



Daniel F. Lanciloti

Partner

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Service Focus

- Employee Defection and Trade Secrets
- Employment Discrimination and Harassment
- Litigation and Trials
- Counseling and Advice

Industry Focus

- Life Sciences

Overview

Daniel Lanciloti has more than 25 years of experience representing employers in restrictive covenant and trade secrets litigation in state and federal courts throughout the country and before arbitration and mediation organizations, including the Judicial and Arbitration and Mediation Services (JAMS) and the American Arbitration Association (AAA). He also advises employers on best practices for avoiding litigation and protecting their human and intellectual capital.

Dan litigates matters involving covenants not to compete, non-solicitation and non-disclosure agreements, unfair competition, trade secret misappropriation, breach of contract, breach of fiduciary duty, and breach of the U.S. Computer Fraud & Abuse Act (CFAA). He frequently handles cases seeking expedited injunctive relief — including motions for temporary restraining orders and preliminary injunctions — across a variety of industries including, but not limited to, securities, financial services, transportation, food services, healthcare, pharmaceutical consulting, software development, manufacturing, and insurance.

In addition to litigating restrictive covenant and trade secret claims, a substantial part of Dan's practice involves counseling clients on best practices to protect their human and intellectual capital. He helps clients craft and implement strong policies and agreements to safeguard

confidential business information, client relationships, and competitive assets against employee defection and negligence. He also routinely drafts non-competition, non-solicitation, and non-disclosure agreements for clients located throughout the country.

He has also successfully tried jury and bench trials to verdict in employment discrimination and complex commercial litigation matters pending in the United States District Court for the Northern District of Illinois and in Illinois state court.

Recent Experience

Experience

- Represented high-level recruiting executive in an arbitration brought by his former employer who terminated the executive and sought to avoid paying him several million dollars in severance payments and other benefits that were provided for in his employment agreement. Employer brought claims for breach of contract, breach of fiduciary duties and misappropriation of trade secrets and claimed that client was terminated "for cause" and therefore, employer was not required to pay the severance and other benefits set forth in his agreement. Filed a counter-claim on behalf of the executive seeking damages for breach of contract and asserting that the executive was terminated "without cause" and therefore, severance was due and owing. After conducting the bulk of the depositions, negotiated a favorable resolution for the client.
- Lead trial counsel for corporate client that provides consulting services in the healthcare and pharmaceutical industries. Prosecuted breach of contract claims (non-solicitation and non-disclosure) against two former high-level executives and several other employees who left client's employment and started competing company. After conducting depositions of key witnesses in preparation for the preliminary injunction hearing and obtaining critical testimony regarding a former employee's misappropriation and use of the client's confidential business information, negotiated a very favorable settlement for the client.
- Lead trial counsel defending search engine marketing company in a lawsuit brought in Illinois state court by a former employee and high-level executive involving claims and counter for breach of contract, breach of fiduciary duty and violation of the Illinois Business Corporations Act. Filed counter-claims against the former executive in the state court proceeding for breach of contract and breach of fiduciary duties and filed a claim in federal court for violation of the Computer Fraud and Abuse Act. After executive lost his motion to dismiss the federal court action, negotiated a very favorable settlement for the client.
- Lead trial counsel defending high-level software executive in a non-competition action brought by former employer in Illinois state court seeking to prohibit client from working for a competitor. Successfully defeated employer's motion for temporary restraining order and then successfully obtained the dismissal of the employer's complaint against client.
- Represented packaging company as lead trial counsel in non-competition, non-solicitation, non-disclosure and trade secret matter pending in federal court and successfully obtained a

temporary restraining order against two former sales employees who violated their post-employment obligations owed to the client. After obtaining the TRO, negotiated a very favorable settlement for client that included activity restrictions, return of trade secrets and confidential information and a six-figure monetary payment to the client.

- Lead trial counsel for corporate client that owns and operates funeral homes and cemeteries throughout the country in breach of contract action brought against property developer. First-chaired a three-day bench trial in Illinois state court and obtained \$1.7 million-dollar verdict against the developer.
- Lead trial counsel on a week-long employment discrimination and retaliation jury trial that took place in the United States District Court for the Northern District of Illinois and obtained a complete defense verdict in favor of well-known hospital client.

Credentials

Education

- J.D., 1994, *magna cum laude*, Valparaiso University School of Law
- B.A., 1989, Knox College

Bar Admissions

- Illinois

Court Admissions

- Supreme Court of the United States
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the District of Colorado
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Eighth Circuit

Recognitions

- *Illinois Leading Lawyers*

NEWS

04/22/22

Law360 Covers Daniel Lanciloti's Arrival in Chicago

Daniel F. Lanciloti

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NEWS

04/13/22

Fisher Phillips Welcomes Partner Daniel Lanciloti in Chicago

Daniel F. Lanciloti

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