



Mitchell J. Edlund

Member

Chicago

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Mitchell Edlund focuses his practice on general business and commercial litigation and has served as lead counsel in a variety of matters, including professional liability, directors and officers liability, breach of fiduciary duty, restrictive covenants, such as actions for injunctive relief, banking, both regulatory and enforcement, and business torts. Mitchell also has experience in contract, trademark and consumer and common law fraud cases, as well as litigation with respect to community associations.

Mitchell has extensive experience defending complex, high-stakes commercial litigation matters involving claims of fraud and malpractice as well as other litigation that implicates professionals as defendants. His E&O work includes defending retail and wholesale insurance agents and brokers, captive/exclusive agent programs, MGA's, securities brokers, lawyers and other professionals. Mitchell has developed and implemented successful defense strategies, which focus on defenses well beyond standard of care liability issues. In addition, because of Cozen O'Connor's widespread geographic litigation presence, Mitchell and the other members of Cozen O'Connor's professional liability practice group have developed a strong local knowledge in state and federal courts throughout the country.

Mitchell has successfully defended a large retail insurance broker against professional liability claims brought by a publicly traded company seeking more than \$20 million in business interruption losses relating to the broker's placement of commercial property policies, as well as a retail insurance broker against negligence misrepresentation claims relating to the placement of a technology errors and omissions policy. He also has represented retail and wholesale brokers in matters involving non-solicitation/non-competition disputes.

Mitchell has successfully defended directors and officers of banks and bank holding companies in actions brought by the FDIC, shareholders and borrowers. He successfully defended a former bank director in a \$10 million shareholder derivative action. He also successfully defended certain directors of the holding company of a failed bank in an action brought by the FDIC-R, which sought in excess of \$20 million arising out of alleged deficiencies in the bank's lending program. Mitchell currently serves as outside general counsel for various community banks.

In addition to his litigation practice, Mitchell counsels businesses and executives on a variety of matters, including advising financial institutions and retail and wholesale insurance brokerage companies on the enforceability of their competition restrictions and hiring protocols to reduce the risk of liability for those companies when recruiting potential employees from competitors. He also helps clients develop strategies relating to potential professional liability claims asserted against companies and their executives.

Experience

Represented the court-appointed Receiver for two companies comprising a manufacturing business in hotly contested divorce proceedings. The representation included assisting with emergency efforts to maintain business operations, negotiating forbearance agreements with the companies' secured lenders, resolving numerous employee issues, handling vendor disputes and mechanics' lien matters, resolving customer issues, selling assets, and resolving other critical operational issues including the

Practice Areas

- Commercial Litigation
- Professional Liability
- Financial Services
- Trade Secrets, Restrictive Covenants, and Computer Abuse

Education

- Valparaiso University School of Law, J.D., 1995
- Augustana College, B.A., 1990
- Northern Illinois University, M.P.A.

Bar Admissions

- Illinois

Court Admissions

- U.S. District Court -- Northern District of Illinois
- U.S. District Court -- Central District of Illinois

Affiliations

- Illinois Bar Association
- Chicago Inn of Court

Awards & Honors

- Leading Lawyers Network, "Top Illinois Practitioner"

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owner's interference with the Receiver's control over the companies. At the conclusion of the receivership, we negotiated an order providing additional funding to ensure that the receivership's administrative expenses were paid in full and obtained a discharge order to protect the Receiver.

Represents a large insurance brokerage firm in actions involving claims of professional negligence and breaches of fiduciary duty.

Successfully represented banks in a number of lawsuits concerning personal guarantees by developers and commercial business owners for commercial loans.

Prosecuting a multimillion dollar fraud and breach of fiduciary duty action on behalf of large company against its former officers in the Complex Litigation Division of the Superior Court in California.

Represented the director of a bank holding corporation in a multimillion-dollar shareholder derivative action, which was related to a lawsuit brought by the FDIC-R against officers and directors of the bank.

Successfully defended a large Chicago law firm and a member of its Executive Committee in a legal malpractice action.

Obtained a favorable settlement and dismissal of a lawsuit filed by the FDIC against a former director of a heritage community bank. Federal Deposit Insurance Company v. Saphir (N.D. Ill.)

Successfully defended a financial institution and its president in various fraud and misrepresentation claims asserted by the FDIC-R in connection with a Mortgage Correspondent Agreement.

Tried on behalf of a financial institution a week-long jury trial in the U.S. District Court, resulting in a more than \$7 million dollar verdict in favor of the financial institution.

Represented the owner of the commercial portion of a large high-rise located in Chicago's Gold Coast in a multimillion dispute with the home owner association regarding the allocation of shared utilities under the condominium declaration.

Obtained dismissal of officers of real estate company in an action asserted against them for negligent misrepresentation in connection with the failed development of the Chicago Athletic Association Building.

Obtained a multimillion dollar judgment in a fraud investigation involving the embezzlement of a closely held business that resulted in a federal indictment.

Defended hair salon conglomerate against Lanham Act and related injunction claims in the U.S. District Court and before the U.S. Patent and Trademark Office (USPTO).

Obtained a dismissal of a \$40 million dollar trade secret, unfair competition, and commercial disparagement claim.

Successfully defended a large retail insurance broker against professional liability claims brought by a publicly traded company seeking more than \$20 million in business interruption losses relating to the broker's placement of commercial property policies.

Successfully prosecuted claims for injunctive relief on behalf of an insurance brokerage company against former employees who sought to start a competing business through the solicitation of the company's customers.

Secured an injunction in favor of a large residential and commercial home builder to prevent a former executive from engaging in self-dealing and usurping corporate opportunities.

Represents a software development company in a copyright infringement suit against a competitor software company.

Defending a national marketing company in a patent infringement suit in the U.S. District Court for the Central District of California.

Successfully defended a metal manufacturer in a multimillion dollar trade secret action.

Represented a public company in the prosecution of a multimillion dollar claim against its former attorneys.

Successfully defended president of a title company against claims of negligence and breach of fiduciary duty.

Successfully defended financial institution and its chief executive officer against lender liability claims asserted by certain commercial borrowers.

Successfully defended national advertising company against disability discrimination claims under the Americans with Disabilities Act and the Indiana Civil Rights Act and against claims of retaliatory discharge.

Successfully defended national marketing company against disability discrimination claims under California's Fair Employment And Housing Act and claims of wrongful termination.

Represented a minority shareholder in enjoining a billion dollar merger transaction to protect the minority shareholder's interest in the target company.

Negotiated a favorable settlement for three entrepreneur inventors in a lawsuit involving alleged trade secret misappropriation and breach of fiduciary duty related to a patented device.