

TOBIN PETKUS & MUÑOZ, L.L.C.

ATTORNEYS AT LAW

2008 Newsletter

Historic Justice Reaps \$3.1 Million Award

Fox News called it “historic justice.” Popular national and legal media called it the largest award for a minor who drowned in history. A \$3.1 million dollar settlement was reached on the eve of trial. Craig Tobin, Tomas Petkus and Paula Tobin were proud to have successfully represented Roseanne Alexander and the Estate of Damarco Alexander in their pursuit of justice.

Damarco died at the Four Points Sheraton O’Hare hotel. He was attending his 14th birthday party. He entered the pool with friends. He slipped from the shallow to the deep end. The water clarity was so poor that he could not be found for more than 20 minutes.

The defendants included Sheraton Hotel Corporation and the limited partnership that had the license agreement to operate the hotel. The defendants claimed that the cause of Damarco’s death was his inability to swim. We proved that the pool should not have been open that day because of chronic water turbidity. The pool had been open on many prior days in violation of Illinois safety regulations. Pools open to the public should not place children at risk. Tragically, Damarco died because the turbidity of the water – the reason the pool should not have been open – prevented his timely rescue.

The story of the settlement made headlines across the country in features by the Associated Press, ABC News, Fox News and all the major trade publications.



l. to r., standing, Karl H. School, Paula Fuller Tobin, Tomas Petkus and George Muñoz. Seated Craig D. Tobin.

Moreno and Daley Lead Cook County Board to Craig Tobin

County government was in crisis; the 2008 Budget was at an impasse. County Board President Todd Stroger filed suit against all of the commissioners. Eight of them, led by the president *pro tem* Joseph Mario Moreno and Commissioner Daley, along with Commissioners Earlean Collins, Robert Steele, Jerome Butler, William Beavers, Deborah Sims and Joan P. Murphy turned to Craig Tobin for representation. Tobin was joined by two other prominent Chicago attorneys. Timothy Wright, former Director of Intergovernmental Affairs for Mayor Harold Washington and a member of the Clinton administration and Michael Del Galdo, general counsel for West Central Municipal Conference, the Town of Cicero and Westchester assisted Tobin. A midnight resolution led to the dismissal of the lawsuit. We are truly honored to have been asked to assist these distinguished public officials.

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Paula and Craig Tobin, a graduate of the U. of Illinois and a baseball letterman, light the torch for the UIC basketball team.

The University of Illinois at Chicago and IIT Chicago-Kent College of Law have started an accelerated dual-degree program to teach future lawyers. The firm is proud to have been asked to participate with a mentoring and intern program for these students. Craig Tobin, Paula Fuller Tobin and Tomas Petkus are all graduates of IIT Chicago-Kent College of Law.



Tom Petkus captained the sailboat that won the Chicago-Mackinac Race. The Mackinac Race is the largest and most distinguished fresh water race in the world.

Tobin Honored by Peers

Craig Tobin was featured in February's *Chicago Magazine* as one of the "Illinois Super Lawyers."

Crain's Chicago Business lists Craig as a "Top Lawyer" in the fields of criminal defense, commercial litigation and personal injury.

Craig Tobin was once again voted by his peers for inclusion in *Best Lawyers in America*. He's one of a small distinguished group of attorneys who have been listed in Best Lawyers for more than fifteen years.

Craig Tobin was inducted as a fellow in the Litigation Counsel of America. Fellowship is restricted to those who have the highest ethical standards and demonstrated superior talent as trial attorneys.

Firm Highlights

George Muñoz is working to bring an exhibition of the Mummies of Guanajuato, Mexico to the United States for a national tour. These naturally mummified humans are popular cultural and historic artifacts.

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Tobin Petkus & Muñoz, L.L.C. has been retained by the Metropolitan Pier & Exposition Authority for a variety of legal projects.

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George Muñoz, well recognized in international business circles, is working on a complex transaction in Panama. The project involves bringing additional electric power generation to the country. This will help spur further economic growth in the country and region.

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Craig Tobin addressed the joint meeting of Northwestern University's Feinberg School of Medicine and the American Academy of Psychiatry and the Law recently. Craig's spoke on the "art of the deposition and its impact at trial."

\$1.1 Million Dollars for Malpractice

Craig Tobin, Tomas Petkus and Paula Fuller Tobin successfully represented the family and estate of Kathryn Yakes in a wrongful death medical malpractice case. Kathryn was a patient of a west suburban doctor and had a pre-existing heart murmur. A known complication of a heart murmur is an infection called bacterial endocarditis. Kathryn Yakes went to her doctor with the signs and symptoms of that condition. The doctor made a preliminary diagnosis of bacterial endocarditis but took no steps to treat her. Kathy continued to see the doctor as her condition became worse.

