competition – not competitors
- Risk of future identity theft may be sufficient to confer standing in data breach litigation
- DOJ announces plans to review no-poaching agreements
- Actual injury required to state a claim under Illinois Biometric Information Privacy Act
- Court denies summary judgment in ramen noodle class action, price-fixing claim
- Court approves \$208M settlement of antitrust claims against NCAA and Power Five conferences
- Tying arrangements could put your business in a bind
- Natural gas production companies beware Landowners are watching you
- The hits just keep on coming
- Cheap oil is good, right? Maybe not
- The 10-year Scandal Tearing Through Brazil's Petrobras
- More fallout from tumbling oil prices

### News

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- Christopher Dean cited in Bloomberg Law
- MH Business Exchange Episode 11 helps businesses avoid the hidden dangers of antitrust violations
- 22 attorneys at McDonald Hopkins named 2018 Ohio Super Lawyers and Rising Stars
- McDonald Hopkins hosts discussion on how antitrust laws affect businesses of all sizes
- McDonald Hopkins to host discussion on how antitrust laws affect all businesses
- McDonald Hopkins elects four Members
- 24 attorneys at McDonald Hopkins named Ohio Super Lawyers and Rising Stars

### Podcasts

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- Episode 11: Beware: Avoiding hidden antitrust dangers

### External Publications

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- "Illinois Civil Discovery Practice: Limitations on Discovery," Illinois Institute of Continuing Legal Education (2009-2013) (co-author)
- "Enforcing an Unsigned Contract for Services," Smart Business Chicago (Nov. 21, 2013)
- "Small Business and the Corporate Opportunity Doctrine," Business Law Today, American Bar Association's Business Law Section (2011) (co-author)
- "Living the Life of Reilly's: Recent U.S. Court of Federal Claims Decisions Highlight Need for Improved Regulatory Guidance in CICA Override Determinations," Fed. Contracts Rpt., BNA, Inc. (Jan. 23, 2007)

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- Note, “Returning the Pig to Its Pen: A Pragmatic Approach to Regulating Minors’ Access to Violent Videogames,” 75 Geo. Wash. L. Rev. 136 (2006)
- Case Note, “The New Potomac Two Step: The D.C. Circuit’s Evasion of a Federal Common Law Reporter’s Privilege,” 74 Geo. Wash. L. Rev. 1701 (2006)
- “A Fine Bourdeau: The Issue of Authority in ITC Decisions Involving Gray Market Goods,” XXII 337 Reporter (Summer 2006) (co-author)

## Events

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- Everyday Antitrust Issues: Protecting Your Business From Criminal and Civil Liability | Thursday, November 2, 2017