Proskauer



Contact

Todd J. Ohlms

Partner

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Todd J. Ohlms is a partner in the Litigation Department and a member of the Asset Management Litigation Group. Based in our Chicago office, Todd has represented clients in business-critical litigation matters for over 30 years, and regularly tries cases to verdict before juries and the bench across the country. He has also participated in numerous arbitration proceedings, including counseling clients regarding disputes subject to international arbitration agreements.

Todd's practice focuses on disputes involving private investment funds such as private equity, venture capital, private credit, hedge and real estate funds, including their sponsors, directors, officers, partners and portfolio companies. Todd's work for private funds includes general partner removals, disputes with limited partners, governance issues, claims involving allegations of breach of federal and state securities laws, breach of fiduciary duty claims, M&A disputes and earn-out disputes. In addition, Todd has substantial experience in actions involving temporary restraining orders, preliminary injunctions, and in the substantive areas of intellectual property, antitrust and trade regulation, securities and shareholder litigation, corporate governance, supply chain disputes and complex/multi-jurisdictional disputes.

In addition to regularly counseling and representing in clients from the initial stages of a dispute to their completion, Todd is frequently chosen to serve as successor counsel by clients who desire to change counsel while a dispute is pending given a change of strategy or the need to ensure that experienced trial counsel are present for the end stages of a dispute.

To assist clients with efforts to mitigate risk at all stages of their disputes, Todd is a proponent of using tools such as decision trees, focus groups, moot arguments and shadow juries.

Matters

Representative Matters

- Represented 2,500-acre vineyard and winery in Paso Robles, California in breach of fiduciary duty, unjust enrichment, and unfair competition lawsuit against its former president in a two-week jury trial. Defended a manufacturer of high performance automobile parts in an antitrust action where a magistrate judge had already recommended a summary judgment ruling on liability against the manufacturer. Successfully objected and reversed the recommendation and then resolved the remainder of the dispute.*
- Represented a private equity firm's claims relating to the sale of a portfolio company to a public company. Recovered one hundred percent of damages claimed.*
- Defended a portfolio company in a product liability jury trial where the verdict represented only two percent of the plaintiff's demand in closing argument.*
- Obtained dismissal with prejudice, with no settlement dollars paid, for directors and officers of high-tech start-up company in action brought by bankruptcy trustee based on phantom capital structure.*
- Represented a family office operating company in its claims related to an earn-out agreement against a large public utility. Case settled at one hundred percent of the damage model to be presented at trial.*

- Successfully represented judgment creditor in fraudulent transfer suit prosecuted through derivative standing on behalf of a bankruptcy trustee. Case involved interface with DOJ/FBI given undisclosed criminal enterprise operated by the judgment debtor.*
- Successfully obtained dismissal with prejudice, with no settlement dollars paid, for client in multi-million dollar securities action brought by family members related to family office operating company.
- Successfully defended private equity portfolio company in product liability action involving U.S. Coast Guard recall of component part of gasoline engines. Case involved third party claims against offshore manufacturer of component part.*
- Defended former CFO of a publicly-traded company in complex securities fraud action resulting in favorable settlement.*
- Represented the plaintiff in a legal malpractice action, against a now defunct large Chicago-based law firm, in a case involving the alleged mishandling of an arbitration and the drafting and implementation of the terms of employment and shareholder agreements resulting in substantial eight-figure settlement.*
- Obtained preliminary injunction on behalf of manufacturer whose specialized tooling was converted in China.*
- Successfully defended seller of business in injunction proceedings brought to enjoin sale based on purported antitrust concerns.*
- Served as a Special Assistant Attorney General for the State of Illinois with respect to its suit against members of the Tobacco Industry. Pursuant to the settlement of that action, the State of Illinois received more than $9 billion as well as the benefit of numerous restrictions on the Tobacco Industry's conduct.*

* at prior firm

Practices

Restrictive Covenants, Trade Secrets & Unfair Competition, Litigation, Asset Management Litigation, International Arbitration, Intellectual Property, Antitrust,

Securities Litigation

Industries

Private Capital

Education

Washington University in St. Louis, School of Law, J.D.

University of Missouri, Rolla, B.S.

Aerospace Engineering

Admissions & Qualifications

Illinois

Clerkships

United States District Court For Eastern District of Missouri - Hon. David D. Noce, Law Clerk, 1995

Court Admissions

U.S. Court of Appeals, Sixth Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. District Court, Illinois, Northern District

U.S. District Court, Michigan, Eastern District

U.S. District Court, Michigan, Western District

U.S. District Court, Missouri, Eastern District

Memberships

American Bar Association

Chicago Bar Association

Federal Bar Association

American Institute of Aeronautics Astronautics

Bunker Labs Board of Directors

Unites States Air Force Academy Sabre Society

Awards & Recognition

Crain's Chicago Business GenX Leaders in Law, 2019

Chicago Daily Law Bulletin and Chicago Lawyer – 40 Under Forty Illinois Attorneys to Watch, 2002

Leading Lawyers, Commercial Litigation

Illinois Leading Lawyers, 2020 (cited in multiple years)