

# SPERLING & SLATER



## Firm Overview

## Areas of Practice

## Attorneys

## Representative Clients

### Adam P. Merrill, *Partner*

Mr. Merrill joined Sperling & Slater as a partner after spending several years, both as a litigation partner and an associate, at the Chicago office of Kirkland & Ellis. Mr. Merrill has expertise in several areas of complex commercial litigation, including corporate investigations, bankruptcy and insolvency, tax shelter liability, trade secret, accountant malpractice, antitrust, ERISA, tax, consumer fraud, RICO, securities, and federal criminal cases. He has investigated, pursued and settled claims on behalf of numerous bankrupt and insolvent entities. He has recovered millions for dozens of victims of fraudulent tax shelters. He has represented numerous clients in connection with government investigations. Prior to attending law school, Mr. Merrill worked as an auditor for Price Waterhouse.

### Education

J.D., cum laude, Brigham Young University, 1995  
(member of the Law Review)

B.S. in Accounting, cum laude, Brigham Young University, 1991

### Representative Matters

#### **Complex Commercial Litigation**

Representative matters include breach of contract actions currently pending in Massachusetts state court; a Uniform Commercial Code Action in the Northern District of Illinois that was favorably settled just before trial (2010); a breach of employment contract and stock purchase agreement action successfully tried in the Northern District of Illinois (2008); the successful pursuit of a claim to enforce a \$3.5 million letter of credit in the Circuit Court of Cook County (2003-2006); post merger and acquisition disputes settled after lengthy litigation in New York state court (2003-2005); non-competition and trade secret matters successfully tried in Ohio state court (1999); extensive price fixing litigation in the Northern District of Illinois (1995-1999); and the successful defense of several RICO actions in the Northern District of Illinois (1997-1998). Representative clients include J.W. Childs Associates, L.P., the Hartz Mountain



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Corporation, the Board of Trade of the City of Chicago, General Motors Acceptance Corporation, Ameritech Mobile Communications, Inc. and other public and private corporations.

#### **Bankruptcy and Insolvency Litigation**

Since 2000, Mr. Merrill has represented PricewaterhouseCoopers LLP, as receiver of Independent Trust Corp., an insolvent Illinois trust company. As part of this representation, Mr. Merrill helped to secure a \$68 million judgment against directors, officers and related companies, and investigated and pursued several "property of the estate" actions. Mr. Merrill has also served as litigation counsel to debtors and committees, including in Chapter 7 and 11 cases involving Mego Financial Corp., Williams Communications Group, Inc.; NRG Energy, Inc.; Jitney Jungle Stores of America, Inc., and Reliance Acceptance Corporation. As part of these matters, Mr. Merrill spent substantial time investigating, pursuing and settling potential claims available to the debtors and creditors, including fraudulent transfer, preference, and reclamation actions. Mr. Merrill also represented a major accounting firm in a suit brought by the liquidator of a failed Illinois insurance company.

#### **Tax Shelter Liability Litigation**

Mr. Merrill founded and co-leads Sperling & Slater's tax shelter liability practice, which for the last seven years has had considerable success recovering out-of-pocket losses (i.e., fees, penalties, and interest) from professionals who designed, marketed and implemented sham tax strategies in the late 1990s and early 2000s. Mr. Merrill has represented clients who have recovered from major accounting firms, investment banks, law firms, and various investment advisors. The damages that Mr. Merrill has recovered on behalf of Sperling clients run well into eight figures. Mr. Merrill currently represents taxpayers in two of the largest Son of BOSS cases ever filed in Illinois, seeking over \$100 million in total damages.

#### **Corporate Investigations**

Mr. Merrill has conducted internal investigations and represented numerous clients in connection with investigations conducted by government entities, including the U.S. Department of Justice, U.S. Securities and Exchange Commission, the U.S. Department of Labor, and the Illinois Department of Insurance. Representative clients include a major accounting firm and a number of public and private companies. As part of these matters, Mr. Merrill represented officers and employees during interviews with government attorneys and agents as part of negotiations in connection with grand jury proceedings.

