

## Derek Y. Brandt

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Derek Brandt came to the Simmons Firm in 2004 and joined the firm as a shareholder in 2006. Derek heads the firm's commercial litigation practice, where he concentrates on the representation of businesses and individuals in matters of competition, contract actions, fraud actions, and other business torts.

Derek has litigated in state and federal courts throughout Illinois and around the country. He focuses on high stakes commercial disputes and complex litigation of all types. He has experience in a broad range of litigations and issues, from negligence actions to complex product liability matters, from ERISA and fiduciary duty obligations to securities and financial matters, as well as competition and antitrust.

Similarly, Derek has experience representing a diverse spectrum of clients, including individuals, privately held businesses, and publicly traded companies. Among publicly traded companies alone, Derek's representations have ranged from a small innovative medical device manufacturer to a multinational Fortune 100 company with market capitalization in excess of \$50 billion. Derek has represented both U.S.-based clients as well as clients based in Asia and

### Bar and Court Admissions

- Supreme Court of Illinois, 1995
- U.S. District Court, Northern District of Illinois, 1995
- U.S. District Court, Southern District of Illinois, 2004
- U.S. District Court, Central District of Illinois, 2009
- U.S. Court of Appeals, 3rd Circuit, 2001
- U.S. Court of Appeals, 9th Circuit, 2010

### Education

- Indiana University School of Law, Bloomington, IN, 1995, J.D.; Law Journal: Federal Communications Law Journal, Managing Editor, 1994 - 1995

## Derek Y. Brandt (Cont.)

other parts of the world.

Derek's practice encompasses primarily plaintiff-side commercial litigation and typically involves contingent fee representation. While Derek has represented clients large and small alike, in his and the firm's experience, contingent fee representation allows individuals and smaller businesses to level the playing field when litigating against larger business concerns. Through risk-sharing and the alignment of client- and counsel-interests, actions which would be difficult for most clients to finance on an hourly fee basis not only can be litigated, but can be litigated at a high level of expertise and from a position of financial strength. In 2010, for example, the firm celebrated the resolution of a contingent fee antitrust lawsuit brought on behalf of one of its clients against the client's globally dominant competitor. Derek spearheaded the firm's efforts against the competitor, which had a market capitalization some 1,000 times greater than that of the Simmons firm's client.

In addition to other general commercial litigation matters, examples of Derek's current and past engagements include:

- Representation of a medical device manufacturer in a civil antitrust action asserted against its competitor in the markets for certain products used in ophthalmological surgeries (read more about the successful resolution of this contingent fee antitrust lawsuit [here](#));
- Representation of an investor in trial and appellate actions before the Delaware Chancery and Delaware Supreme Court relating to a joint venture to finance, build, and launch Russian communications satellites;
- Representation of owners of Toyota and Lexus motor vehicles physically injured by and/or asserting claims for economic losses relating to sudden unintended acceleration ("SUA");
- Various litigations, including complex product liability/fraud

- DePauw University, Greencastle, IN, 1992, B.A.

## Derek Y. Brandt (Cont.)

- actions and Warsaw Convention actions, relating to the crash of commercial aircraft;
- Various litigations involving financial matters, including investments and commercial banking;
- Representation of home buyers in actions relating to diminished property values stemming from sub-prime lending; and
- Representation of a whistleblower in a Medicaid fraud qui tam action.

Derek has served as a panelist on legal and fiduciary duties at several conferences organized by municipal and Taft-Hartley labor union organizations, and has served as an invited instructor at the International Law Institute's Washington, D.C. summer program for visiting law students.

*\* Please note that recovery results vary per client. The recovery amounts in each case reflect the specific facts of that case. Further, recovery amounts in past cases are not a guarantee of future results.*

### **Professional & Community Affiliations**

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- American Bar Association, Section on Litigation, 2001 - Present
- American Association for Justice, 2004 - Present
- Illinois Trial Lawyers Association, 2004 - Present
- Tax Payers Against Fraud, 2005 - Present