All told, she made eleven office visits over the next several months. Kathryn Yakes suffered needlessly and died from the effects of bacterial endocarditis. The doctor and his experts claimed that she did not have it when he first put it in his records but contracted it acutely just prior to her death. We were assisted by two prominent doctors. One is a distinguished nationally known cardiologist who heads the department of cardiology at a major university medical center. The other doctor is a highly respected Chicago area family practitioner. Both opined death was avoidable. The case proceeded to trial. The doctor was insured for one million dollars. The case settled on trial for \$1.1 million dollars. We are glad to have been able to help the Yakes family and her estate.

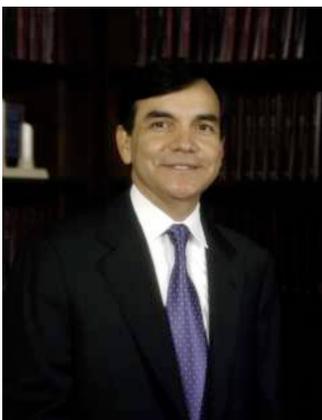
Acquittal in White Collar Fraud

Craig Tobin and Frank Marino successfully defended a business owner against criminal charges of fraud. The prosecution claimed that the business executive gained control over more than a quarter of a million dollars by forging documents and misleading business associates.

The defendant had a contractual relationship with a business where millions of dollars in fees and costs were exchanged. The defendant was to pay its partner upon receipt of funds from clients. The defendant fell behind and owed more than a quarter of a million dollars claiming the clients were slow pay.

The partner demanded photocopies of checks received from clients to verify the late payments were occurring. The defendant altered the photocopies by changing the amount received and the dates the checks were issued. More than 120 photocopies were altered during an 18 month period. Some checks were altered to a greater amount and others a lesser sum. The prosecution also introduced evidence of other crimes. Another business claimed that the defendant defrauded them in a similar fashion.

Craig argued that the alteration to a greater amount showed an intent to repay. After a lengthy trial, the client was acquitted of all charges.



***Directors and Boards Magazine* Seeks Muñoz Expertise**

George Muñoz was a featured guest author in the Fourth Quarter 2007 issue of *Directors and Boards* magazine because of his expertise in corporate governance. He wrote on the need to diversify boards just like businesses do with products and investments. It's good business to foster diversity in the boardroom, according to George.

Muñoz sits on the boards of directors of Marriott International Inc., Altria Group Inc., Esmark and Anixter International. George is also a trustee of the National Geographic Society.

Dynamic Representation Leads to \$4 Million for Client

Craig Tobin and Tomas Petkus successfully represented a company and its owner in a court battle over the validity of a lease. Our clients were accused of operating a parking lot with a fraudulent lease. Craig and Tom's compelling presentation forced those making the accusation of wrongdoing to pay our clients \$4 million dollars to relinquish their rights under the lease. Our clients operate public parking lots throughout Chicago.

More Client Achievements

Tobin Petkus & Muñoz, L.L.C. was retained by a Fortune 100 corporation to resolve a contract dispute with the Chicago Public Schools and recover payments. George Muñoz formerly served as president of the Chicago Board of Education and has insight into how the contracting process works for government entities. The matter has been resolved without litigation and the client is delighted with the outcome.

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Craig Tobin successfully represented a business owner and his business in a federal investigation alleging structuring of deposits and potential money laundering.

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Craig Tobin and Tomas Petkus delivered a happy ending for a well known retail home theatre company. Our client was accused of conspiring with a Japanese manufacturer and a national wholesaler to engage in anti-trust activities. We successfully defended the company in both federal and state court.

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A Tacoma, Washington insurance carrier asked Craig Tobin and Tomas Petkus to defend their insured against accusations that he had tortiously interfered with an Illinois business on the Internet. We managed to obtain an early dismissal saving the clients substantial fees.

Muñoz Speaks to International Conference of Mayors

Mayor Richard M. Daley tapped our partner George Muñoz to counsel mayors from around the globe on how to bring international businesses to their cities during the 2nd Annual Mayors Hemispheric Forum recently held here in Chicago.

Muñoz discussed means of financing municipal projects including private sources, international sources, the export-import bank and federal agencies including the Overseas Private Investment Corporation (OPIC). During the Clinton administration George was president and chief executive officer of OPIC after serving President Clinton as chief financial officer and assistant secretary of the U.S. Treasury during Clinton's first term.

Firm Receives National Acclaim

Tobin Petkus & Muñoz, L.L.C. has once again been listed in the *Bar Registry of Preeminent Lawyers*. According to *Martindale-Hubbell*, the oldest and most respected attorney rating system, "only five percent of all law firms in the United States qualify and are included." This recognizes Tobin Petkus & Muñoz, L.L.C. one of the most distinguished and respected firms in the country."



Tobin Petkus & Muñoz, L.L.C. concentrates its practice in the area of complex civil litigation, regulatory matters, white collar criminal representation, and national and international business representation.

The firm has offices in Chicago and Washington, D.C. The firm has recovered or protected hundreds of millions of dollars in client funds and assets.