

CHRISTOPHER TOMPKINS, Partner

Christopher Tompkins is a partner in the firm's Complex Commercial Litigation practice. He focuses on resolving disputes for clients in high-stakes commercial and technology-related disputes. He has handled all phases of litigation in state and federal courts and before domestic and international arbitration tribunals, including pre-litigation investigation and dispute resolution, discovery, trial and appeal. Clients seek his counsel in areas such as breach of contract, the sale of goods under the UCC, business torts, and intellectual property.

Mr. Tompkins has extensive experience with complex contract disputes, including the failure to supply, early termination, pricing disputes, product licensing, product quality issues and breach of warranty, and supplier bankruptcies. He has successfully obtained substantial damage awards on behalf of his clients against suppliers, including claims seeking to recover costs resulting from the failure to supply goods or services, and costs incurred by his clients to conduct recalls caused by the supply of defective goods. He has also represented clients on both sides of disputes regarding professional services. His clients span an array of industries including steel and mining, food and beverage, consumer packaged goods, electric utilities, automotive, heavy manufacturing, chemical companies, and professional service firms.

Mr. Tompkins also represented a number of electric utilities in litigation against the United States Department of Energy ("DOE") seeking damages for breach of contract related to DOE's failure to accept and dispose spent nuclear fuel from these client's nuclear reactors. Mr. Tompkins was a key part of a team that obtained a \$56.8 million judgment on behalf of Energy Northwest in its lawsuit against DOE following a three-week trial. Mr. Tompkins also pursued cases that resulted in favorable settlements for Exelon Generation and South Carolina Electric and Gas.

Mr. Tompkins has been independently recognized as a standout lawyer by AcritasStars based on client nominations, and named a "Rising Star" in business litigation by Illinois Super Lawyers. Mr. Tompkins is also a frequent writer and speaker on topics frequently encountered in his practice, including the sale of goods under the UCC, breach of warranty, electronic contracting, and force majeure issues.

Mr. Tompkins has an active pro bono practice. He has advocated for the rights of low-income tenants in partnership with the Lawyers' Committee for Better Housing, and serves on the Lawyer's Committee's board of directors. Mr. Tompkins also spent more than a decade working on behalf of man wrongfully of murder in Illinois in 1977 at the age of 14, successfully obtaining a commutation of his sentence in 2011, and a pardon issued by Illinois Governor Pat Quinn in 2015.



CHRISTOPHER TOMPKINS Partner

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PRACTICE GROUPS

Complex Commercial Litigation
Information Technology Disputes
Litigation
Technology and Sourcing

INDUSTRY GROUPS

Energy

EDUCATION

Loyola University Chicago School of Law,
J.D., 2000; *magna cum laude*

The Catholic University of America, B.A.,
1997; *cum laude*

ADMISSIONS

Illinois, 2000

COURT ADMISSIONS

US Court of Appeals, Seventh Circuit,
2005

US Court of Appeals, Federal Circuit, 2010

US District Court, Northern District of Illinois,
2000

US District Court, Central District of Illinois,
2005

US District Court, Western District of
Michigan, 2012

US Court of Federal Claims, 2003

While not an exhaustive list, Mr. Tompkins' representative matters include:

