

Eric L. Samore

Chicago, IL

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PARTNER

Overview

Eric's mission is to prevent the class action procedure from abuse and misuse. The class action procedure was never intended to alter or enlarge substantive legal rights. He has defended more than 200 class action claims in more than twenty different states. He is a founding partner of Amundsen Davis and chair of the Class Action Service Group. Eric defends putative class claims alleging a range of legal theories, including Illinois Biometric information Act (BIPA), inadequate Covid – 19 precautions, release of personal data, Telephone Consumer Protection Act (TCPA) and employment.

Eric secured a significant victory in an opinion authored by Judge Posner in the Seventh Circuit, raising the bar that plaintiffs' counsel must clear in order to satisfy the adequacy requirement for class certification (*Creative Montessori Learning Centers v. Ashford Gear*, 662 F.3d 913 (7th Cir. 2011)). He is entrusted by global companies to defend them from their class action exposure, which on occasion exceeds \$1 billion. He is currently representing more than 20 Universities in the NCAA football MDL. Eric also defends directors and officers in commercial litigation.

Despite his commitment to the law, Eric's greatest passion and pride springs from his wife Betsy and their four sons: Bill, a patent lawyer with a degree in electrical engineering; Wes, a neuropathologist who completed his residency at Massachusetts General Hospital; Ted, a coding engineer for Snapchat; and Ricky, an engineer specializing in artificial intelligence.

[View Case List here.](#)

SERVICES

Biometric Privacy
Business Litigation
Class Action
Cybersecurity & Data Privacy
Professional Liability

EDUCATION

University of Wisconsin Law School, J.D., *Order of the Coif*
University of Wisconsin, B.S., *high honors*

ADMISSIONS

Illinois

Experience

Biometric Information Privacy Act (BIPA)

Successfully Defended an Illinois Manufacturer Against the Illinois Biometric Information Privacy Act Claims

Successfully Defeated Motion to Remand BIPA Suit

Obtained Voluntary Dismissal After Filing Motion to Strike Damages

Arbitration

Successfully Obtained Stay of Discrimination Dispute Pending Arbitration

Certification

Successfully Moved to Strike the Claims of Non-Illinois residents from a Federal Class Action

Defeated a Class Certification in a Case Involving More than 1 Million Prerecorded Calls

Achieved a Significant Victory Raising the Adequacy Bar for Certification

Consumer Fraud

Represented a Cosmetics Manufacturer that was Accused of Consumer Fraud

Won a Motion to Dismiss for Claims Based on the Illinois Condominium Property Act and Illinois Consumer Fraud Act

Induced a Plaintiff to Voluntarily Dismiss a Claim Shortly After Filing a Motion to Dismiss a Claim for Consumer Fraud

Defeated a Class Action Alleging a Subsidiary of an International Food Manufacturer Misrepresented its Snack Bar as "All Natural"

Motion to Dismiss Granted in Case Alleging Fees for Copies of Deposition Transcripts Were in Violation of Illinois Consumer Protection Act

Represented a Fast Food Franchisee Against Claims of Misleading Consumers

Successfully Defeated Class Allegations Against a Subsidiary of an International Food Manufacturer

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COVID-19

Defeated Motion for Preliminary Injunction and Obtained Summary Judgment

Data Breach/Privacy

Defended a Hospital from a Class Action Arising from a Data Breach

Won a Ruling Affirming the Dismissal of a Lawsuit Against a National Testing Agency Accused of Selling Personal Identifiable Information

Secured Dismissal of a Technology Company in an Alleged Breach of Personal Data

Discrimination

Class Action Team Defeats Class Allegations in Housing Discrimination Case

Defended a Major Nonprofit Organization Against Claims of Discrimination Against Individuals with Disabilities

Fair Credit Reporting Act (FCRA)

Defended an Employer from a Class Action Alleging Improper Background Checks

Fiduciary Duty

Obtained Dismissal of a Putative Investor Class Alleging a Breach of Fiduciary Duty

Limitations

Persuaded the Eleventh Circuit that the Statute of Limitations for Class Allegations Was Not Tolerated by the Previous Lawsuit Against the Same Defendant

Mass Tort

Defeated Class Certification on Grounds that Individual Fact Questions Predominated in a Mass Tort Lawsuit

Represented More than 20 Universities in the NCAA Football MDL Alleging the Defendants Concealed the Dangers Associated with Concussions

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Parent/Subsidiary

Successfully Moved to Dismiss a Parent Corporation Alleged to have Violated the Telephone Consumer Protection Act

Represented a Jewelry Company, its Parent Corporation, and Two of its Individual Shareholders Accused of Consumer Fraud

Telephone Consumer Protection Act (TCPA)

Devised an Unconventional Strategy in 2010 of Filing the First Petition Before the FCC Seeking Relief from the Solicited Fax Rule

Successfully Achieved an Appeal Before the Illinois Appellate Court Holding that the Defendant Who Hired the Fax Broadcaster was Not Liable for TCPA Violations

Successfully Defended Auto Dealership Against Class Action Lawsuit

Directors and Officers

Defended a Financial Holding Company Seeking to Recover Damages Due to Alleged Statutory Violations by its Subsidiary

Successfully Defended an Officer and Corporation in a Claims that Health Benefits were Terminated because the Employee had AIDs

Devised Unique Defense to Class Certification in a BIPA Case Based Upon Shifting Mental State

Membership & Involvement

- Member: Illinois State Bar; Defense Research Institute (DRI), DRI Class Action SLG Committee, DRI Directors & Officers Subcommittee; ACA International
- Previous: Member, University of Wisconsin Law Review; Clerk, Honorable Allen Hartman of the Illinois Appellate Court, First District

