



# Christopher S. Hennessy

Member

Chicago

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## Practice Areas

- Commercial Litigation
- Employment Litigation
- Privacy Litigation – Emerging Trends
- Product Liability
- Construction Law

## Industry Sectors

- Hospitality

## Education

- University of Illinois Chicago School of Law, J.D., *cum laude*, 1996
- Northern Illinois University, B.S., 1991

## Bar Admissions

- Illinois
- Arizona
- Michigan

## Court Admissions

- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court -- Northern District of Illinois
- U.S. District Court -- Central District of Illinois
- U.S. District Court -- Northern District of Indiana
- U.S. District Court -- Eastern District of Michigan
- U.S. District Court -- Arizona

## Affiliations

American Bar Association

Co-Chair, Employment & Labor Relations Law Committee

Chris focuses his practice on litigation and represents businesses across numerous industries. Chris's creative, bold, and proactive approach helps his clients stay out of the courtroom when possible, but prepares them for the successful prosecution of their rights or defense of their conduct should litigation become necessary. He also assists his clients with risk management and conflict avoidance, and works with them to understand their businesses from the inside out. This allows him to assist those businesses throughout the gamut of their operations, including drafting and negotiating contracts, employment, and non-disclosure agreements; developing written policies concerning biometric information; assessing insurance and risk management needs; and developing litigation strategies. Chris's litigation and trial experience enable him to protect the rights of his clients through verdict, and also informs his counseling strategies.

The wide range of Chris's experience is evident from the variety of industries in which he has represented clients. He has represented multiple defendants — both employers and timekeeping technology companies — against alleged violations of the Illinois Biometric Information Privacy Act (BIPA) and the Genetic Information Privacy Act (GIPA). Chris has extensive experience defending timekeeping technology clients and employers in BIPA class actions and employers and businesses in GIPA class actions. He is co-lead counsel on a significant technology-related BIPA class action involving complex issues of federal law preemption and is defending multiple technology providers in complex BIPA class actions. Chris also has consumer product class action experience, including claims of foodborne illness.

Chris has helped clients with ERISA claims brought by union pension and welfare funds alleging improper or insufficient contributions under multi-employer plans and defended employers from wage grievances brought pursuant to collective bargaining agreements. He has assisted clients in several different industries with drafting employment agreements and has successfully pursued the employer's rights under such agreements. In the construction context, Chris has represented owners, general contractors, subcontractors, and design professionals in claims related to construction defects, delays, and construction site injuries. He has both pursued and defended claims under the Illinois Mechanics Lien Act, and has defended professional liability claims against doctors, attorneys, and insurance producers and brokers.

Chris also has significant and varied experience in more traditional litigation involving personal injury and property damage claims, handling those cases from case inception through verdict. He has assisted his clients in the hospitality industry with claims ranging from Dram Shop Act matters to premises liability cases. Chris defended multiple cases — including one for wrongful death — arising out of a Legionella outbreak at a major hotel. He has experience in defending product liability claims that result in both property damage and personal injury, including product failure cases in the plumbing industry and personal injury cases arising out of claims against retailers and manufacturers of dietary supplements. Chris has experience defending companies in cases involving both consumer and occupational exposure to carcinogens, including arsenic, asbestos, benzene, cadmium, diesel engine exhaust, lead, polycyclic aromatic hydrocarbons, and silica.

Chris is an accomplished author, contributing two chapters of a book on Illinois construction law

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(Claims Against Construction Participants and Delay Claims and Damages). He has given presentations to various audiences in the construction industry, discussing purchasing and interpretation of liability insurance for contractors; the insurance industry, teaching claims personnel about early intervention, claim investigation, and litigation; and for design professionals, on the unique issues they face in the construction context. Chris has also published in the area of employment litigation, and is the chair for ABA Section of Litigation's Employment & Labor Relations Law Newsletter.

Chris graduated from Northern Illinois University in 1991 with a Bachelor of Science in communications and received his law degree, *cum laude*, from the University of Illinois Chicago School of Law in 1996. Chris is licensed to practice before the state and federal courts in Illinois and Arizona, as well as before the Court of Appeals for the Seventh Circuit.

## Experience

Secured a defense verdict on behalf of Class I railroad in an FELA case in St. Clair County, Ill., where the plaintiff alleged occupationally induced asthma and sought in excess of \$10 million in damages.

Won summary judgment for a national retailer of nutritional supplements in a case in which the plaintiff alleged that it sold tainted supplements.

Successfully represented the owner of a number of newspapers in overturning an injunction against a reporter for the Arizona Capitol Times that an Arizona State Senator had obtained at an *ex parte* hearing. We requested a hearing, at the conclusion of which the injunction was dismissed, with the judge ruling that the reporter's actions were protected by the First Amendment, served a legitimate purpose, and therefore could not constitute harassment (as the Senator had claimed) under the applicable statute.

Obtained dismissal of a claim brought under BIPA against a timekeeping technology company, where the plaintiff argued that by providing timekeeping technology to employers, the technology company was "otherwise profiting" from biometric information.

Briefed and argued a motion for summary judgment for a timekeeping technology company on BIPA grounds (decision pending).

Represented MyLife, Inc., an Illinois-based home healthcare agency, and its shareholders in its sale to Team Select Home Care, a Medicare home healthcare agency headquartered in Arizona. The transaction drew on the experience of the firm's corporate, tax, commercial litigation, labor and employment, and employee benefits and executive compensation attorneys.

Negotiated a favorable resolution of nationwide product liability claims, brought against our plumbing component manufacturer client, that centered on alleged component part material defects which caused the products to fail, resulting in significant property damage.

Obtained dismissal of a Dram Shop claim against a hotel, and successfully resolved a companion claim against the hotel for failure to provide security.

Assisted a national insurance broker in revising and updating policy forms for specialized warranty services in the solar energy industry.

Defended an international hotel company against claims arising out of a Legionella outbreak that resulted in numerous injuries and three fatalities, resolving admitted liability cases through trials, mediations, arbitrations, and settlement.

Obtained a temporary restraining order against an employee for violating restrictive covenants in an

employment agreement.

Obtained dismissal of a premises liability claim brought against a hotel by a guest injured in the parking lot.

Obtained dismissal of a declaratory judgment complaint against a property insurer arising out of a gas explosion.

Obtained summary judgment on behalf of a beneficiary of a land trust against a claim of a former beneficiary. This result was affirmed on appeal.

Successfully resolved, through mediation and settlement, various ERISA claims brought against employers under multi-employer plans.

Obtained summary judgment on behalf of a shipper in a case stemming from a container-related accident that occurred in an intermodal rail yard.

Obtained, on several occasions, summary judgment on behalf of companies under the “borrowed servant” doctrine.

Obtained dismissal of a wrongful death lawsuit filed against a semi-trailer truck driver involved in a multiple-vehicle accident.

Obtained summary judgment on behalf of a municipality in a wrongful death case arising out of a road construction project.