

**Gerald G. Saltarelli**  
**Partner**

**Telephone:** 312-696-4451  
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**Practice:** Commercial Litigation and Arbitration

**Experience:** Gerry, a founding partner of the firm, has 43 years of experience as a trial lawyer in all aspects of commercial litigation, including jury and bench trials in breach of contract and fraud actions, business torts, trade secret and restrictive covenants, insurance coverage disputes, antitrust, products liability, professional liability and dealer/franchise litigation. His appellate experience includes appeals in both state and federal courts.

In addition to his litigation practice, Gerry has a robust ADR practice. He is an active member of the American Arbitration Association's Commercial and Large, Complex Case Panels in Chicago, and has frequently arbitrated cases for the Association's International Center for Dispute Resolution. Gerry is also on CPR's Insurance and Franchise panels. Gerry has an active mediation practice, and is a Fellow of the College of Commercial Arbitrators and a Fellow of the Chartered Institute of Arbitrators.

Gerry was named a leader in alternative dispute resolution in *The Best Lawyers in America*, 2006-2013. In the 2014-2017 editions of *Best Lawyers*, Gerry is identified as a leader in arbitration and commercial litigation. In addition, Gerry has been identified as an Illinois Super Lawyer in Business Litigation, 2005-2017. As part of the Law Bulletin Publishing Group's 2003-2016 surveys of the top lawyers in the state, Gerry was designated as a Leading Lawyer in Illinois in Commercial Litigation; ADR Law (Commercial Litigation); Insurance, Insurance Coverage and Reinsurance Law; and Professional Malpractice Defense Law (including Legal, Technical, and Financial). And, Gerry was identified as being among the world's leading practitioners in *Who's Who Legal: Insurance & Reinsurance* (2015-2017) and in *Who's Who Legal 2017 – Compendium Edition*.

**Alternative  
Dispute  
Resolution  
Experience:**

Served as sole arbitrator, chair, or panel member in over 175 arbitrations. Tried to conclusion and issued reasoned awards in dozens of domestic and international cases concerning:

- Post-acquisition/ merger disputes;
- Breach of or pricing under long term supply agreements;
- Corporate/joint venture/professional firm membership, buy-out, and dissolution issues;
- Dealer/franchisee terminations;
- Insurance coverage and claims handling;
- Broker/producer disputes;
- Warranty and product quality claims;
- Breach of purchase, licensing, and consulting agreements; and
- Restrictive covenants, non-competition agreements, and diversion of corporate opportunities.

**Representative  
Cases as an  
Arbitrator:**

As chair of panel, adjudicated claims by former executives of public company against accounting firm for misrepresentation and breach of fiduciary duty in promoting defective tax shelter that subjected claimants to multi-million dollar obligations for back taxes, penalties, and interest.

Chair of panels that resolved claims by carrier against insureds for recovery of amounts owed under loss sensitive workers' compensation programs.

As a member of panel, resolved numerous claims asserted between partners in an auto parts manufacturing business. Resolution included determination of buyout price for parts plant pursuant to a put option and declaratory judgment regarding right to hire work force.

Served as sole arbitrator in complex dispute over operation of joint venture and pricing under long term paper supply contract. Issued detailed reasoned award determining manner of defining prices under the agreement.

Member of panel that heard earnout dispute following sale of medical device company.

As member of panel, resolved multi-million dollar claim by insured for recovery from general liability carrier of losses incurred as result of food product contamination.

Member of panel that heard claims for breach of non-solicitation agreement and diversion of corporate opportunities by new owner against former owner of oil services business, and claim by former owner against new owner for alleged improper refusal to honor option for repurchase of former owner's interest in the business.

Sole arbitrator in dispute over interpretation of long-term supply agreement for products sold to food industry manufacturer. Issues concerned interpretation of special pricing provisions.

Member of panel that resolved \$30 million claim for breach of warranty against seller of roller bearings.

Sole arbitrator in dispute by exclusive broker against insurer for unlawful termination of brokerage agreement related to sale of business. Injunctive relief against termination and damages were sought.

### **Representative Cases as an Advocate:**

#### **Commercial Litigation**

*Certain Underwriters at Lloyd's v. Abbott Laboratories:* Representing insurers in claim for rescission of product recall insurance and defending against a products recall loss in excess of \$110 million.

*Confidential Arbitration:* Represented a large property/casualty carrier seeking recovery of \$75 million in a post-closing dispute following its acquisition of renewal rights and other assets from another large carrier. Panel issued award following two week trial.

*Kollek v. Holleb & Coff (N.D. Ill.):* Represented law firm in partnership dissolution dispute.

## **Insurance Coverage**

*Anthem Insurance Companies, Inc. v. Executive Risk, et al.:*

Represented insurers in coverage action filed by defendant in HMO litigation. Insured sought recovery of defense costs and settlement of underlying case in excess of \$200 million.

