

Gary L. Prior joined Tabet DiVito & Rothstein LLC in July 2002. Before then, Mr. Prior was a Capital Partner in the Trial Department of McDermott, Will & Emery’s Chicago office and a former member of that firm’s Management Committee. Mr. Prior’s practice is concentrated in securities and class action litigation; international and transnational law; professional liability; RICO, qui tam, and other fraud litigation; and general corporate and commercial litigation, arbitration and mediation, including both trials and appeals. Mr. Prior has represented numerous accountants, auditors, and other professionals, officers, directors, public corporations, privately held companies, fiduciaries, and beneficiaries. His clients include Crowe Horwath LLC, a large international accounting firm; BDO Seidman, the international accounting firm; the Appraisal Institute; DSC Logistics, Inc., and Dr. Sakharam D. Mahurkar, a successful inventor.



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Mr. Prior is a member of the bars of the Illinois Supreme Court (since 1968), the United States District Court for the Northern District of Illinois (Trial and general bar), the United States District Courts for the Eastern and Western Districts of Wisconsin and Minnesota, the Eastern District of Pennsylvania, the United States Courts of Appeals for the Third, Seventh, and Federal Circuits, and the Supreme Court of the United States.

Mr. Prior acted as counsel for Harza Engineering Co. in the case of *Farman-Farmaian v. Harza*, 882 F.2d 281 (7th Cir. 1990), cert. denied (1990). He successfully raised an “act of state” defense to claims by the owners of a company expropriated by Iran. The Supreme Court of the United States denied certiorari after seeking the views of the U.S. State Department and the Solicitor General, who agreed with Mr. Prior’s position. Mr. Prior successfully petitioned the Illinois Supreme Court for leave to appeal in *Pinilla v. Harza*, 324 Ill.App.3d 803 (2001), 197 Ill.2d 584 (2001) and the Illinois Appellate Court to grant an interlocutory appeal in *InPhoto v. Crowe, Chizek and Co., LLP*, which reversed the Circuit Court and ruled in favor of his client. Mr. Prior also tried and argued the cases of *Teamsters et al. v. Ryerson*, 176 F.3d 1004 (7th Cir. 1999), successfully defending the denial of two preliminary injunctions after evidentiary hearings by the United States District Court for the Eastern District of Wisconsin, and *Polsky v. BDO Seidman*, 293 Ill.App.3d 414 (1997), affirming the dismissal of a \$25 million professional liability claim. In 2006, Mr. Prior obtained certification from the Illinois Circuit Court of a novel issue relating to the validity of a tolling agreement allowing an indefinite extension of a statute of repose. When the Appellate Court refused to hear the appeal, Mr. Prior petitioned the Illinois Supreme Court, which issued a supervisory order directing the Appellate Court to decide the appeal. In 2007, Mr. Prior obtained summary judgment dismissing all counts in an Illinois lawsuit against a national accounting firm, won partial summary judgment in a \$100,000,000 Kentucky case which had the effect of substantially reducing plaintiff’s damages, and obtained the voluntary dismissal of his accounting firm client in a multi-party fraud case after several years of litigation and an appeal. In 2011, Mr. Prior successfully moved to dismiss an international accounting firm in a shareholder suit relating to a West Virginia bank freeze-out followed from an FDIC takeover.

Mr. Prior received his B.S. degree from Tulane University in 1965 and his law degree from the University of Chicago in 1968. Mr. Prior represents, contributes to, and is on the board of the Prior Family Trust. Mr. Prior is a member of the ISBA and the Illinois Appellate Lawyers Association and a

speaker on subjects of interest to accountants and other professionals. He lives in Chicago with his wife, Nancy O'S. Prior.