

My Benesch My Team – Vertiv

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Eric Broxterman
Vice President and General Counsel of Intellectual Property
Vertiv

Vertiv offers a portfolio of power, cooling, and IT infrastructure solutions and services to ensure customers’ vital applications run continuously, perform optimally, and grow with their business needs. Headquartered in Columbus, Ohio, Vertiv’s nearly 21,000 employees serve customers in 130+ countries worldwide. The following is a testimonial from Eric Broxterman, Vice President and General Counsel of Intellectual Property at Vertiv.

Tell me about Vertiv.

We’re a global company that designs, builds, and services mission-critical technologies for data centers, telecommunication networks, and commercial and industrial applications. We provide equipment, service, and software for both the power and the thermal side of those customers.

How did you come to work with Benesch?

I have known [Erik Connolly](#) and [Nicole Wrigley](#) for a number of years. We worked together as colleagues years ago at a large law firm in Chicago. Erik and Nicole did complex commercial litigation, and I have always focused on intellectual property. In 2018 I left private practice and became Vertiv’s Chief IP Officer-my title is VP and GC of Intellectual Property.

Shortly thereafter, Vertiv was sued by a plaintiff for misappropriation of trade secrets. I reached out to Erik and Nicole, who were both at Benesch by then, to see if they’d be willing to present to us on Benesch’s capabilities to handle the matter. I and Vertiv’s general counsel at the time went to the firm’s Chicago office, and Erik and Nicole pitched the firm’s, and their own, capabilities to handle the matter. It was a great fit, and we retained Benesch to defend us in that trade secret case.

So, Benesch took on the case. How did that go?

That case was filed in the fall of 2018, and just this past fall in October 2021 we received a very favorable summary judgment ruling from the court. The district court dismissed all claims against Vertiv and allowed Vertiv’s counterclaims against the plaintiff to go forward.

There’s always a measure of stress in situations like this. Any time a company is faced with a multimillion-dollar lawsuit, leadership gets very nervous about whether they will have to accrue and pay those types of escalated damages. In this case, the plaintiff’s damages request skyrocketed in the beginning, and they were asking for several hundred million dollars. Erik and Nicole were always

very responsive and able to give succinct points on why those claims were not meritorious so I could then convey those points to top management. Of course, their advice was borne out in the court's ruling.

What do you like about working with Benesch (besides the fact that they won your case)?

I have a lot of positive things to say. I have a personal relationship with Erik and Nicole, but right off the bat, I told them I was not going to let that influence the decision of who would represent us. I'm accountable for making sure Vertiv has the best law firm and the best attorneys. I truly believed they were the best for Vertiv. I have the highest regard for Erik and Nicole as both individuals and as attorneys. They are very admirable from a professional standpoint and as good, honest people.

Three things really stood out about our work with them and Benesch: First, they consistently provided creative solutions to unique problems within a fixed budget. Second, the team they assembled was second to none. I could call and ask any of them the status of the case or about an issue at any time. They would either provide me with an immediate answer or get back to me within a short period of time. I never felt like I couldn't get in contact with the team. Finally, Erik, Nicole, and the team at large understood the business of litigation, which is very important to in-house counsel. They understood the optics. They understood that they couldn't charge me every time I had a quick question, and they wouldn't nickel-and-dime me. They were always willing to work with me on budget issues and timing of expenses.

As in-house counsel, first and foremost we always want to win a case. But secondly, we still need to operate a business, and part of operating that business is making sure that we control costs. Benesch definitely understood that aspect and was willing to work with me.

What value have you found by working with Benesch?

They were able to look at the litigation as a whole, provide expertise within a fixed budget, and then obviously provide great results.

Another aspect of that value is that this case went all the way up and touched our top management. The COO and the CEO were both deposed, and in those instances, Erik and Nicole's ability to interact with top management was second to none. Our CEO in particular mentioned that he was really impressed with Erik's abilities when Erik represented him in his deposition. When you have the personality and the legal skills to interact with a CEO, and they like you, it lends itself to future opportunities to work together.

Beyond Erik and Nicole, I also want to commend the team. Everyone is very smart, very good at answering questions, and very good at providing valuable input. We had several strategy calls involving the entire team-usually I don't like a lot of participants on a call because it means the legal bill is skyrocketing. But every one of those team members added value in those strategy calls by giving their thoughts on what we should do at a particular time.

How are you working with Benesch currently?

Benesch is still representing us on our counterclaims in this case. Beyond that, I view this litigation matter as opening the door to additional opportunities between Vertiv and Benesch. Vertiv is in some respects a new company. We have been around since the 1960s, but we were purchased by

Emerson Network Power and then were sold to a private entity company. We went public in the spring of 2020. Because of that, we've only been autonomous for just under two years. We utilize counsel for corporate governance, SEC, and other corporate work.