*UNR Industries v. Continental Ins. Co.* (N.D. Ill.): Represented an insurer sued by former asbestos manufacturer for antitrust violations and coverage for asbestos-related bodily injury claims. Claims were successfully defended in eight-week jury trial.

*Bankers Trust Company v. Old Republic Insurance Company* (N.D. Ill.): Represented a lender which sought a determination that insurers were obligated to indemnify insured for a professional liability claim.

## **Antitrust and Dealer Litigation**

*Argo International v. Viking Pump Company, Inc.* (N.J.): Successfully represented manufacturer sued by terminated dealer under New Jersey Franchise Practices Act.

*Hill's Pet, Inc. v. F. Hoffman LaRoche* (D.D.C.): Represented plaintiff in price-fixing claim against vitamin industry.

*In Re Linerboard Litigation* (E.D. Pa.): Represented USG Corporation in linerboard price-fixing case.

## **Professional Liability**

*Keating v. Winston & Strawn* (Circuit Court of Cook County): Defended law firm, through bench trial and two appeals, in action by developer who alleged that law firm failed to document his interest in HUD-sponsored development.

*Marlow v. Winston & Strawn* (N.D. Ill.): Represented defendant in a legal malpractice action; obtained favorable settlement after first week of jury trial.

## **Products Liability**



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*Chicago Board of Education v. AC&S* (Circuit Court of Cook County): Represented manufacturer, and served as court-appointed liaison counsel, in action by 34 school boards for property damage allegedly caused by asbestos-containing building products.

*State of Illinois v. United States Gypsum Company* (Circuit Court for Sangamon County): Represented manufacturer in action by State of Illinois to recover the costs of abating asbestos-containing building products in all state buildings and universities.

## **Alternative Dispute**

### **Resolution**

#### **Training:**

AAA/ICDR Neutrals Conference, 2016, 2010, 2009; ICDR Joint Colloquium on International Arbitration, 2008; AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2007; Attended AAA Neutrals Conference, 2006, 2004, 2003; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics, 2005 (ACE005); AAA Practical Tips for Dealing with Delay Tactics of Parties and Advocates, 2004 (ACE004); AAA Arbitrator Ethics and Disclosure, 2004 (ACE003); AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2003 (ACE001); AAA Commercial Arbitrator II: Advanced Case Management Issues, 2002; AAA Arbitrator Update 2003, 2001; AAA Central Case Management Center, "Administrative Issues Training," 2001; AAA/USATF Doping Grievance Arbitrator Training, 2000; AAA Commercial Arbitrator Training, 1999; AAA Basic Arbitrator Training, 1993.

## **Bar Association**

### **Involvement:**

Gerry is active in the American Bar Association (Litigation Section) and the Chicago Bar Association (Judicial Evaluation Committee). He has lectured to lawyers on issues including arbitration, rules of evidence, bad faith litigation, proof of damages, and discovery.

## **Bar**

### **Admissions:**

Gerry is licensed in Illinois and admitted to practice before the Seventh, Eighth, Tenth and D.C. Circuit Courts of Appeal, as well as several federal district courts.

### **Articles:**

"Who Pays Defense Costs While Insurer and Policyholder Fight About Coverage," *Corporate Counsel*, March 2006

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“Nobody Looks Good In An Orange Jumpsuit: What You Should Know About Sentencing For Criminal Antitrust Violations,” *Corporate Counsel*, September 2005

“Are Your Distributors Actually Franchisees?” *Corporate Counsel*, March 2004

“A Pain in the Assets: Avoiding Successor Liability,” *Corporate Counsel*, October 2003

“Firing Your Customer – Facing the Challenges of Changing Your Distribution Network,” *Corporate Counsel*, September 2003

“‘We’re Safe as Long as We Meet Outside the U.S.’ and Other Fairy Tales About the Scope of the U.S. Antitrust Laws,” *Corporate Counsel*, December 2002

“Attorney-Client Privilege and Work Product Protection After the Waste Management Decision,” *Coverage*, Committee on Insurance Coverage Litigation, American Bar Association, November/December 1994

**Speaking Engagements:**

Cook County Commercial Calendar Mandatory Arbitration Program, training presentations, 2015-16.

Panel member, 2015 Annual Meeting, College of Commercial Arbitrators, Practical Issues in Arbitration.

Speaker, Spring ARIAS Conference, May 2011, Reasoned Awards.

Speaker, NorthStar Law Firm Partner Compensation Summit, November 2003

Business Models that Work: Picking the Right Structure Given Your Firm’s Strengths, American Lawyer Media’s Litigators and Leaders Summit, October 2003

**Education:**

J.D., University of Chicago Law School, 1973  
Associate Editor, University of Chicago Law Review, 1972-1973



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M.S., State University of New York at Buffalo, 1970

A.B., Princeton University, 1969

**Personal:**

Gerry and his wife Melliney live in Deerfield, Illinois.

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