



## Nicholas A. Casto

Partner

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Nicholas Casto is a partner in Ice Miller's Litigation Group and a first-chair trial lawyer who helps clients resolve complex commercial disputes and protect critical business assets. He represents companies across the manufacturing, real estate, and private equity sectors in litigation involving customer, distributor, licensee, broker, investor, and employment relationships. He also defends clients against claims such as fraud, breach of fiduciary duty, and other business torts, and regularly assists companies in protecting trade secrets and other intellectual property.

In addition to his commercial litigation practice, Nick has significant experience defending manufacturers in product liability matters involving recreational equipment, medical devices, and industrial machinery.

Nick has secured numerous trial victories for clients. His representative results include:

- Obtaining a trial judgment and money damages for an investor in litigation arising from a \$2.8 billion private equity transaction in the Delaware Court of Chancery.
- Winning a permanent injunction and damages for a manufacturer in a dispute with a former distributor.
- Securing a defense verdict for an insurer in a bench trial involving bad faith claims.
- Obtaining a defense verdict for a client accused of breaching a joint venture agreement.
- Obtaining a defense jury verdict for a commodity seller in a dispute over a long-term supply agreement.

Outside the trial context, Nick recently achieved summary judgment for a manufacturer in a personal injury case involving a leg amputation, and judgment on the pleadings for a buyer in an earnout dispute.

Nick graduated with distinction from the University of Michigan in 2009 with a B.A. in English and earned his juris doctor, *cum laude*, from the University of Michigan Law School in 2012. During law school, he served as a contributing editor for the *Michigan Journal of Law Reform* and interned with the Ann Arbor City Attorney's Office.

### Services & Industries

- Class Actions
- Commercial Litigation
- Litigation
- M&A and Private Equity Litigation
- Products Liability
- Real Estate Litigation
- Trademark
- Transportation, Distribution & Logistics
- Software, eCommerce & Technology Transactions

He is a former President of the Chicago Public Library Foundation's Associate Board and continues to serve on the board.

## Education

- University of Michigan (B.A., 2009)
- University of Michigan Law School (J.D., 2012)

## Admissions

- Illinois
- United States District Court - Northern District of Illinois
- United States Court of Appeals - Seventh Circuit

## Professional Affiliations

- Member, Chicago Bar Association
- Member, Illinois State Bar Association

## Awards & Honors

- Illinois *Super Lawyers* Rising Star, 2022

## Community Involvement

- Former President, Chicago Public Library Foundation Associate Board
- Associate Board Member, Illinois Lawyers Assistance Program

# Success Stories

## Ice Miller Represents White Wolf Capital Portfolio Company in Its Acquisition of Magenta

Ice Miller represented NewCo Plastics, a custom molded plastic parts manufacturer, and the portfolio company of White Wolf Capital Group, Inc., in its acquisition of Magenta and its affiliates, Permian Plastics LLC and MM Plastics LLC. Magenta and its affiliates provide a diversified custom injection plastic molding solution for customers within a wide array of target markets, including the healthcare, personal care, food and beverage, biotechnology, and chemicals industries.

The Ice Miller team was led by private equity partners Thomas Kesoglou and Sam Raboy, with additional support from the deal team of Chelsea Abramowitz, John Acquaviva, Barbara Bacon, Holiday Banta, Greg Barr, Jared Berkle, Paul Bittner, Sid Bose, Ben Burdick, Nick Casto, Terri Czajka, Grace Dahm, Kayla Ernst, George Gasper, Ben Goodman, Thomas Green, Brian Harvey, Ida Hyvarinen, Nancy Kartos, Brian Korman, Matthew Kriege, Cody Laska, Jackie Lesser, Amy Luce, James McDonough, Jackie Perrotta, Nicholas Reuhs, Devin Routie, Lisa Samblanet, Kathleen Scheidt, Brian Schultz, Connor Skelly, Dale Stackhouse, and Mike Tirman. Xuan Feng, who was a law clerk at the time, also assisted with the deal.

