

## Cara M. Houck

### SERVICE AREAS

Litigation + Trial

- Business Torts
- Commercial Transactions Litigation
- Intellectual Property Litigation
- Litigation + Trial Practice Overview
- Product Liability + Torts
- Product Related Litigation
- Workouts + Foreclosures

### EDUCATION

- Thomas M. Cooley Law School, J.D.
- Northwestern University, B.S.

### BAR ADMISSIONS

- Illinois

### COURT ADMISSIONS

U.S. Court of Appeals

- Seventh Circuit

U.S. District Courts

- Eastern District of Michigan
- Northern District of Illinois
- Central District of Illinois

Supreme Court of Illinois



### Principal

#### Chicago

225 W. Washington  
Suite 2600  
Chicago, Illinois 60606

T: +1.312.460.4239

F: +1.312.460.4201

houck@millercanfield.com

Cara M. Houck focuses her practice on civil litigation. Her experience includes a concentration in business and real estate litigation, product liability defense, including toxic torts litigation. She represents clients in state and federal trial and appellate courts, multi-district litigation, before administrative agencies, and in arbitrations in all types of civil litigation.

### EXPERIENCE

#### Representative Matters

In re: Asbestos Product Litigation, (U.S. Dist. Ct., Philadelphia, MDL 875) (multidistrict asbestos litigation)

Obtained an arbitration award in DuPage County on behalf of Crown Equipment Corporation in a Breach of Contract dispute. Crown Equipment Corporation d/b/a Crown Lift Trucks v. Scott Karoll, individually and a/k/a Furniture Zone, Inc. Case No. 03 L 639

Defended a Land Trust by means of a motion to dismiss the action with prejudice. The action alleged Specific Performance and Intentional Interference with Contract. Alice Prus v. Chicago Title Land Trust Co., et al., No. 05 CH 3424

Plaintiff alleged serious facial and other burns as a result of a product manufactured by the defendant. After the close of discovery in July 2001, the U.S. District Court for the Northern District dismissed for want of prosecution. Kimberly Kuss v. The Sherwin-Williams Company, Case No. 00 C 1821

Obtained a dismissal order for lack of personal jurisdiction (based on the fiduciary shield doctrine) in the U.S. District Court for the Northern District of Illinois, Eastern Division. Burns v. Prestige v. BLD Funding, et al., Case No. 00 C 2933.

## Cara M. Houck

Obtained multiple judgments in favor of plaintiff in breach of contract proceedings. Crown Equipment Corporation v. Faustech Industries, Inc., Case Nos. 00 M1 115922 and 00 M1 142773.

Obtained no liability award in arbitrated negligence action brought against a semi-truck driver. Allstate Insurance Company as Subrogee for Weilin Tao v. Guy Malizzio, Case No. 00 M1 02311.

Co-authored motion and brief used to obtain summary judgment in favor of defendant in consolidated cases alleging a design defect in the defendant's product affirmed on appeal where plaintiff's expert was excluded on Daubert grounds. Bouelle and Wendling v. Crown Equipment Corporation, 220 F.3d 532 (7th Cir. 2000), CCH Prod. Liab. Rep., p. 15,860

Defended a negligence action in a bench trial by establishing that plaintiff was more than 50% contributorily negligent. Allstate Insurance v. Crown Equipment Corporation, Case No. 99 M1 022256.

Obtained summary judgment in favor of defendant in breach of distributorship agreement action before the U.S. District Court for the Northern District of Illinois, Western Division. Richard Trank v. The Sherwin-Williams Company, Case No. 98 C 50253.

Obtained summary judgment in favor of defendant manufacturer of an outdoor ice arena in a negligence case. Gardella v. Patine Corporation, et al., Case No. 97 L 17225. [The remaining parties ultimately settled the case for \$450,000.]

Co-authored winning partial summary judgment on issue excluding plaintiff from seeking pre-judgment interest totaling more than \$1 million. BCS Financial Corporation, et. al. v. Coopers & Lybrand, LLP, Case No. 96 L 2560.

During a wrongful death case against Metra, favorably argued a critical motion in limine excluding evidence based on 42 U.S.C. § 409. Zieman v. Northeast Illinois Railroad and Burlington Northern, Case No. 95 L 17225.

Briefed and argued two winning motions to dismiss plaintiff's complaint on negligence and negligent misrepresentation issues. Blinderman Construction Co. v. El Greco Painting Contractors, Inc. and The Sherwin-Williams Company, Case No. 02 L 0605.

## Cara M. Houck

Challenged venue and obtained transfer from Cook County to DeKalb County. Irene Belmonte v. Crown Equipment Corporation, et al., Case No. 03 L 60.

Wrote several motions for summary judgments in asbestos litigation cases pending in Madison County, Illinois based on lack of product identification where plaintiffs voluntarily dismissed cases before oral argument. Betty Briggs v. The Sherwin-Williams Company, et. al. Case No. 03 L 1460.

Settled automotive negligence case for \$6,000 following deposition of orthopedic surgeon; initial demand was \$150,000. Teresa Apantenco v. The Sherwin-Williams Company, Case No. 00 L 5948.

Obtained reversal of summary judgment from Illinois Court of Appeals, First Judicial District on breach of contract and implied-in-fact contract issues. Burrell v. Andre's Foto Lab, Inc. and GFX International, Inc., Case No. 03-3059 (June 29, 2004) appealed from 00 CH 11892.

Authored winning motion to dismiss case for lack of personal jurisdiction. Al Mansour and Hartland Crossings, LLC v. Landmark Properties, LLC, Randall Langer, Harry Langer, Edmund Pilarz and Landmark Mansour Development, LLC, Case No. 08-23585-CK (Livingston County, MI)

Prevailed on motion to quash service of process one year after complaint was filed. Shannon Carlson v. Walgreen Co., et al., Case No. 07 L 002596 (Cook County, IL).

### PROFESSIONAL ACTIVITIES

- American Bar Association
- Illinois State Bar Association
- Chicago Bar Association
- Chicago Bar Foundation, Planning Committee 2011
- Defense Research Institute
- National Association of Women Lawyers

### HONORS + AWARDS

- Illinois Super Lawyers, Business Litigation 2012
- Northwestern University, Kellogg School of Management, MBA expected 2012

## CIVIC, CULTURAL + SOCIAL ACTIVITIES

- Prevent Child Abuse America
- The Chicago Challenge, Board Member
- Awassa Children's Project, Ethiopia - Volunteer 2010

## PUBLICATIONS

"Nephrogenic Systemic Fibrosis and Gadolinium-Based Contrast: Medico-Legal Implications," Seminars In Dialysis, Online Early Articles, Published Online Early, January 23, 2008  
<http://www.blackwell-synergy.com/doi/abs/10.1111/j.1525-139X.2007.00404.x>.

"The First State to Reject the Learned Intermediary Doctrine: West Virginia," McGuireWoods Pharmaceutical, Medical Device & Biotechnology News, October 29, 2007

"Price Advertisers Beware," McGuireWoods Life Sciences Industry News, July 30, 2007

"Attacking the Learned Intermediary Defense with Evidence of the Behavior of the Manufacturer's Representative," McGuireWoods Pharmaceutical, Medical Device & Biotechnology News, November 20, 2006

"Direct-to-Consumer Advertising: A Threat to the Powerful 'Learned Intermediary Doctrine' Defense?" McGuireWoods Pharmaceutical, Medical Device & Biotechnology News, October 16, 2006

## NEWS

- Miller Canfield Elects Seven New Principals