

# JEFFREY J. ASPERGER | PARTNER

Commercial Litigation



Jeff's practice includes the negotiation and resolution of commercial disputes, complex and multiparty litigation involving negligence, product liability, contract, commercial liability, design and professional liability, contamination and pollution, food recalls, and transportation and maritime disasters.

Jeff's broad negotiation and courtroom experience includes representing clients in various

state and federal courts nationwide, having been admitted pro hac vice in over 40 jurisdictions. He has been involved in a number of high-profile cases resulting in over \$250 million in verdicts and settlements for his clients, and also generated a number of recognized and regularly cited appellate decisions.

Prior to joining MPS, Jeff was a partner in a national law firm and then a principal in a firm he founded. He is active in supporting many charities and the arts, and recognizes the value of teamwork as a member of teams that have won some of the world's most notable yachting events.

"Going to court isn't the only route to resolving a dispute. We're well-versed in all types of alternative dispute resolution, and have helped many clients achieve favorable results in arbitration and mediation."

## CONTACT

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## EDUCATION

- J.D., The John Marshall Law School, 1979
- M.A., Kent State University, 1976
- B.A., Kent State University, 1975

## ADMISSIONS

- Illinois
- Michigan
- United State District Courts for the Northern District of Illinois, Central District of Illinois, Eastern District of Michigan, Eastern District of Wisconsin, Northern District of Indiana, Southern District of New York, Eastern District of Kentucky, Western District of Texas, District of South Carolina, Southern District of Florida, Northern District of Ohio, District of Arizona
- United States 7th Circuit Court of Appeals, 9th Circuit Court of Appeals

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## EXPERIENCE

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- Negotiated substantial results for clients involving business dissolutions, non-compete covenants, AIA terms and conditions, food recalls, fraud and misrepresentation, insurance coverage, and contract disputes.
- Recovered substantial sums on behalf of building owners, business owners, and their insurers for building design, mechanical system, electrical system, and construction product failures which have occurred under a variety of circumstances, including failures in hurricane force winds. His representation in building structural failures and collapses have contributed to changes in standards for pre-engineered building systems.
- Counsel in some of the largest fire and explosion disasters in the country, including a record \$39.5 million verdict in one of the country's largest fire losses; petrochemical and industrial fires and explosions; a dust explosion in the world's largest grain storage facility; electrical distribution system fires in high-rise buildings; utility system failures and fires; and failures involving the world's largest cranes, mining, and earth moving equipment.
- Proctor in Admiralty; has represented clients in investigations involving the National Transportation Safety Board, the United States Coast Guard, and the Army Corps of Engineers. He has addressed issues involving the Jones Act and the Carmack Amendment.
- Represented businesses and insurers in risk management and loss prevention from the claims handling stage through trial and appeal. Provides opinions in first party property, general liability, and subrogation claims, and has litigated allegations of bad faith, unfair claims handling, deceptive trade practice, and unfair consumer practices. Represented clients in appraisals serving as counsel and appraiser, and has lectured and authored papers on a variety of coverage issues.
- Co-authored Part I of the 1979 Report and Recommendations on Product Liability for the Illinois House of Representatives' Subcommittee on Product Liability. The White House Office of Management and Budget noted that the report was the only source available at the time for data on the "product liability crisis." Other product liability trial experience includes construction products, consumer products, automotive products, agricultural products, and industrial systems and machinery.
- Sale for \$63 million to a strategic buyer of majority of assets of a proprietary software company.
- Purchase for \$7 million of the proprietary software division of an industry competitor, with parties contemporaneously agreeing to a multi-year consulting and sales commission arrangement.

## MEMBERSHIPS

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- Chicago Bar Association
- Federal Trial Bar
- Loss Executives Association
- The Propeller Club of the United States
- Maritime Law Association
- Economic Club of Chicago

## PUBLICATIONS

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- "Builders Risk: Inland Marine or Property Insurance?" John Liner Review, Winter 2008.
- "Basic Warranty Law, or All You Need to Know about Worthless Paper," Presentation, Roof Asset Management Conference, Oak Brook, IL, 2002.
- "Building Product Failure: Are New Designs and Techniques Causing More Problems Than They Solve?" Presentation, WLA Annual Conference, Lake Delavan, WI, 2002.

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## PUBLICATIONS CONT'D

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- "Legal Definition of a Product Failure: What the Law Requires of the Designer and the Manufacturer," ASM Journal, The ASM International Conference, 2000.
- "Latest Developments in Commercial First Property Issues," Presentation, PLRB Regional Conference, Chicago, Detroit, Philadelphia, 2003-2004.

## AWARDS

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- Super Lawyers® 2004-Present
- Top 100 Verdicts of 2007: \$39,509,145.00

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