



## JOSHUA E. LIEBMAN

### PARTNER

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Joshua Liebman represents clients in litigation arising out of business relationships and commercial transactions including closely held company disputes, real estate, intellectual property and employment disputes.

Josh has substantial experience with disputes among partners, members and shareholders in closely held companies, as well as with representing clients in private equity, the live music and event space, and the direct sales and gaming industries. He has represented individuals as well as companies ranging in size from two-person partnerships to publicly traded global entities. In doing so, he has defended the depositions of powerful CEOs and worked closely with general counsels and other business executives.

Josh takes great pride in learning his client's business so he and the client can collaboratively formulate a litigation strategy that both addresses the dispute head on and protects the client's commercial interests.

### BACKGROUND

Josh was previously a lawyer at Novack and Macey in Chicago, where he served as co-chair of the Partnership and Closely Held Corporation Disputes practice group, and joined Armstrong Teasdale in 2023.

### EDUCATION

- Loyola University (J.D., *magna cum laude*)
  - Loyola University Law Journal
  - Niagara International Moot Court Competition
- Tulane University (B.A.)

### PROFESSIONAL ACTIVITIES

- Chicago Bar Association
- American Bar Association

### CHARITABLE AND CIVIC INVOLVEMENT

- Jewish Council for Youth Services (Board of Directors)

### SERVICES AND INDUSTRIES

Complex Commercial Litigation

Intellectual Property Litigation

Ethics and Professional Responsibility

Legal Malpractice Defense Litigation

Noncompete and Trade Secrets

Private Equity and Venture Capital

Real Estate

### ADMISSIONS

Illinois

U.S. District Court, Northern District of Illinois

U.S. District Court, Central District of Illinois

U.S. District Court, Northern District of Indiana

U.S. District Court, Eastern District of Michigan

Trial Bar of the U.S. District Court, Northern District of Illinois

## ACCOLADES

- Illinois Super Lawyers® (2009-present)
- Illinois Leading Lawyer for Commercial Litigation (2020-present)
- 40 Illinois Attorneys Under 40 to Watch, Law Bulletin Publishing Company (2016)

## EXPERIENCE

### **Obtained Summary Judgment for Publicly Traded Live Event Producer**

Obtained summary judgment for a publicly traded producer of live events where the primary issue was whether our client, who recently purchased the assets – but not the stock – of a local live event production company, was bound by the arbitration provision in a contract between the local company and the opponent. The asset purchase agreement specifically excluded the contract containing the arbitration provision. The opponent argued that the asset sale was a de facto merger so the contractual exclusion did not apply. The Court rejected that argument and adopted our argument holding, among other things, that the terms of the asset purchase agreement governed.

### **Obtained Victory for Client After Five-Day Arbitration**

Obtained a complete defense victory following a five-day arbitration hearing on behalf of a local festival and concert promoter in a dispute filed by the counter-party to an expired profit-sharing agreement.

### **Negotiated Favorable Settlement in Shareholder Dispute Involving Concert Promoter**

Represented majority shareholders in lawsuit filed by minority member and negotiated favorable settlement resulting in minority member's removal from the company.

### **Represented Majority Shareholder in Redemption Dispute with Minority Shareholders**

Represented privately owned retail fixtures company in a dispute with the company's minority shareholders. The minority shareholders sought to enforce purported rights under a stock redemption agreement, threatening the company's liquidity and relationship with its lender.

### **Secured Motion to Dismiss for Social Gaming Company**

Won a motion to dismiss on behalf of an internet-based social gaming company accused of violating Illinois gambling statutes. The entire class action complaint filed in federal court was dismissed before any discovery took place.

### **Favorable DMCA Settlement for Overseas Distributor of Skincare Products**

Obtained a favorable early settlement of a copyright infringement and Digital Millennium Copyright Act case for an overseas distributor of skincare products and multiple nationally recognized retailers. The plaintiff, an artist, claimed the defendant's product packaging infringed his copyrighted artwork. The case spanned two continents, including suits filed in New York and London.

### **Representation of Camping, Music Festival Promoter in Infringement, Cybersquatting Case**

Represented camping and outdoor music festival promoter in a trademark infringement and anti-cybersquatting case in federal court. After filing a complaint and motion for

temporary restraining order (TRO), the defendant capitulated to such an extent that there was no need to go forward with the TRO hearing.

