



**Therese King Nohos**

**Phone:** (630) 510.4916

**Email:** [tnohos@rathjewoodward.com](mailto:tnohos@rathjewoodward.com)

Therese represents colleges, universities and other complex organizations in civil litigation and government enforcement actions. She frequently handles matters involving significant regulatory, reputational and financial risk. She has defended claims brought under the False Claims Act, civil rights statutes, consumer fraud and securities laws, Title IV of the Higher Education Act and Title IX of the Education Amendments Act, as well as various types of common law claims.

Before joining the firm, Therese served as assistant general counsel to a publicly traded company that was one of the largest providers of higher and professional education in North America. Her in-house experience informs her approach to resolving litigation in a strategic and effective manner. It also enables her to provide pragmatic advice on board governance, regulatory compliance issues, policy development and contract drafting and negotiation.

Therese serves on the Associated Colleges of Illinois Board of Trustees and its Communications Committee. In 2019, she founded Higher Ed Lawyers of Illinois, an organization dedicated to enhancing collaboration among Illinois lawyers serving colleges and universities, which she continues to lead. She is an active member of the National Association of Colleges and Universities (NACUA) and frequently writes and speaks on legal and regulatory issues impacting the higher education sector.

As part of her pro bono service to indigent clients, she has:

- won a voluntary remand in an appeal to the Seventh Circuit Court of Appeals where the U.S. Social Security Administration decided not to contest the appeal after receiving our brief highlighting clear administrative errors;
- wrote and argued an appeal to the Seventh Circuit Court of Appeals that resulted in an indigent immigrant client's ability to remain in the United States where order of removal wrongly assumed client committed a crime of which he had not been convicted;
- obtained a rare affirmative preliminary injunction requiring insurance carrier to fund treatment for critically ill cancer patient before trial; and
- as court-appointed counsel, successfully appealed the wrongful denial of social security benefits to disabled client and, upon remand, first-chaired administrative hearing to establish right to benefits.

## Complex Litigation & Investigations

**False Claims Act Litigation.** Managed response to Civil Investigative Demand from the U.S. Department of Justice regarding student attendance records and return of Title IV funds. Successfully negotiated related settlement on behalf of national college.

**Advertising Investigations and Litigation.** Defended massive, two-year long investigation by Federal Trade Commission into university advertising and disclosure practices. Defended related federal court litigation alleging false advertising, resulting in settlement for approximate cost defense for anticipated lengthy litigation. *Federal Trade Commission v. DeVry Education Group Inc.*, Case No. 2:16-cv-00579-MWF-SS (C.D. Cal.). Defended U.S. Department of Education administrative action based on similar allegations and multistate investigation by state attorneys general.

**Extraterritorial Reach of U.S. Disabilities Laws.** Obtained summary judgment and affirmance on appeal to the Third Circuit on issue of first impression regarding applicability of U.S. accommodations laws to foreign universities eligible to participate in U.S. federal financial aid programs. *Archut v. Ross University School of Medicine*, 580 Fed. Appx. 90 (3rd Cir. 2014).

**Defeated Executive Compensation Challenge.** Obtained early dismissal of two shareholder derivative actions challenging chief executive officer compensation. Secured affirmance on appeal. *Pfeiffer v. Begley*, 2015 IL App. (2d) 140271 (2015); *Donnawell v. Hamburger* 803 F.3d 912 (7th Cir. 2015).

**Early Dismissal of Securities Fraud Claims.** Won dismissal of federal securities law claims brought on behalf of putative class of investors alleging millions in damages. In addition to getting all claims dismissed with prejudice, we obtained a rare finding that plaintiffs had filed a frivolous complaint and would need to show cause why they should not be liable for legal fees. *Boca Raton Firefighters & Police Pension Fund v. DeVry Inc.*, 2014 WL 1847833 (N.D. Ill. May 8, 2014). Obtained an early dismissal in shareholder strike suit for Walgreens, as well. *Teamsters Affiliates Pension Fund v. Walgreen Co*, 2010 WL 3894149 (N.D. Ill. Sept. 29, 2011).