- Represented ArcelorMittal USA before the ICC's International Court of Arbitration in pursuit of claims against a supplier for breach of a long-term iron ore supply agreement that resulted in a \$1.38 billion arbitration award.
- Represented multiple nuclear utilities in claims against the United States Department of Energy ("DOE") seeking damages for breach of contract for DOE's failure to dispose spent nuclear fuel. Cases brought on behalf of Exelon Generation Company LLC and South Carolina Electric & Gas Co. were settled on favorable terms. Mr. Tompkins was key member of a trial team that obtained a \$56.8 million judgment on behalf of Energy Northwest following a three-week bench trial. Mr. Tompkins continues to represent an electric utility in connection with annual claims for spent fuel storage costs it continues to submit pursuant to a settlement agreement with the DOE.
- Pursued a claim in arbitration on behalf of an S&P 500 company against a supplier of defective goods that caused a multi-million dollar recall. After substantial discovery, a settlement was reached resulting reimbursement of a substantial portion of the losses the client incurred carrying out the recall.
- Defended a major consulting firm in a case involving allegations of actuarial malpractice in connection with the establishment of a self-funded health insurance program.
- Represented a food manufacturer in pursuit of claims against packaging suppliers for damages incurred as a result of a recall necessitated by defective packaging.
- Represented a consumer goods company in a dispute with the former owner of one of its brands arising out of the terms of the original asset purchase agreement and subsequent agreements.
- Defended automotive forging supplier HHI FormTech LLC in several cases arising from its acquisition of the assets of FormTech Industries LLC out of bankruptcy, including a successful motion to dissolve a temporary restraining order entered by a Michigan court requiring continued shipment of parts to a former FormTech Industries customer. The successful motion led to the eventual voluntary dismissal of the case by the plaintiff in that case.
- Defended an automotive component supplier against claims by an auto manufacturer that it supplied defective components.
- Represented electric utility The AES Corporation in litigation in connection with a ballot measure proposed by a California municipality seeking voter approval of a tax on consumption of natural gas at one of AES's electric generating stations. A California Superior Court ordered changes to the ballot to more accurately reflect the nature of the measure, which was later voted down in the subsequent election.
- Counseled a Fortune 100 company regarding standard contract forms and procedures utilized in dealings with customers and suppliers.
- Counseled a Fortune 100 company regarding declaration of a force majeure event after government actions substantially reduced production capacity.

Awards

- *AcritasStars, independently rated lawyers, 2019, 2020*
- *Law Bulletin Publishing Company - Leading Lawyers Network "Emerging Lawyer," Commercial Litigation - 2015, 2019*
- *Illinois Super Lawyer Rising Star in Business Litigation - 2009*

Service To The Bar

- American Bar Association
- Chicago Bar Association
- International Bar Association

Community

- Lawyers' Committee for Better Housing Board of Directors, 2017 to present

Publications

- "Breach of Warranty," Causes of Action: Contract and Business Disputes, IICLE, November 19, 2020
- "Motions in Limine" *Business and Commercial Litigation in Federal Courts, Fourth Edition*; Thomson Reuters and The American Bar Association Section of Litigation, March 23, 2017
- "Breach of Warranties," Chapter 7 in *Illinois Causes of Action: Contract and Business Disputes*, Illinois Institute for Continuing Legal Education, January 25, 2017
- Co-Author, "Motions in Limine," Chapter 37 in *Business and Commercial Litigation in Federal Courts*, ABA Section on Litigation, 4th Edition, 2016
- "Changes to Federal Subpoena Rules Loom," *Daily Journal*, November 25, 2013
- Client Alert: Changes to Federal Rule of Civil Procedure 45 Effective December 1, 2013 Promise To Simplify Federal Subpoena Practice, November 14, 2013
- "Breach of Warranty," *Illinois Causes of Action: Estate, Business & Non-Personal Injury Actions*, Illinois Institute of Continuing Legal Education, 2011
- "Breach of Warranty," *Illinois Causes of Action - Elements, Forms, & Winning Tips: Estate, Business & Non-Personal Injury Actions*, Illinois Institute of Continuing Legal Education, 2008
- "Electronic Contracting: Legal Recognition of Electronic Records and Signatures," *Technology Executives Review*, Vol. 2, June 9, 2003
- *Purchasing Law in Illinois*, Lorman Education Services, December 2002
- *Uniform Commercial Code with Illinois Code Comments*, Vol. 2A and 2B, 2000-2006
- *Uniform Laws Annotated - Uniform Commercial Code Forms and Materials*, West Publishing, 2000-2006

Speaking Engagements

- “Electronic Contracts: Best Practices and Legal Implications,” Lorman, November 17, 2020
- Panelist, “UCC 2: Drafting Sales of Goods Contracts,” Professional Education Broadcast Network, April 08, 2016
- “Healthy, Happy & Housed,” Lawyers’ Committee for Better Housing’s 35th Annual Benefit, November 10, 2015
- “Purchasing Law: Breach, Repudiation and Excuse,” Lorman National Teleconference, August 06, 2009
- “The Johnnie Savory Story,” Northwestern University, Evanston, IL, April 06, 2007
- “Electronic Documents and Signatures: The North American Perspective,” Tech Law Group - Contracting on the Net Seminar, Paris, France,
- American Bar Association Section of Litigation Insurance Coverage Litigation Committee Annual Meeting,