

Steven L. Katz
Principal

Chicago Office
Tel: 312.245.7500
Fax: 312.245.7467
skatz@masudafunai.com



Steve Katz is a commercial litigator and business counselor whose practice focuses on product distribution and sales. Mr. Katz has represented clients in numerous industries, including printing/graphics arts, automotive supply, machine tool, industrial engine, semiconductor, outdoor power products, consumer products, software and information technology. He counsels clients with their relations and disputes with customers, vendors, distributors, dealers, sales representatives and franchisees. Mr. Katz has successfully represented manufacturers and suppliers of goods and services in a wide variety of litigation and alternative dispute resolution (ADR) proceedings, including with respect to breach of contract, breach of warranty, antitrust, unfair trade and unfair competition claims.

Mr. Katz drafts, reviews and negotiates sales-related contracts, including OEM Agreements, supply agreements, sales agreements, terms and conditions of sale/purchase and warranty policies. He assists clients with selling on a secured basis including Uniform Commercial Code (UCC) filings, and in the preparation of related security, lease, consignment and bailment agreements. Mr. Katz possesses extensive experience litigating a broad range of matters that arise from these sale and distribution issues, and he often counsels clients in litigation prevention and reducing risk in sales and distribution operations.

Mr. Katz also advises clients in all facets of their relations with distributors, dealers, sales representatives and franchisees, including the drafting and negotiation of contracts at the time of appointment and in the modification and termination of those relationships. He has successfully defended suppliers in wrongful termination claims asserted by former distributors, dealers, sales representatives and franchisees in jurisdictions across the country.

In addition, Mr. Katz advises on antitrust issues, including in the product and service distribution context. Some of these issues relate to exclusive dealing, pricing restraints, price discrimination, territory and customer restrictions, tying claims, refusals to deal and relations with competitors.

As a member of the firm's Intellectual Property & Technology Group, Mr. Katz counsels clients on licensing, advertising, trade secret protection and information technology issues, as well as the impact of Internet law on sales and distribution.

Mr. Katz is a Director of the Japan America Society of Chicago. He is also a frequent author and has written numerous articles regarding antitrust, litigation and distribution topics, with a focus on issues that impact foreign companies conducting business in the United States.

Mr. Katz is admitted to practice in Illinois, the U.S. District Court for the Northern District of Illinois, the U.S. District Court for Arizona and the U.S. Court of Appeals for the Eighth Circuit. He obtained his law degree, *magna cum laude*, from Northern Illinois University College of Law in 1992, where he received the 1992 "Antitrust Prize" awarded for his scholarship in that area of law. He was also the recipient of American Jurisprudence Prizes in Contracts, Corporations, Property and Antitrust Law and Legal Research and Writing. Mr. Katz was a member of the 1991-1992 *NIU Law Review* and of the NIU National Moot Court Team. He obtained his B.A. in English from the University of Michigan in 1989.

REPRESENTATIVE LITIGATION MATTERS

- Defended food products franchisor against multi-million dollar arbitration claims brought by a Florida franchisee terminated in two locations. After a two-week trial conducted before the American Arbitration Association in Los Angeles, California, the arbitrator ruled that the franchise terminations were justified.
- Defended engine supplier against breach of warranty and related claims brought by a customer in Maryland federal and state court. All claims settled upon terms favorable to supplier.
- Coordinated defense of Tier I automotive parts supplier in federal court in Ohio from claims brought by a disgruntled industrial equipment supplier. The case was settled and dismissed without any payment to the plaintiff.
- Defended a manufacturer of graphics arts equipment at trial in federal bankruptcy court in North Carolina against claims of breach of warranty and unfair trade practices alleging several million dollars in damages. Obtained directed verdict on unfair trade and punitive damage claims, and judgment after trial in favor of manufacturer on all remaining claims.
- Settled and resolved multi-district claims pending against a manufacturer of graphics arts equipment in Chicago and New York federal courts alleging antitrust violations, fraud, deceptive trade practices and wrongful termination of dealer contracts and claiming several million dollars in damages. All claims settled upon terms highly favorable to manufacturer.
- Settled and resolved claims of wrongful dealer termination pending in federal court in Puerto Rico against a manufacturer of outdoor power equipment. Obtained transfer of claims to federal court in Chicago. Claims settled for nuisance value.
- Defended admiralty claims pending against manufacturer of large diesel marine engines pending in federal court in Alaska. Obtained dismissal of fraud and unfair trade claims, including dismissal of multi-million dollar punitive damage claim. Remaining contract and warranty claims settled upon terms very highly favorable to manufacturer.
- Represented a manufacturer of plastic storage containers in federal court in Chicago. Obtained prompt repossession of plastic injection molds from adverse party in Canada. Settled and resolved Canadian defendant's counterclaims without payment of any funds.
- Represented machine tool and printing press suppliers in federal court proceedings in repossessing secured collateral and collecting significant account receivable balances.
- Represented companies in state and federal court trade secret protection, trademark infringement, unfair competition, breach of fiduciary duty and tortious inference cases.
- Coordinated defense of Japan equipment manufacturer and its Illinois subsidiary with regard to breach of warranty and fraud claims asserted by end user in Texas state court. Claims against Japan parent company were dismissed following a challenge to the court's jurisdiction over the Japan company in Texas. Claims against the Illinois subsidiary were dismissed following motions for summary judgment.