

# HEATHER KUHN O'TOOLE | PARTNER

ADA Litigation, Advice and Counseling, Commercial Litigation



Heather focuses her practice on wide-ranging, complex litigation matters, including claims brought under Title III of the Americans with Disabilities Act, employment disputes, wage and hour claims, mechanics liens and real estate litigation, and breach of contract actions.

Heather also has extensive experience advising clients on accessibility requirements for public accommodations under the Americans with Disabilities Act and

state accessibility laws. Heather advises clients on meeting ADAAG requirements in retail settings and provides counsel to clients to ensure that their policies, practices, and procedures are compliant with the applicable accessibility laws. Heather has represented clients in responding to Department of Justice complaints, investigations by state civil rights agencies, and in responding to customer complaints.

Prior to joining MPS, Heather was Of Counsel at a mid-sized Chicago law firm. Prior to that, she was an associate in the Chicago office of a large multinational law firm.

In her free time, Heather is an avid runner and soccer coach. She has completed multiple marathons and has traveled around the country and the world for race-cations.

## CONTACT

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## EDUCATION

- J.D., Loyola University Chicago School of Law, cum laude
- B.S., University of Illinois at Urbana-Champaign

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## ADMISSIONS

- Illinois
- United States District Court for the Northern District of Illinois
- United States District Court for the Eastern District of Wisconsin
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Federal Circuit

“Leaner in numbers, deeper in talent, and united by an uncompromising commitment to put our clients’ interests first and last.”

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## EXPERIENCE

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- Provided advice to Fortune 500 retailer on ADAAG and state and local accessibility code requirements during nationwide ADA audit of the retailer's parking lot facilities.
- Obtained summary judgment for major department store in case involving the proper interpretation of tax proration provision and the landlord's refusal to reimburse retailer for construction allowance.
- Successfully represented retailer at trial in claim brought pursuant to the ADA and state accessibility laws regarding the alleged wrongful refusal to allow entry to a service animal.
- Obtained a TRO against a developer in an action on behalf of a retail tenant of a shopping center, seeking to prevent a developer who purchased an outlet from the tenant's landlord from constructing a restaurant on the outlet where the restaurant would deprive the retailer of much needed, bargained-for parking.
- Reached successful resolution of action brought for unfair competition, trade secret misappropriation, and breach of confidentiality agreements against a group of the client's former employees and the competing enterprise that they formed.
- Defeated class certification in a case brought pursuant to the Chicago Residential Landlord Tenant Ordinance and thereafter mooted the class allegations.
- Obtained summary judgment on all claims and a damages award in excess of \$16 million before the U.S. District Court for the Northern District of Illinois in an action for breach of a guaranty.
- Represented a client at trial in defense of claims brought pursuant to the Hague Convention on Civil Aspects of International Child Abduction and obtaining judgment in favor of the client which allowed her to remain in the United States and to retain custody of her son.

### Schaumburg

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### Chicago

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