Court Admissions: United States Supreme Court; U.S. Court of Appeals Second Circuit; U.S. Court of Appeals Third Circuit; U.S. Court of Appeals Sixth Circuit; U.S. Court of Appeals Seventh Circuit; U.S. Court of Appeals Eighth Circuit; U.S. Court of Appeals Ninth Circuit; U.S. Court of Appeals Eleventh Circuit; U.S. Court of Appeals, D.C. Circuit; U.S. District Court, Northern District of Indiana; U.S. District Court, Northern District of Illinois; U.S. District Court, Central District of Illinois; U.S. District Court, Southern District of Illinois; U.S. District Court, Western District of Michigan; U.S. District Court, Eastern District of Michigan; U.S. District Court, Eastern District of Missouri; U.S. District Court, Western District of Wisconsin; and, U.S. District Court, Eastern District of Wisconsin.

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Pro Hac Vice Admissions: Arizona, Maricopa County; U.S. District Court, Northern District of Alabama; U.S. District Court, Eastern District of Arkansas; U.S. District Court, Central District of California; U.S. District Court, District of Colorado; U.S. District Court, District of Connecticut; U.S. District Court, Delaware; U.S. District Court, Southern and Middle Districts of Florida; Florida: Lee County, Lake County; Florida Fifth District Court of Appeals; Cherokee County, Georgia; U.S. District Court, Northern District of Indiana; Indiana: Marion County, Lake County; U.S. District Court, District of Massachusetts; Missouri, St. Louis County; U.S. District Court, Western District of North Carolina; U.S. District Court, District of Nebraska; U.S. District Court, District of New Mexico; U.S. District Court, Southern District of New York; U.S. District Court, Eastern District of Pennsylvania; U.S. District Court, Southern and Northern Districts of Ohio; U.S. District Court, Northern District West Virginia; Wisconsin: Milwaukee County, Portage County; Washington DC; and US District Court, Eastern District of Washington.

Honors

- Martindale-Hubbell AV[®] Preeminent[™] rated
- Selected to *The Best Lawyers in America*[®] in Commercial Litigation: 2018, 2019, 2020, 2021, 2022, 2023, 2024
- Selected to *The Best Lawyers in America*[®] in Mass Tort/Class Action Litigation: 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023
- Selected to the Illinois Super Lawyers list: 2005, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024
- Selected by the Leading Lawyers Network as a "Leading Lawyer" in class action/mass tort defense law

Firm News

Amundsen Davis Attorneys Included in the 2024 Illinois Super Lawyers and Rising Stars List
Firm News, January 25, 2024

92 Amundsen Davis Attorneys Recognized by Best Lawyers[®] in 2024 in America
Firm News, August 17, 2023

Amundsen Davis Attorneys Included in the 2023 Illinois Super Lawyers and Rising Stars List
Firm News, *Amundsen Davis*, January 23, 2023

41 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2023
Firm News, August 18, 2022

30 Amundsen Davis Attorneys Included on 2022 Illinois Super Lawyers and Rising Stars Lists
January 28, 2022

34 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2022
August 19, 2021

Supreme Court Won't Hear TCPA Timeliness Appeal - Law360 Article Mentions Eric Samore and Michael Resis
Law360, March 8, 2016

Ill. Appeals Court Nixes Class Cert. In Spam Fax Suit - Law360 Mentions Eric Samore
Law360, September 3, 2013

In the Media

Ill. Judge Gives Final OK To \$800K Deal Over Drug Faxes – *Law360* Article Mentions Eric Samore and John Ochoa

TD Ameritrade Ducks Class Action Over Investment Strategy

Cirque Du Soleil Wins TCPA Decert, After China Agritech – *Law 360* Article Mentions Eric Samore, Molly Arranz, Ronald Balfour and Albert Bower

Tattoo Removal Co. Mostly Escapes False Ad Class Action - *Law360* Mentions Eric Samore

Citing *Spokeo*, Judge Blocks TCPA Class Against Pet Insurer - *Law360* Mentions Eric Samore, Molly Arranz, John Ochoa

Cirque US Arm Wants Out Of TCPA Junk Fax Complaint - *Law360* Article Mentions Eric Samore and Molly Arranz

Students Not Hurt By Sold Test Info, 7th Circ. Says - *Law360* Article Mentions Eric Samore and Michael Resis

Earlier Suit Didn't Pause Clock For TCPA Suit, 11th Circ. Says - *Law360* Article Mentions Amundsen Davis

Chicago Daily Law Bulletin Highlights Significant Victory in *Uesco Industries v. Poolman of Wisconsin*

Alerts

TransUnion Hollows Out Class Members Who Have Not Suffered a Concrete Injury

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DC Circuit Invalidates FCC Fax Rule Effectively Closing the Door to TCPA Class Actions Based on Alleged Violations

Speaking Engagements

Class Action Defense

Chicago, IL; Client Presentation, November 2, 2018

Class Action Forecast

Oakbrook, IL; Better Business Bureau of Chicago and Northern Illinois, June 22, 2017

Top Ten Strategies for Reducing Defense Fees & Defeating Class Actions

Bethesda, MD; Client Presentation, May 10, 2017

Published Works

COVID-19 and University Closures - What Institutions Can Expect as Students File Class Actions Against Them

The Defense Research Institution's Commercial Litigation Committee Newsletter, June 2, 2020

Blog Posts

BIPA Strikes Again: \$228 Million Verdict Awarded in First BIPA Jury Trial

Labor & Employment Law Update, October 18, 2022

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