ArentFox Schiff LLP
Attorneys

Ann H. MacDonald

PARTNER

Ann represents clients in complex litigation matters, in particular companies in the energy, hospitality, franchising, and entertainment industries.

Industries

Consumer Products
Energy & Cleantech
Hospitality
— Hospitality: Litigation
Media & Entertainment
Sports

Practices

Environmental
— Land Use & Infrastructure Litigation
Complex Litigation
Antitrust & Competition Law
— Class Actions
— Commercial
— Franchise & Distribution
Environmental, Social & Governance (ESG)
Trade Secrets, Noncompetes & Employee Mobility

Education

Washington University School of Law, JD, cum laude

Colby College, BA, magna cum laude

Swarthmore College - Grenoble - France, Study Abroad Program

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Clients ask Ann to handle their most sensitive and challenging litigation matters. She frequently litigates antitrust claims, commercial disputes, class actions, and franchise issues, and represents publicly traded companies and other clients in FTC, DOJ, and other governmental inquiries.

Ann has been repeatedly recognized by clients and peers. In 2022, Ann was named a BTI Client Service All-Star. She has been named to the Illinois Leading Lawyers, Emerging Lawyer List (2016-2025) and to Who's Who Legal, Franchise, Law Business Research (2019-2025), and rated among the Best Lawyers in America for Franchise Law and Mass Tort Litigation/Class Actions – Defendants (2024-2025).

Ann serves as Chair of the firm's Franchise and Distribution Client Service Team and as Co-Chair of the Hospitality Industry Team. She advises clients on franchise, distribution, and dealer issues, including those related to litigation, system changes, system restructuring, terminations, and mergers and acquisitions.

Ann is a member of the firm's Antitrust and Competition Law Group. In addition to handling litigation, she counsels clients on a wide range of antitrust and competition issues, such as benchmarking and information exchanges; algorithmic and vertical pricing issues; and other compliance questions.

Ann also works closely with her Environmental Law colleagues, leading litigation involving commercial and environmental claims, including pursuant to the Clean Air Act (CAA), the Resource Conservation and Recovery Act (RCRA), Oil Pollution Act of 1990 (OPA), and the National Environmental Policy Act (NEPA).

Client Work

Energy

— Trial and appellate counsel for public utility in federal court litigation involving challenge to agency action and federal regulations.

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Represented public utility in federal court shareholder derivative litigation.

- Trial counsel for solar panel manufacturer in commercial dispute related performance representations and other contractual issues.
- Trial counsel for independent power producer in dispute regarding performance of coal transportation agreement.
- Pre-litigation counsel in dispute resolution proceedings involving renewable energy facilities, including counseling regarding state approval process and strategy for government and community engagement.
- Trial counsel for transmission only public utility in federal court litigation on admiralty claims under Federal Rule of Civil Procedure 9(h) and claims under the Oil Pollution Act of 1990 (OPA) to obtain reimbursement for environmental response costs and property damage arising from destruction of two submarine electric power circuits.
- Trial counsel for independent power producer in defense of a citizens' suit alleging violations of the Clean Air Act (CAA) and other federal and state regulations governing opacity and particulate matter emissions from coal fired power plant.
- Trial counsel for a commodities trading firm in connection with alleged breach of master rail car lease for transportation of Bakken crude oil.
- Trial counsel for independent power producer in dispute arising in connection with alleged breach of electric power plant engine maintenance agreement and warranty claims for defective engine components.

