



Craig G. Penrose

SENIOR COUNSEL

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Craig Penrose focuses his practice in the areas of complex commercial business disputes and construction litigation. His construction litigation practice includes representing owners, developers, design professionals, contractors, and subcontractors in conventional litigation as well as alternative dispute resolution. Craig has extensive appellate experience and has represented clients in appeals in various states and federal courts.

Craig has also represented many of these same construction entities as policyholders in disputes with various insurance carriers over policy benefits. Craig also has extensive experience and has litigated numerous cases involving disputes related to sales and warranties of goods arising under the Uniform Commercial Code. Clients turn to Craig for his effective skills in resolving disputes and for creative "out of the box" solutions.

Prior to joining the firm, Craig Penrose was a Senior Attorney with the Federal Deposit Insurance Corporation acting as a Receiver of failed financial institutions. Craig handled investigations into the causes of the failures and was responsible for bringing actions against directors, officers, accountants, and attorneys to recoup losses suffered by the failed financial institutions. Craig has also represented public and private entities concerning a wide range of employment-related litigation, including numerous wage and hour cases on behalf of employers.

EDUCATION

- ▶ Seattle University School of Law, J.D., 1996
- ▶ Northwestern University, M.M., 1987
- ▶ University of Toronto, B.M., 1985

RECENT NEWS

- ▶ Mechanics' Lien Claimants Beware: Failing to Name the Owner's Lender-Mortgagee in Your Foreclosure Lawsuit May Invalidate Your Lien
- ▶ Judgment Creditors Can Grab Undisbursed Loan Funds Sitting at the Bank!
- ▶ The Supreme Court Adopts Implied Certification Theory Under The False Claims Act
- ▶ Congratulations! The Court Entered A Judgment In Your Favor, But The Defendant Refuses To Pay, So Now What? Answer: "The Secret Weapon" Of The Uniform Fraudulent Transfer Act

Professional Organizations



- ▶ Chicago Bar Association
- ▶ Illinois State Bar Association

Representative Matters



- ▶ Represented a subcontractor in obtaining a monetary judgment as a result of the project owner's violation of the Illinois Mechanics' Lien Construction Trust Fund statute.
- ▶ Represented an electrical subcontractor in securing a \$2 million judgment against a surety bond when the prior payments to the subcontractor as received from the project owner were ordered returned under bankruptcy preference law.
- ▶ Represented a subcontractor on appeal regarding a dispute of priority between a mechanics lien and a receiver certificate.
- ▶ Represented a secured creditor in obtaining judgment against the transferee of the secured collateral without consent.
- ▶ Represented various creditors seeking recovery pursuant to fraudulent transfer law.
- ▶ Represented a seller in enforcing an "earn out" provision of a purchase agreement.

Published Decisions

- ▶ *REEF-PCG, LLC v. 747 Properties, LLC*, 2020 IL App (2d) 20019
- ▶ *Myers Controlled Power, LLC v. Fidelity and Deposit Company of Maryland*, 476 F.Supp.3d 710 (N.D. Ill. 2020)
- ▶ *DePasquale Steel Erectors, Inc. v. Gemini Insurance Company*, 249 F. Supp.3d 899 (N.D. Ill. 2017)
- ▶ *Allied Property & Cas. Ins. Co. v. Metro North Condominium Assoc.*, 850 F.3d 844 (7th Cir. 2017)
- ▶ *Perma-Pipe, Inc. v. Liberty Surplus Insurance Company*, 38 F. Supp. 3d 890 (N.D. Ill. 2014)
- ▶ *Pakovich v. Broadspire Services, Inc.*, 535 F.3d 601 (7th Cir. 2008)
- ▶ *Hardrick v. City of Bolingbrook*, 522 F.2d 758 (7th Cir. 2008)
- ▶ *Walsh v. Heilmann*, 472 F.3d 504 (7th Cir. 2006)

- ▶ *Adolf Jewelers, Inc. v. Jewelers Mutual Insurance Co.*, 614 F. Supp. 2d 648 (E.D. Va. 2008)
- ▶ *Krischel v. Hennessy*, 533 F. Supp. 2d 790 (N.D. Ill. 2008)
- ▶ *Mikolajczyk v. Broadspire Services, In.*, 499 F. Supp. 2d 958 (N.D. Ohio 2007)
- ▶ *Sonii v. General Electric*, 359 F.3d 448 (7th Cir. 2004)
- ▶ *Fleming v. Kemper National Services, Inc.*, 320 F. Supp. 2d 951 (N.D. Ca. 2004)
- ▶ *Central States Pension Fund v. Bomar National Inc.*, 253 F.3d 1011 (7th Cir. 2001)
- ▶ *In Re Affiliated Foods, Inc.*, 249 B.R. 770 (Bankr. W.D. Mo. 2000)

Publications



- ▶ "The Supreme Court Adopts Implied Certification Theory Under the False Claims Act" (Fall 2016)
- ▶ "Congratulations! The Court Entered A Judgment In Your Favor, But The Defendant Refuses To Pay, So Now What? Answer: 'The Secret Weapon' Of The Uniform Fraudulent Transfer Act" (Spring 2015)
- ▶ "The Hidden Case Killer: The Notice Provisions in the Uniform Commercial Code. Let the Buyer Beware!" (Winter 2013)

Bar Admissions



- ▶ Illinois, 1998
- ▶ Washington, 1996
- ▶ U.S. Court of Appeals, Sixth Circuit, 2001
- ▶ U.S. Court of Appeals Seventh, 1999
- ▶ U.S. Court of Appeals Eighth Circuit, 2002
- ▶ U.S. Court of Appeals Ninth Circuit, 2007
- ▶ U.S. District Court for the Western District of Washington, 1997
- ▶ U.S. District Court for the Northern District of Illinois, 1998
- ▶ U.S. District Court for the Central District of Illinois, 2000
- ▶ U.S. District Court for the Southern District of Illinois, 2007
- ▶ U.S. District Court for the Eastern District of Michigan, 2004
- ▶ U.S. District Court for the Northern District of Indiana, 2002
- ▶ U.S. District Court for the Eastern District of Wisconsin, 2003