Ice Miller has represented White Wolf Capital, a private investment firm, in a multitude of transactions focusing on investment opportunities in North America across several industries, including manufacturing, business services, information technology, security, and aerospace and defense.

## Ice Miller Represents Forge Biologics in \$620M Acquisition by Ajinomoto

Forge Biologics Holdings, LLC, a Columbus, Ohio-based premier gene therapy contract development & manufacturing organization, has been acquired by the Ajinomoto Group, a Japanese multinational food and biotechnology public company, in an all-cash \$620M deal.

The Ice Miller deal team was led by Edward Braum and Dann Bruno, with additional corporate support from

Erik Olson, Kevin Burns, Ben Goodman, Chris Michael, Chelsea Abramowitz, Brigid Sharek, Huidi Shu, and Lisa Samblanet. Kathleen Scheidt, Dan Corsaro, Nick Casto, Sean Kim, Holly Banta, Cathy Strauss, Anthony Aaron, Grace Dahm, Nick Reuhs, and Brian Harvey provided specialist support.

Ice Miller has represented Forge since its inception in 2020 through its various rounds of venture capital financing, including its \$40M Series A financing in 2020, \$120M Series B financing in 2021, and \$90M Series C financing in 2022. Ice Miller Business Group partners Edward Braum and Sean Kim have represented Forge through its growth, with Ed overseeing the structuring and financing of the company, and Sean facilitating licensing and day-to-day commercial transactions.

This representation further highlights Ice Miller's rapidly growing life sciences practice, with the acquisition placing Forge in a position for long-term growth. The transaction also supports Ajinomoto's desire to extend its development and manufacturing of gene therapies worldwide.

## **Arjo**

Arjo is a global, market-leading supplier of medical devices, services and solutions that help to improve quality of life for people with reduced mobility and age-related health challenges. Arjo creates value by improving clinical outcomes for patients and enabling a better work environment for health care professionals.

While Arjo focuses on improving the health and well-being of others, Ice Miller serves as Arjo's outside counsel in the U.S. and Canada to make sure the company is legally healthy as well.

Arjo's main customers are private and public acute and long-term health care institutions. Arjo endeavors to deliver solutions to improve clinical results and higher financial value by developing programs with considerations toward future demographic trends and stricter regulatory requirements. Its offering includes preventative solutions for caregiver injuries, patient injuries, falls, venous thromboembolism, pressure ulcers and infections. With these solutions in mind, Arjo provides medical equipment including medical beds, patient transfer solutions, hygiene systems, vascular therapy products, disinfection products, diagnostics products and therapeutic support systems.

With U.S. headquarters in Addison, Illinois and primary headquarters in Malmö, Sweden, Arjo serves customers in more than 100 countries and has more than 6,200 employees worldwide.

Ice Miller currently serves as Arjo, Inc.'s primary U.S. outside legal counsel. When Ice Miller began the client relationship with Arjo, one of our corporate attorneys assisted Arjo on-site, learning the business and being available to support the in-house attorneys. Since that time, several Ice Miller attorneys have provided Arjo with legal counsel in a multitude of areas including labor and employment, data privacy and security, commercial transactions and corporate and regulatory issues.

Through our relationship, Ice Miller has learned Arjo's industry and assists the company with legal matters across the U.S. and Canada. We have maintained a diverse legal team to assist Arjo, which reflects on the diversity of Arjo's own personnel. Arjo has various point people at Ice Miller in different practice areas who route work to other attorneys and practice areas as necessary. We also work cooperatively and effectively with Arjo's other outside counsel and advisors.

## **Thought Leadership**

January 4, 2021

**Seventh Circuit Provides Guidance for Interpreting Ambiguous "Adequate Assurances" Under U.C.C. Section 2-609**

March 30, 2020

**Supplier Rights and Remedies When Dealing with Financially Troubled Customers**