Hospitality and Franchise

- Trial counsel for hospitality client in multi-party antitrust lawsuits involving claims under the Sherman Act related to algorithmic pricing.
- Trial counsel for landlord in multi-party antitrust lawsuits involving claims under the Sherman Act related to algorithmic pricing.
- National coordinating counsel for hospitality company in defense of human trafficking lawsuits alleging claims under the Trafficking Victims Protection Reauthorization Act (TVPRA) and similar state laws.
- Successful defense of franchisor in lawsuit alleging vicarious liability claims arising out of incident at franchised location.
- Trial counsel for hospitality client in multi-party antitrust lawsuits involving claims under the Sherman Act related to online advertising auctions.
- Represented franchisor in buyout of regional sub-franchisor and related dispute resolution proceedings.
- Trial counsel for hospitality client on claims of negligence and for punitive damages.
- Successful defense of a franchisor in injunction proceedings related to site termination.
- Successful defense of a timeshare company in consumer class actions alleging statutory violations and common law claims.
- Won summary judgment for a franchisor in a breach of license agreement case related to site termination.

Sports and Entertainment

- Counsel for professional athlete on claims for breach of contract and unauthorized use of name, image and likeness.
- Pre-litigation counsel for claim against professional athlete arising out of personal services contract.
- Obtained a verdict after a two-week jury trial of $8.9 million in favor Michael Jordan against Safeway and Dominick's for the unauthorized use of his identity in an ad published in a *Sports Illustrated* commemorative issue celebrating Michael Jordan's induction into the Basketball Hall of Fame.
- Successful prosecution of claims by Michael Jordan against Supervalu and Jewel food stores for the unauthorized use of his identity in an ad published in a *Sports Illustrated* commemorative

issue celebrating Michael Jordan's induction into the Basketball Hall of Fame.

- Successful prosecution of claims against Samsung for the unauthorized use of Pele's identity in a look-alike ad published in *The New York Times* and other national publications.
- Successful prosecution of claims against Fox Broadcasting Company for the unauthorized use of Muhammad Ali's identity in a promotional video broadcast during the pregame show before the Super Bowl.
- Won summary judgment for Warner Bros. on its claims for infringement of its copyrights in *The Wizard of Oz*, *Gone with the Wind*, and the *Tom and Jerry* cartoons.
- Successful defense in an evidentiary hearing of a motion for a preliminary injunction to enjoin the release of Warner Bros.' movie *The Hangover Part II* based on a claim of copyright infringement by the tattooist who created Mike Tyson's facial tattoo.

Other significant litigation experience

- Obtained dismissal with prejudice of alleged consumer class action against retail chain alleging unfair business practices with regard to warranty program.
- Team member for successful resolution of client's claim for damage to seed and herbicide business caused by defendant's GMO contamination, after the court dismissed the defendant's $850 million counterclaim.
- Successful defense of trust company in lawsuit seeking reimbursement for alleged breach of fiduciary duty and mismanagement of trust funds.
- Successful defense of a transportation company in tort lawsuits alleging serious and permanent physical injuries.
- Successful defense of product manufacturers in numerous tort lawsuits alleging personal injuries.

Boards, Memberships & Certifications

- American Bar Association, Antitrust Law Section
- American Bar Association, Forum on Franchising
  - Nominating Committee Member (2021)
  - Information Committee Member (2018-present)
- Chicago Council of Lawyers
  - Board of Governors & Executive Committee Member (2015-2025)
  - President (2015-2016)
- DRI, Retail and Hospitality Committee
  - DRI, Retail and Hospitality Committee – Chair (2022 – 2023)
  - DRI Retail and Hospitality Steering Committee, Vice-Chair (2020-2022)
  - DRI Retail and Hospitality Seminar, Program Chair, Orlando, Fla. (2020)
  - DRI Retail and Hospitality Seminar, Program Vice-Chair, Orlando, Fla. (2019)
  - DRI Retail and Hospitality Seminar, Marketing Chair, Chicago, IL (2016)

Professional Activities

Ann is committed to providing legal representation to individuals and organizations that cannot afford to hire legal assistance, and she is very active in pro bono matters.

In 2021, Ann received the Award for Excellence in Pro Bono Service from the Judges of the U.S. District Court for the Northern District of Illinois in recognition of her outstanding commitment to pro bono representation.

