Tucker Ellis LLP



Daniel C. Curth

Counsel

233 South Wacker Drive,
Suite 6950
Chicago, IL 60606-6395

D 312.256.9438
F 312.624.6309
daniel.curth@tuckerellis.com

Daniel Curth is an experienced litigator who obtains successful outcomes for clients across a wide range of disputes in state and federal courts and in arbitration.

Dan's practice is focused on resolving disputes between businesses, with a particular focus on disputes relating to real estate, land use, and construction. Dan also has extensive experience representing clients in bankruptcy litigation, including the prosecution and defense of preference and fraudulent transfer claims.

In addition to Dan's business and bankruptcy litigation practice, he represents both individuals and executors in connection with pursuing and defending challenges to wills, trusts, and other testamentary dispositions of assets, and represents individual and corporate trustees in pursuing and defending against breach of fiduciary duty claims. As trust litigation counsel, he counsels trustees on how to avoid and – if necessary – pursue or defend litigation involving a variety of trust assets and investments.

Education

- University of Michigan Law School (J.D., 1995)
- Michigan State University (B.A., 1992)

State Admissions

- Illinois, 1995

Federal Admissions

- United States Court of Appeals, Seventh Circuit
- United States Court of Appeals, Ninth Circuit
- United States District Court, Northern District of Illinois
- United States District Court, Central District of Illinois
- United States District Court, District of Colorado
- United States District Court, Eastern District of Michigan
- United States District Court, Western District of Michigan

Service Areas

- Business Litigation
- Real Estate
- Construction
- Estates, Trusts & Probate
- Bankruptcy
- Estate, Trust, and Fiduciary Litigation

Experience

- Obtained a dismissal with prejudice of all claims asserted against a general contractor in connection with litigation alleging latent defects in the construction of a nursing home
- Obtained a judgment at trial against the builder of a custom home for its breach of the warranty of habitability arising out of the defective design and installation of the home's HVAC system
- Obtained a preliminary injunction for a family trust in litigation over corporate control of a business in which the trust had a substantial investment
- Obtained a summary judgment order for $6.9 million in favor of lender and against borrower and personal guarantor that also defeated all affirmative defenses and counterclaims they asserted.
- Negotiated a successful resolution of a dispute between a painting subcontractor, its general contractor, and its bonding company over additional costs incurred as a result of the discovery and abatement of undisclosed asbestos and lead paint
- Successfully transferred a media-generating construction defect claim from a public forum to a private arbitration forum where claims were favorably resolved without additional negative media attention
- Obtained a favorable settlement for family-member trustees in pursuing claims of breach of fiduciary duty against a corporate trustee
- Obtained a favorable settlement of a will contest on behalf of a sole heir to a mother's estate based on lack of testamentary capacity and insane delusions where the mother – with a long-standing and well-documented history of mental illness – did not provide for the heir in her estate plan
- Settled a construction design defect lawsuit for five figures, after getting order barring plaintiff's expert witness, where initial settlement demand exceeded $4 million
- Obtained $34 million judgment after trial over construction delays
- Obtained $1.72 million judgment after trial on fraudulent transfer claims

Publications & Events

SPEAKING ENGAGEMENTS

- "Creditors' Rights: What You Need to Know to Get Paid," National Association of Construction Auditors Annual Conference, Nashville, Tennessee (September 2021)

Honors

- Illinois Super Lawyers® (2015–2024)