**Defeated Fiduciary Duty Claims against Venture Capitalist.** Defended breach of fiduciary claims brought by founder of internet startup against investor whose investment diluted founder's ownership. After securing dismissal of federal court suit based on arbitration agreement, settled arbitration on eve of trial with plaintiff dropping its demand for \$40 million in damages and abandoning all claims.

**"Busted Merger" Litigation.** Represented retailer who entered into a deal involving a \$1.6 billion acquisition of a competitor shortly before the Great Recession of 2008. The case involved a three-party litigation where the competitor sought to enforce the merger agreement despite the material adverse change in market conditions and the lender sought to avoid its funding obligations. Case settled on the morning of trial on favorable terms permitting client to avoid the acquisition and maintain solvency.

**ERISA Preliminary Injunction.** Second-chaired preliminary injunction hearing on behalf of two pension funds against their investment manager challenging their investment decisions and seeking the return of trust funds. Action ultimately led to favorable settlement where investment manager agreed to return funds over time.

**Injunction of Continued Misappropriation of Trade Secrets.** Obtained preliminary injunction on behalf of software developer against competitor who unlawfully hired developer's employees and took

developer's source code in violation of federal copyright laws and Illinois trade secrets laws. *Computer Associates Int'l v. Quest Software, Inc.*, 333 F. Supp. 2d 688 (N.D. Ill. 2004).

## Practice Areas

- Appellate Law
- Higher Education
- Litigation

## Education

- Chicago-Kent College of Law, (J.D., 2000) *High Honors*
- Benedictine University (B.S., 1997) *cum laude*

## Bar Admissions

- Illinois Supreme Court
- U.S. District Court for the Northern District of Illinois
- Trial Bar for the Northern District of Illinois
- U.S. Court of Appeals, Seventh Circuit

## Memberships

- Associated Colleges of Illinois
  - Trustee (2018-present)
  - Communications Committee (2019-present) and Chair (2019-2020)
- Higher Ed Lawyers of Illinois, Founder (2019-present)
- National Association of College and University Attorneys (NACUA) (2018-present)
  - Committee on Web Page Legal Resources (2019-2020)
- St. Petronille Catholic School, School Board
  - Member (2020–present)
  - Secretary (2020–present)

## Classes, Seminars & Presentations

- Higher Ed Lawyers of Illinois, Quarterly Roundtable Panel Moderator (June 2019, October 2019, February 2020)
- Associated Colleges of Illinois Presidents Forum (Panelist on Legal Topics), April 2019
- “Creating Effective Accommodations Policies” - Panelist, Thomas More College Institute for Higher Education Compliance, July 24, 2018
- Consero Corporate Executive Litigation Roundtable—Panelist, Spring 2015 & Spring 2016
- “If the Government Calls, Will you be Ready?”—Panelist, November 5, 2015
- “Defensibly Downsizing Your Data – Where to Start with Records Retention & Defensible Deletion”—Panelist Association of Corporate Counsel, August 13, 2013
- John Marshall College of Law, Adjunct Professor, Legal Skills II—Spring 2008

## Pro Bono Activities

- Won a voluntary remand of claim for disability benefits where U.S. Social Security Administration decided not to contest appeal after receiving our brief highlighting clear administrative errors, *Roundtree v. Colvin*, Appeal No.1:16-cv-10942 (7th Circuit 2019)
- Appointed counsel to disabled woman and successfully obtained disability insurance after three-year litigation, including two appeals, *Smith v. Astrue, Commission of Social Security* (N.D. IL)
- Represented cancer patient *pro bono* in securing insurance coverage for essential bone marrow transplant under ERISA, *Dolezal v. Concert Health Plan*, Case No. 05 C 5254 (N.D. IL)
- Represented indigent, HIV-positive permanent resident in successful bid to remain in the United States (7th Cir. 2002)