#### **Trademark Protection for U.S. Home Goods Manufacturer**

Represented a U.S. home goods manufacturer helping it protect the trademark related to its iconic product by asserting trademark infringement, unfair competition and dilution claims under the Lanham Act.

#### **Defense of National Direct Sales Company in Misappropriation Case**

Successfully defended a nationally recognized direct sales company against allegations that it misappropriated a competitor's trade secrets in violation of the Illinois Trade Secrets Act.

#### **Representation of Logistics Provider in Noncompete Case**

Represented a national third-party logistics provider in action to enforce noncompetition provision against a former employee.

#### **Defense of Global Direct Sales Company in Breach of Contract Case**

Represented a global direct sales company in connection with breach of contract claims alleging that members of its independent contractor sales force were prohibited from recruiting salespeople from other direct sales companies.

#### **Severance Package Negotiation for Top Executive**

Negotiated an appropriate severance package for a top salesperson in the construction materials industry.

#### **Landlord-Tenant Dispute for National Hotel Operator**

Successfully represented a national hotel operator in a lease dispute with its landlord at a downtown Chicago property. The client's primary goal was not to recover monetary damages, but rather to substantially extend the lease term. After taking over the case from prior counsel, we amended the complaint to add claims that the landlord and its affiliate had breached a territorial exclusivity covenant in the lease. We then sought discovery on the affiliate's profits from improperly competing with our client. After we obtained court orders requiring both defendants to comply with discovery, the landlord reversed its longstanding opposition to extending the lease and settled the case by entering into a 50-year lease.

#### **Real Estate Investment Dispute for Minority Members**

Assisted a group of minority members in multiple limited liability companies which were organized to facilitate real estate investments. The minority members were attempting to sell their interests to the majority member who was not negotiating in good faith. We drafted complaints alleging breach of fiduciary duty, among other things, which persuaded the majority member to purchase the minority members' interests. The complaints never had to be filed.

#### **Representation of Real Estate Developer in Suit Against Local Municipality**

Represented a shopping center developer in a lawsuit against a local municipality for damages related to the municipality's attempt to restrict consumer access to the shopping center's parking lot.

#### **Defense of Developer, Personal Guarantor in Commercial Foreclosure Actions**

Defended real estate developer and personal guarantor of loans in multiple commercial foreclosure actions.

#### **Obtained Dismissal in Dispute Between Event Promoter and Investor**

Won the dismissal with prejudice of the counterclaim filed against a live event promoter and its principals. The promoter entered into a revenue-sharing agreement with a company looking to invest in two of its larger outdoor music festivals. Ultimately, the relationship deteriorated and, in 2014, the investment company initiated litigation against the promoter. We obtained a complete victory for our client.

#### **Representation of State Lottery Operator in Various Disputes**

Represented a state lottery operator in various disputes related to Freedom of Information Act (FOIA) requests, the disclosure of confidential information and contractual disagreements with the governmental department responsible for the lottery.

#### **Secured Writ of Mandamus for Multi-Level Marketing Client**

Obtained a writ of mandamus on behalf of an Illinois multi-level marketing (MLM) company in the Supreme Court of Alabama. The MLM company was sued in Alabama's Tallapoosa County Circuit Court. Although the circuit court denied our motion to dismiss, the Alabama Supreme Court granted our petition for writ of mandamus holding that the circuit court exceeded its discretion and directing the circuit court to dismiss the lawsuit filed against the MLM.

#### **Representation of National Wholesaler in Breach of Confidentiality Matter**

Represented a national commodity wholesaler in action against former employees for breach of confidentiality provision and misappropriation of trade secrets related to hedging strategies.

#### **Defense of Prepaid Credit Card Supplier Against Regulatory Agencies**

Defended a prepaid credit card supplier against the Illinois Department of Financial & Professional Regulation's claim that the client violated the Illinois Transmitters of Money Act.

#### **Representation of National Aviation Insurance Broker in Noncompete, Nonsolicitation Case**

Represented a national aviation insurance broker in action to enforce contractual noncompete and nonsolicitation provisions against a former employee.

#### **Defense of Major Chicago Law Firm in Multimillion-Dollar Negligence Claim**

Defended a major Chicago law firm in connection with multimillion-dollar professional negligence claim.