



# DI MONTE & LIZAK, LLC

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## Employment Alert: Are you covered for claims brought by the Equal Employment Opportunity Commission or other administrative agencies?

By: Margherita M. Albarello



A recent federal court decision merits review of your Employment Practices Liability Policy (EPLI). EPLI coverage protects

employers from liability for wrongful employment practices. Although coverage varies greatly, most EPLI policies cover claims for sexual harassment, discrimination, and wrongful termination. EPLI policies became popular in the mid-1990s because of a major increase in the number of employment practices lawsuits. The surge resulted from the passage of the Civil Rights Act of 1991, which gave employees the option of trying their claims to a jury instead of a judge, and which provided for both compensatory and punitive damages for certain employment practices violations.

Whether your EPLI policy covers you for certain claims depends on the language of the policy, including how the policy defines "insureds" and "employees" and "covered claims." Up until now,

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## Two Leading Park Ridge Law Firms To Combine November 1

On November 1, 2011, two highly-regarded Park Ridge law firms, Owens, Owens, & Rinn, Ltd. and Di Monte & Lizak, LLC will combine and form a single firm known as Di Monte & Lizak, LLC, practicing from one office, at 216 Higgins Road, Park Ridge, IL 60068. The main telephone number for the firm will be 847 698 9600, and the firm's website will be located at [www.dimontelaw.com](http://www.dimontelaw.com).

Owens, Owens and Rinn, Ltd. was founded by John E. Owens, Sr. in 1923. John supported himself through law school selling plumbing supplies, and many of his former customers became clients of the newly founded firm. John Sr. was joined in the practice by his brother, Thomas L. Owens, and his brother-in-law, Vincent G. Rinn.

Like many hard-working attorneys, John Sr. made time for service to the profession, serving on the Board of Managers of the Chicago Bar Association, and the Committee on Character and Fitness of the Illinois Bar. In the latter capacity, he was one of the members who successfully opposed the admission of an admitted member of the Communist Party to the Illinois Bar. That case ultimately reached the United States Supreme court, where John Sr.'s position was upheld.

Thomas L. Owens entered public service by running for and being elected to the Congressional seat representing what was then the 7th Congressional District in Illinois (Park Ridge). In Congress, having an interest in Labor Law, he served on the powerful House Labor Committee where he was a proponent of the Taft-Hartley Act. While serving in Washington, Thomas was stricken with a fatal disease, and he died in the Bethesda Naval Hospital in 1948.

Vincent Rinn pursued both a trial practice and an estate practice. He chose his university, DePaul, as his form of public

service, ultimately endowing the Vincent and Mary Rinn Law Library and the Vincent and Mary Rinn Scholarship, both of which have assisted dozens of young men and women in gaining a legal education.

The next generation of Owenses followed, first with John E. "Jack" Owens, Jr., who began clerking at the firm in 1959, then joining as an attorney in 1962. Jack did trial work early on, then concentrated more on estate and estate planning, as well as zoning law. Jack has a long history of practice in the field of land use and zoning in the Park Ridge community. He has also served the profession both as President of the Northwest Suburban Bar Association, and as President of the Legal Fraternity, Delta Theta Phi.

Jack's brother, Denis, joined the firm in 1964, concentrating his practice on tax practice and estate planning. Denis served as a member of the United States Army Reserve's Judge Advocate General Corps from 1964 to 1970. He received his discharge with honorable mention at the rank of Captain. Denis has served the profession as the chairman of the Northwest Suburban Bar Association's Public Service Committee, Budget Committee, and Probate Committee, the last of which he founded. Today, Denis' practice includes probate, taxation, estate planning and real estate.

Denis' son, Patrick joined his father and uncle in 1996, following graduation from DePaul Law School. Patrick also holds an L.L.M. in Taxation from the John Marshall Law School. He concentrates his practice in the fields of estate and trust administration, estate planning, and tax planning and is a well-recognized speaker on those topics. Patrick continued the Owens, Owens & Rinn tradition of service and received the Chicago Volunteer Legal Services Distinguished Service Award in 1998, 2002, and 2009.

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Lizak attorneys represent clients in all aspects of real estate development and land use. The firm also provides transactional counsel to clients in corporate and business governance, sale and acquisition of businesses, leasing, estate planning and probate, loan documentation and closings, and commercial and residential real estate transactions. Di Monte & Lizak also boasts a strong creditors' rights and bankruptcy practice, representing debtors, creditors, and bankruptcy trustees in proceedings under Chapters 7, 11, and 13 of the Bankruptcy Code, non-bankruptcy insolvency and restructuring matters, fraudulent transfer litigation, and loan enforcement.



The combined firm will continue the Di Monte & Lizak custom of team assignments in appropriate cases. This involves assignment of a team of lawyers with diverse practices which all have a

bearing on the issues involved in the matter. Intramural discussion has led the teams to outstanding results in areas as diverse as contested estates, business breakups, acquisitions and mergers, and

even zoning. Members of the firm feel that the team approach produces a better result for clients than a system centered around a "star" attorney supported by a subordinate staff.

The firm is conveniently located adjacent to the Kennedy Expressway between the Canfield and Cumberland exits in Park Ridge. Free parking is available right outside the firm's building located at the intersection of Higgins Road and Washington Avenue. ■

***"The combined, 23-lawyer firm will be home to lawyers with over 600 years of combined legal experience."***

There will be a strong family aspect to the combined firm. Four father-son combinations are included among the present lawyer group, Eugene and Riccardo Di Monte, Denis and Patrick Owens, Dennis and Christopher Nudo and Lee and Adam Poteracki. The elder Owens are successors to their father and uncle. Linscott Hanson has succeeded to the practice of his father and grandfather.

