

J. Timothy Eaton

PARTNER / CHICAGO

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Tim has a distinguished career in commercial and appellate litigation, as well as arbitration, and has been involved in a number of high-profile cases. He has tried cases in both state and federal courts and before arbitration panels for over 35 years. Some of these cases have involved:

- Multi-million dollar contract, joint venture and lease disputes.
- Complex coverage issues.
- Class actions.
- Significant constitutional questions.
- All varieties of employment-related claims.
- Equitable causes of actions, including injunctions.
- Bankruptcy fraud.
- Environmental claims.

He is a former chair of the Illinois State Bar Association Section on Civil Procedure and is a member of the Chicago Bar Association Commercial Litigation Committee. He has been listed as a *Leading Lawyer* in Commercial Litigation for over 10 years. In the 2014 *Leading Lawyers*, he was listed as the second most often recommended lawyer in the state in Civil Appellate Law and the sixth most often recommended lawyer in the state in ADR Law: Commercial Neutrals.

Tim has handled hundreds of appeals before the Illinois Supreme Court, Seventh Circuit Court of Appeals and the Appellate Court of Illinois. He is a Fellow of the American Academy of Appellate Lawyers, a past-president of the Appellate Lawyers Association, a former editor-in-chief of the *Appellate Lawyers Law Review* and a past chair of the ABA TIPS Committee on Appellate Practice. He also recently served on the ABA Amicus Briefs Committee. In addition, Tim co-authored a book on civil appellate practice.

Tim is also an active arbitrator for the American Arbitration Association and is on the Panel of Distinguished

Practices

Appellate
Commercial Litigation

Education

Southern Illinois University School of Law (1977)
Washington University School of Law (LL.M.) (1979)
Miami University of Ohio (1973)

Admissions

Federal - U.S. Supreme Court
Federal - 7th Circuit Court of Appeals
Federal - Northern District of Illinois
Federal - Central District of Illinois
Federal - Southern District of Illinois
State - Illinois

Neutrals for the International Institute for Conflict Prevention and Dispute Resolution. He is a Fellow of the College of Commercial Arbitrators and a member of the National Academy of Distinguished Neutrals.

Tim was named a 7th Circuit Litigation Star in the *2012 Benchmark Appellate Lawyers* publication and was named *Best Lawyers' 2010 Chicago Appellate Lawyer of the Year*. He has also been named to the Illinois *Super Lawyers* list every year since 2005. Tim has authored more than 60 law review articles and bar publications focusing on commercial litigation, appellate and arbitration issues. He is a frequent lecturer on appellate and arbitration practice.

Notable Matters

Significant Commercial Litigation Representations:

- A Fortune 100 company in matters in federal district court in Boston involving the discharge of a \$6 million claim in bankruptcy.
- A Fortune 500 company in a:
 - \$40 million claim in the Commercial Division of Cook County arising from claims of a quasi-joint venture in Poland.
 - \$250 million breach of contract claim arising from a quasi-joint venture.
 - A multi-million dollar joint venture in a contract dispute before the International Centre for Dispute Resolution.
- An ESOP in a multi-million dollar ERISA claim in the Northern District of Illinois based upon breaches of fiduciary duties by a former owner and trustee.
- A securities brokerage firm in claims involving breach of fiduciary duty and tortious interference with contract.
- A major investment house in litigation of alleged breaches of trust indenture agreements, contracts, and securities documents.

Recent Appellate Representations:

Seventh Circuit Court of Appeals

- *United States ex rel. Pileco, Inc. v. Slurry Systems*, (2016) (Represented a foreign manufacturer on breach of contract claims.)
- *Chicago Teachers Union, Local No. 1 v. Board of Educ. of City of Chicago*, (2015) (Represented Board of Education in class certification issue.)
- *Charlene Craig, et al. v. FedEx Ground Package System Inc.*, (2015) (Represented a Fortune 500 company in multiple class action appeals involving employment classification status arising from an MDL.)

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- *Philadelphia Indemnity Ins. Co. v. Chicago Title Insurance Company and Western Capital Partners, LLC*, (2014) (Represented a title company in an insurance coverage dispute with an insurance carrier.)
 - *Corey H. v. Chicago Bd. Of Educ.*, (2013) (Represented Board of Education whether a consent decree shall be continued based upon a change in the law.)
 - *Minn-Chem, Incorporated, et al. v. Agrium Incorporated, et al.*, (2012) (Represented a group of domestic agricultural companies on a plaintiff's anti-trust claim.)
 - *Janice M. Howland and Scott Tegtmeyer v. First American Title Insurance Company*, (2012) (Represented a plaintiff's class from the denial of a class certification.)
 - *ATA Airlines, Inc. v. Federal Express Corporation*, (2011) (Represented a Fortune 500 company in an appeal from a \$70 million breach of contract jury verdict.)
 - *Thompson v. Memorial Hospital of Carbondale*, (2012) (Represented hospital in alleged discrimination allegations.)
 - *Bowens v. Quinn*, (2009) (Represented a former governor of Illinois regarding his parole and pardon powers.)
 - *American River Transp. Co. v. Ryan*, (2009) (Represented a Plaintiff in a maritime matter.)
 - *Illinois School Dist. Agency v. Pacific Ins. Co. Ltd.*, (2009) (Represented school district agency in a coverage dispute.)
 - *Ridge Chrysler Jeelp, LLC v. DaimlerChrysler Financial Services Americas LLC*, (2008) (Represented a distributor in an alleged wrongful termination case.)
 - *Certain Underwriters at Lloyd's London v. Argonaut Ins. Co.*, (2007) (Represented an insurer in a coverage dispute.)
 - *Toledo, Peoria & Western Ry v. Surface Transportation Bd.*, (2006) (Represented a railroad in an administrative review matter.)
 - *Schmude v. Sheahan*, (2005) (Represented an attorney in a sanctions matter.)

