



[Back to News](#)

Federal Court Relies on Article Authored By Miller and Haarlow

JANUARY 12TH, 2011

In a recent ruling, a United States judge for the Northern District of Illinois relied on an article authored by two Novack and Macey attorneys. Judge Gary Feinerman cited the work of Novack and Macey attorneys Richard L. Miller II and John Haarlow, Jr. in a memorandum opinion and order in the case of [Spaulding v. Abbott Labs.](#), No. 10 C 199, 2010 WL 4822894, at *6 (N.D. Ill. Nov. 22, 2010).

The plaintiff in the case, Ronald Spaulding, was a former Abbott officer who alleged he had been terminated without cause. He also asserted that Abbott Laboratories and Miles D. White, Abbott's President and Chief Executive Officer, had wrongly confiscated 45,167 shares of Abbott stock belonging to him. Spaulding's six-count complaint included a claim under the Illinois Wage Payment and Collection Act (the "Wage Act") against both Abbott and White.

As to the Wage Act claim against White, the Court concluded that Spaulding had failed to allege facts sufficient to establish that White was liable. In the course of reaching its decision, the Court wrote:

To incur individual liability under the Wage Act, an officer must "(i) have knowledge of the compensation arrangement between the departing executive and the employer and (ii) knowingly permit the corporation to wrongfully deny some amount of compensation by participating in the decision to do so." Richard L. Miller, II, & John Haarlow, Jr., *Departing Executives and the Wage Payment Act*, 96 Ill. B.J. 138, 142 (2008) (surveying Illinois case law).

The court found that, "The amended complaint does not come close to alleging facts that, if proven, would allow Spaulding to recover against White individually." [Spaulding](#), No. 10 C 199, slip op. at 6 (N.D. Ill. Nov. 22, 2010). Thus, Spaulding's claim against White was dismissed. The Court allowed a portion of Spaulding's Wage Act claim against Abbott Laboratories to stand and explicitly held that Spaulding could attempt to replead his claim against White. [You can click here to review the Spaulding opinion in its entirety.](#)

As Miller and Haarlow explained in their article, "The Wage Payment Act provides departing executives with a powerful remedy and their former employers with a fresh set of challenges to carefully consider." The article originally appeared in the March 2008 edition of the Illinois Bar Journal. [You can click here to review the article in its entirety.](#)

For more information, please feel free to contact Richard Miller or John Haarlow at (312) 419-6900.