Roughly one-third of the attorneys in the firm are graduates of DePaul law school in Chicago, Seven others attended Chicago-Kent, Loyola and John Marshall, also in Chicago. Five lawyers graduated from Big Ten Law Schools, Illinois, Michigan, and Wisconsin, and one each from Thomas Cooley (Lansing, MI) and Cleveland Marshall. Both of the combining firms have been supportive of DePaul law school, the Owens firm having provided the Vincent and Mary Rinn Law Library and Vincent and Mary Rinn Scholarship mentioned above, while Di Monte & Lizak has contributed the necessary funds for the media resource center at DePaul.

Jack, Denis and Patrick are all long-time Park Ridge residents, strongly committed to the community, and active in many civic organizations.

While Di Monte & Lizak was formed as a partnership by its founders, Eugene A. Di Monte and Chester A Lizak in 1967, they began their individual practices in 1961 and 1962, respectively. The firm has grown over the years, absorbing other lawyers and practices, including a practice that began with Roscoe Linscott Roberts in 1894.

The combined, 23-lawyer firm will be home to lawyers with over 600 years of combined legal experience. Notably, it will have three lawyers who have been in practice for at least 50 years, and two more who will join that elite group in 2012.

Di Monte & Lizak's attorneys practice in most areas of the law, with attorneys dedicated to both litigation and transactional practice. The firm prides itself on its ability to represent clients in most areas of litigation, including commercial litigation, contract disputes, business and contract fraud, accounting actions, actions to dissolve corporations, partnerships and other businesses, construction and mechanic's liens, employment matters before courts and state and federal administrative agencies, will contests, trust and probate litigation. Di Monte &



# Di Monte & Lizak Adopts Strategic Plan for Future



develop the plan and all the lawyers have been interviewed and have provided important input in the plan's development.

Particularly significant in the strategic planning process was that in the face of economically challenging times, the unanimous message for the firm's

professionals is that the firm's partners believe in the values that have brought us this far. The firm's mission statement: "Di Monte & Lizak Is an Experienced, MultiPractice Firm Working as a Team to Provide Exceptional, Practical Counsel and Quality Service" reflects this fact.

By adopting a strategic plan, DiMonte & Lizak has re-committed itself to being an enduring presence in the Chicagoland legal community. The firm has received offers of merger from three national law firms in the past 12 months. Its conclusion is to thank each of them, reject each offer, and move forward into 2012 and beyond, continuing to serve its clients by following a path of controlled growth, adding strong new partners both to replace those who retire, and to slowly grow the firm.

The firm prides itself on providing a "downtown" service at a suburban cost, and intends to continue to do so.

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*"Di Monte & Lizak Is an Experienced, MultiPractice Firm Working as a Team to Provide Exceptional, Practical Counsel and Quality Service."*

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Accordingly, the plan is focused on prompt, clear-cut, well-reasoned and cost-effective response to client needs. ■

Two law firms tracing their origins to 1924 and 1894 are combining their practices and personnel as DiMonte & Lizak, LLC effective November 1. That's a lot of history, but what about the future?

On Wednesday, October 12th, the partners and associates of both combining firms met for the purpose of examining a Strategic Plan for DiMonte and Lizak's future.

Partners **David Arena**, **Riccardo DiMonte**, and **Alan Stefaniak** led the presentation of the plan. The partners have been meeting over many months with a management consulting firm to



## Employment Alert: – continued from front page

most insurers have treated a "covered claim" as including not only a claim brought directly by the prospective, current, or former employee, but also a claim brought by the Equal Employment Opportunity Commission on behalf of the employee. The October 2011 Tennessee federal court decision in *Cracker Barrel v. Cincinnati Insurance Company* has called this practice into question, and is a warning to companies to check their EPLI policies and confirm that they do, in fact, cover actions brought by the EEOC or other administrative agencies such as the Illinois Department of Human Rights.

In *Cracker Barrel*, ten employees filed race and sex discrimination charges with the

Illinois Department of Human Rights and the EEOC against Cracker Barrel. The EEOC took great interest in the case, and itself brought a civil lawsuit on behalf of the employees against the company. Cracker Barrel filed a timely claim under its EPLI policy which, as do most EPLI policies, covered "a civil, administrative or arbitration proceeding commenced by the service of a complaint or charge, which is brought by any past, present, or prospective employee."

Cincinnati Insurance Company denied the policy claim because the lawsuit was brought solely by the EEOC, which was not a "past, present, or prospective employee" of Cracker Barrel. Cracker Barrel objected, arguing that the EEOC brought the suit *on behalf of*

the employees, and the civil lawsuit, while commenced by the EEOC, was brought only because the employees filed a charge with the EEOC. The court sided with the insurance company, and concluded, as a matter of law, that the insurer had no duty to defend or indemnify Cracker Barrel.

Regardless of the merits of the court's decision, it creates the potential for a gap in coverage that could expose you to significant defense and indemnity costs. You should review your EPLI policies to understand exactly what is covered and, if necessary, fill the gap by getting confirmation from your insurer that these claims are covered.. ■

# DI MONTE & LIZAK, LLC

216 Higgins Road  
Park Ridge, IL 60068



*An experienced, multi-practice law firm working as a team to provide practical counsel and quality services.*



## DI MONTE & LIZAK, LLC

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