Supreme Court of Illinois

- *Yarbrough v. Northwestern Memorial Hospital* (2017) (Filed amicus brief for area hospital on liability issue.)
- *Bueker v. Madison County*, (2016) (Represented a surety company on the standing of taxpayers to bring action against the insurer directly on a surety policy for a public official.)
- *J&J Ventures Gaming, LLC v. Wild, Inc. et al.*, (2016) (Represented a video gaming operator on the jurisdiction of state courts over-pre-license agreements.)

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- *Jones v. Municipal Employees' Annuity & Benefit Fund of Chicago, et al.*, (2016) (Represented a laborers' pension fund on the constitutionality of a state statute.)
 - *Illinois Competitive Energy Association et al. v. Illinois Commerce Commission, et al.*, (2016) (Represented an independent energy provider in an electric energy market regulation dispute concerning the authority of Illinois Commerce Commission to compel independent energy providers to purchase energy from agency-dictated sources.)
 - *Matthews v. Chicago Transit Authority*, (2016) (Represented a public transportation company on pension-related issues.)
 - *O'Toole v. The Chicago Zoological Society d/b/a Brookfield Zoo* (2015) (filed amicus brief on behalf of Lincoln Park Zoological Society, Chicago Park District, Chicago Horticultural Society and the Forest Preserve on issues relating to immunity.)
 - *Folta v. Ferro Engineering*, (2015) (Represented a plaintiff on the applicability of the Workers Compensation Act's statute of limitations.)
 - *ISBA v. Tuzzolino*, (2015) (Represented an insurance company regarding a rescission issue.)
 - *Goldfine v. Barrack, Ferrazano, Kirschbaum & Perlman et al*, (2014) (Represented a Chicago law firm in a legal malpractice case involving the application of a state securities law to damages.)
 - *Pusateri v. Peoples Gas Light & Coke Company*, (2014) (Represented a utility company involving the validity of a whistle-blower's claim.)
 - *Shahid R. Khan, et al. v. Deutsche Bank*, (2012) (Represented a major bank regarding fiduciary duties and statute of limitations involving a tax shelter.)
 - *Citizens Opposing Pollution v. ExxonMobil Coal, USA*, (2012) (Represented a major oil company involving an environmental cleanup issue.)
 - *Powell v. Dean Foods Company, et al.*, (2012) (Represented a plaintiff in a production liability case where the issue was the substitution of judge motion.)
 - *Weems v. American Federation of State, County and Municipal Employees, Council 31*, (2012) (Represented a government official regarding an injunction barring the closing of a state prison.)
 - *Walter Fennell v. Illinois Central Railroad Company*, (2012) (Represented a plaintiff in an asbestos lawsuit on the issue of *forum non conveniens*.)
 - *Cynthia Simpkins v. CSX Transportation*, (2012) (Represented a plaintiff in an asbestos case involving second-hand exposure.)
 - *Michael E. Avery, et al. v. State Farm Mutual Automobile Ins. Co.*, (2011) (Represented a major insurance company regarding a recusal issue on the court.)

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- *Caro ex rel. State v. Blagojevich*, (2008) (Represented a former governor regarding the legality of a health care program.)
 - *Beverly Sugar Young, et al. v. North Shore Gas Company*, (2007) (Represented a Chicago utility in a mass tort action involving a foreclosure issue.)
 - *VPOS v. Ginger Haas and Legacy Incorporated*, (2007) (Represented a mid-sized company regarding the applicability of Rule 216 sanctions for an unrelated discovery violation.)
 - *Sonia DeLuna, et al. v. Eloy Burciaga and Barbara Clinite and Michael Rath sack*, (2006) (Represented a lawyer on a statute of repose issue in a legal malpractice case.)
 - *Sharon Price and Michael Fruth, et al. v. Phillip Morris Incorporated*, (2005) (Represented all (an) Illinois law school on the issue of a *cy pres* award in a class action.)
 - *Eychaner, et al. v. Theodore Gross, et al.*, (2002) (Represented a Chicago University over the issue of donor intent in creating a trust.)
 - *People v. Philip Morris, Inc.*, (2001) (Represented a Chicago law firm over the issue of jurisdiction of a multimillion dollar attorney's lien petition in the tobacco litigation settlement.)

Speeches and Publications

- Co-Author, "A Fresh Look at Supervisory Orders," *Illinois Bar Journal* (July 2018).
- Author, "To Appeal a Denial of a Summary Judgment Motion...When the Case Goes to Trial, Must you Renew that Issue at Trial: The Seventh Circuit Says No When the Basis for Denial was a 'Purely Legal Issue'" *The Circuit Rider* (Nov. 2016).

Awards

- Listed in *Best Lawyers in America*, Appellate, Commercial Litigation
- Rated by Illinois *Super Lawyers*
- Listed in *Leading Lawyers*
- Recognized in The National Academy of Distinguished Neutrals

Professional Affiliations

- Chicago Bar Association Past President
- Illinois State Bar Association Past President

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- Appellate Lawyers Association Past President
 - Seventh Circuit Bar Association Past Member, Board of Governors
 - American Bar Association Board of Governors
 - Illinois Lawyers Trust Fund Past President