

Robert H. Smeltzer

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“I am a multidisciplinary advisor and litigator who solves clients' employment, business, and IP problems.”

I have 27 years of federal and state court experience in all phases of labor and employment, complex business, and intellectual property litigation and counseling. In the labor and employment context, I regularly handle discrimination, retaliation, wage, hour, and commission matters before the U.S. EEOC, the Illinois Department of Human Rights, the Illinois Human Rights Commission, the Chicago Commission on Human Relations, the U.S. Department of Labor, the National Labor Relations Board, and state and federal courts. In the business litigation context, I act as national outside trade secret and restrictive covenant (non-competes, non-solicits, non-disclosure) counsel for Fortune 500 companies, and have prosecuted and defended countless such claims, in addition to contract disputes and business torts litigation throughout the U.S. In the intellectual property context, I regularly handle trademark, trade dress, and copyright infringement cases, as well as related state law actions.

Business Litigation

- Labor, Employment, & Immigration
- Intellectual Property Litigation
- Trademarks
- Healthcare

Representative Matters

- Obtained a \$1.2MM verdict against Amtrak for breach of an oral contract after two-week jury trial (U.S. District Court of Colorado).
- Obtained a dismissal with prejudice of state court class action under the Illinois Wage Payment and Collection Act (seeking compensation for time spent donning and doffing equipment and gear) on basis of preemption by Section 301 of the Labor Management Relations Act.

- After a four-week jury trial, we successfully obtained a defense verdict on the plaintiff's \$5MM copyright claim alleging infringement on a website. We also successfully defended and limited plaintiff's damage claims for infringement of a service mark (U.S. District Court for the Middle District of Florida).
- Obtained over a \$1MM settlement and five-year non-competes for a large publicly traded company in its suit against two former employees/officers accused of violating their fiduciary duties and restrictive covenants by competing during their employment (U.S. District Court for the Middle District of Florida).
- Obtained an emergency temporary restraining order precluding distribution of infringing cosmetic products against former owners of plaintiff's brand (U.S. District Court for the Northern District of Illinois).
- Obtained a temporary restraining order and preliminary injunction on behalf of national insurance broker against a former employee for violation of the Computer Fraud and Abuse Act and for trade secret misappropriation. With forensic evidence, we proved the employee had downloaded client lists and other trade secrets, and defragmented the company's hard drive to cover his pre-resignation activities (U.S. District Court for the Northern District of California).
- Obtained the dismissal of a defendant doctor in a sexual harassment and battery claim brought by a co-worker. The court further awarded summary judgment to the employer/hospital as it could not be liable for the doctor's alleged sexual harassment based on our prior handling of the internal complaint of harassment and the hospital's prompt remedial measures (U.S. District Court for the Northern District of Illinois).
- Obtained a defense verdict following a two-week jury trial for a publishing industry employer accused of age discrimination (U.S. District Court for the Northern District of Illinois).

Education

- University of Cincinnati College of Law, 1991
 - J.D.
 - *University of Cincinnati Law Review*
 - Paxton & Seasongood Advocacy Award
 - American Jurisprudence Awards: Corporations, Civil Procedure, and Advocacy
 - Dean's List
- Miami University, 1987
 - B.S., Media Management

Admissions

- Illinois, 1991
- U.S. Court of Appeals, Tenth Circuit, 2017
- U.S. District Court, District of Colorado, 2011
- U.S. Court of Appeals, Eleventh Circuit, 2008
- U.S. Court of Appeals, Sixth Circuit, 2003
- U.S. District Court, Eastern District of Wisconsin, 1996
- U.S. District Court, Western District of Michigan, 1995

- U.S. District Court, Central District of Illinois, 1995
- U.S. Court of Appeals, Seventh Circuit, 1994
- U.S. District Court, Northern District of Illinois, 1991

Professional Achievements

- Illinois *Super Lawyers*, 2013-2020
- Illinois *Leading Lawyers*, 2015-2020
 - Top Lawyer-Intellectual Property, 2018
- *Chicago Daily Law Bulletin*, "Forty Attorneys Under 40 to Watch," 2005
- Martindale-Hubbell® AV Preeminent® Peer Review Rating
- 9.5 "Superb" Rating from Avvo®