She regularly accepts court appointments for indigent civil rights plaintiffs and has tried a Section 1983 civil rights case to verdict in the Central District of Illinois. She has argued before the Georgia

Supreme Court while representing a death row inmate in Georgia, assists with various family and housing law matters through Chicago Volunteer Legal Services (CVLS), and works with the Illinois Prison Project on a variety of matters.

Publications, Presentations & Recognitions

Publications

- "More Like a Chess Match, a Poker Game, or Family Feud? Preparing Representatives of Franchise Entities for Rule 30(b)(6) Depositions," ABA Franchise Law Journal, Vol. 42, No. 1 (Summer 2022)
- "General Provisions," chapter in The Annotated Franchise Agreement (co-author), ABA Forum on Franchising (Nov. 19, 2018)
- "The 7 Step Guide To Tackling Tough Topics In Jury Selection," publication for ABA Women of the Section of Litigation (2015)
- "Discovery," published in Class Actions (co-author), Illinois Institute for Continuing Legal Education (2013)

Presentations

- "Update on Significant Court Decisions and Pending Dispute Resolution Proceedings in the Hotel & Lodging Industry," Hotel & Lodging Legal Summit 2026, Georgetown Law, Washington, DC (Oct. 23, 2026)
- "Annual Developments in Franchise and Distribution Law, ABA 48th Annual Forum on Franchising," Orlando, Florida (Oct. 16, 2025)
- "The Long Arm of the Law: The Extraterritorial Scope of State Franchise Registration and Disclosure and Relationship Laws in Litigation," ABA 45th Annual Forum on Franchising, San Diego, California (Nov. 2-4, 2022)
- "I'm Not Your Lawyer and Other Friendly Greetings: The Ethics of Communicating with Unrepresented Parties," 2022 DRI Retail and Hospitality Litigation Seminar, Atlanta, Ga. (Jun. 24, 2022)
- "Ethics of Joint Representation: Representing Franchisors, Franchisees, and Their Officers, Employees and Affiliates in Litigation," American Bar Association, Forum on Franchising, Virtual Program (Oct. 30, 2020)
- "You Want To Inspect What? How Businesses Are Balancing Privacy, Service & Security After The Recent Mass Shootings," American Bar Association Webinar, Forum on Franchising (Jan. 19, 2019)
- "What's New in Retail Litigation," DRI Annual Meeting, San Francisco, Calif. (Oct. 19, 2018)
- "The Most Common Post-Relationship Disputes," ABA 41st Annual Forum on Franchising, Nashville, Tenn. (Oct. 10, 2018)
- "Cain v. Abel, Dealing with Sibling Rivalries in Family Owned Businesses," American Bar Association Webinar (Apr. 19, 2016)
- "Race, Sex, and Bad Behavior: Tackling Tough Topics in Jury Selection," presentation at ABA Women of the Section of Litigation (2015)
- "Class vs. Collective Actions: A Distinction With A Difference," presentation at DRI Retail and Hospitality Seminar (2015)
- "Should I Stay Or Should I Go Now? The Complexity of Removal," presentation at ABA Women of the Section of Litigation (2014)

Recognitions

- The Best Lawyers in America, *Best Lawyers* (2024-2025)
- Client Service All-Star, BTI Consulting Group (2022)
- Emerging Lawyer, Law Bulletin Publishing Company's *Leading Lawyers* (2016-2025)
- Who's Who Legal – Franchise, *Law Business Research* (2019-2025)

Bar Admissions

Illinois
Missouri

Court Admissions

US Court of Appeals, D.C. Circuit
US Court of Appeals, Federal Circuit
US Court of Appeals, 7th Circuit
US Court of Appeals, 8th Circuit
US District Court, Central District of Illinois
US District Court, Northern District of Illinois (Trial Bar)
US District Court, Eastern District of Michigan
US District Court, Eastern District of Missouri
US District Court, Western District of Missouri
US District Court, Northern District of Ohio
US District Court, Eastern District of Wisconsin