

## John F. Zabriskie

### Partner

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John F. Zabriskie has more than 30 years' experience litigating complex commercial matters, focusing on health care matters, class actions (including food product labelling cases), trade secrets, and public records matters. He has tried cases — to juries, the bench, and arbitrators — in federal courts, state courts, and arbitration hearings around the country. He has been identified by *The Legal 500 US* as a leading trade secrets lawyer and is a partner in the firm's Commercial Litigation Practice.

### Representative Experience

#### Health Care Litigation

John has extensive experience representing health care companies, including pharmacy benefit managers (PBMs), in disputes with their clients, network providers, and suppliers. Representative matters include:

- As lead trial counsel, successfully defended PBM during a month-long arbitration hearing in which the PBM's client sought US\$250m in breach of contract damages.
- Defended PBMs in numerous disputes with network health care providers over network termination and payment recoupment.
- Represent health care companies, including PBMs and a large prescription drug purchaser, in several disputes with drug manufacturers.
- Represent clients in multiple industries in connection with drafting and enforcing arbitration provisions.

#### Consumer Litigation (including food product labelling)

- Defends clients against a variety of claims under state and federal consumer protection laws, typically brought in the context of putative class actions.
- Defends food manufacturers and retailers against claims that product labels were false and misleading.

### Representative Trade Secret and Public Records Act Experience

John counsels clients on trade secret protection and represents clients in contested proceedings to protect their trade secrets. He frequently assists clients whose trade secrets and confidential information is the subject of a public disclosure request under freedom of information laws. Representative matters include:

- Represented major software company in a case involving alleged misappropriation of trade secrets and copyright infringement of source code; obtained injunction prohibiting further development or sale of competitor's product.
- Represented health care company in obtaining opinion from a state supreme court that key information in the client's state contract was exempt under the state's public information act.
- Successfully represented health care company—frequently on an emergency basis—in numerous FOIA and “reverse-FOIA” cases, obtaining rulings that commercially sensitive information in government contract was exempt from disclosure.
- Counsel companies on protecting from public disclosure information in public contracts or subject to compulsory reporting.

## Presentations and Publications

- [“Ruling Requiring Disclosure of EEO-1 Reports May Affect Other Business Information Held by Government Agencies,”](#) *Foley & Lardner LLP Legal News: Business Litigation & Dispute Resolution*, January 26, 2024
- [“Pulp Fiction: The ‘Food Court’ Squeezes Statutory Damages Request by Class of Defrauded ‘Joint Juice’ Health Supplement Buyers,”](#) *JDSUPRA.com*, September 2, 2022
- [“Litigation Review,”](#) *Snackable: Food & Beverage Review*, June 1, 2022
- [“Parsing The Recent Surge In Midwest Food Labeling Litigation,”](#) *Law360*, February 24, 2022
- [“New Decision Continues Trend Rejecting Deceptive Vanilla Food Labeling Claims,”](#) *Foley & Lardner LLP Legal News: Business Litigation & Dispute Resolution*, March 8, 2021
- [“Misapplying FOIA To Confidential Info In Government Contracts,”](#) *Expert Analysis, Law360*, June 14, 2017
- [“Seventh Circuit insert to ABA Trade Secrets and Interferences with Contract Committee's,”](#) *Annual Trade Secret Law Report*, 2014-2016
- [“Supreme Court Upholds Nonresident FOIA Restrictions,”](#) *Law360*, April 29, 2013
- [“Supreme Court Hears Argument on States’ Ability to Exclude Public Records Access for Non-Citizens,”](#) *Foley & Lardner LLP Legal News: Business Litigation & Dispute Resolution*, February 21, 2013
- [“Bots, Scrapers, and Other Unwanted Visitors to Your Web Site: Can You Keep Them Out?,”](#) *The Computer & Internet Lawyer*, Vol 26, No. 7, July 2009

## Sectors

- [Health Care & Life Sciences](#)
- [Pharmaceuticals](#)



FOLEY & LARDNER LLP

## Practice Areas

- [Commercial Litigation](#)
- [Consumer Law, Finance & Class Action Group](#)
- [Litigation](#)
- [Trade Secret Noncompete Litigation](#)

## Education

- University of Michigan (J.D., cum laude)
- University of Michigan (B.A., high honors)

## Admissions

- Illinois
- U.S. District Court for the Northern District of Illinois
- U.S. Courts of Appeal for the Seventh Circuits