



Timothy D. Elliott

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Tim maintains a national trial and appellate practice. He has tried more than 50 cases in state and federal courts in 25 states. He also has handled dozens of appeals across the country. Tim is often retained by clients in cases involving significant reputational risk, large damages claims, investigations by government regulators and/or class actions.

Tim's peers consistently rank him as one of Illinois' top litigators. He has been named an Illinois Super Lawyer each of the last six years and was named one of Illinois' top 40 lawyers under 40 by the *Chicago Daily Law Bulletin* in 2011. Said one competitor who recommended that his client retain Tim to argue an appeal:

Elliott's argument was masterful, polished and articulate.... The result speaks for itself: Elliott persuaded the appellate court to reverse the trial court one day after oral argument.

Tim also actively participates in public service and *pro bono* work. Tim currently serves on the board of trustees for the DuPage Foundation, DuPage County's largest philanthropic foundation. From 2016-2020, Tim served on the DuPage County Board (which manages a \$430 million budget in a county with 950,000 residents). He has also previously served on the board of Metropolitan Family Services of DuPage, one of DuPage County's largest social services organizations, as President of the DuPage Historical Museum Foundation (2010-2014), member of the DuPage Water Commission (2008-2010) and Glen Ellyn Village Trustee (2013-2016). The Seventh Circuit regularly appoints Tim to represent indigent parties in criminal and civil appeals.

Practice Areas

- Litigation/Appellate

Education

- Harvard Law School (J.D., 1996) *cum laude*
- Miami University (B.A., 1992) *magna cum laude*

Bar Admissions

- 1996 Illinois Supreme Court
- 1996 U.S. District Court for the Northern District of Illinois
- 1998 U.S. District Court for the District of Arizona
- 1999 U.S. District Court for the District of Colorado
- 2001 U.S. District Court for the Western District of Michigan
- 2002 Trial Bar for the Northern District of Illinois
- 2003 U.S. Court of Appeals, Seventh Circuit
- 2003 U.S. Court of Appeals, Third Circuit
- 2004 U.S. Court of Appeals, Fifth Circuit

Board Service and Memberships

- DuPage Foundation (2021-present)
- DuPage County Board (2016-2020)
- Metropolitan Family Services of DuPage Board (2012-2019)
- Glen Ellyn Village Board (2013 – 2016)
- Glen Ellyn Plan Commission (2012 - 2013)
- Board Member, DuPage Water Commission (2008 – 2010)
- DuPage County Historical Museum
 - Board President (2010 – 2014)
 - Board Member (2008-2009)

Awards & Achievements

- Senior Fellow, Litigation Counsel of America (2018-present)
- Recognized as one of Illinois' Top 40 Lawyers under age 40 by *Chicago Daily Law Bulletin* (2011)
- Illinois Super Lawyers, Rising Star (2008 – 2011)
- Illinois Super Lawyer (2013 – present)

Prior Work Experience

- Kirkland & Ellis, LLP - Partner (2002 - 2005)
- Kirkland & Ellis, LLP - Associate (1996 - 2002)

Classes, Seminars & Presentations

- Loyola University School of Law Adjunct Faculty: Appellate Advocacy (2003 - 2004)

Representative Matters

- *PML v. Village of Hawthorn Woods*, Tim served as lead counsel for the Village of Hawthorn Woods in the Illinois Appellate Court and Illinois Supreme Court and successfully secured reversal of trial court's dismissal of the Village's claims.

- *M.U. v. Team Illinois*, Tim then served as appellate counsel before the Illinois Appellate Court and Illinois Supreme Court in a case of first impression regarding the scope of public accommodations under the Illinois Human Rights Act.
- *Commonwealth Servicing Group LLC et al. v. Connecticut Department of Banking*, Tim was lead appellate counsel before the Connecticut Supreme Court, which issued a unanimous ruling in favor of his clients Commonwealth Legal Group and Commonwealth Client Services. The Court accepted Tim's argument that the Department of Banking lacked authority to regulate the practice of law in Connecticut and upheld Commonwealth's right to judicially challenge the Department's jurisdiction.
- *EFN Calumet City Properties, LLC v. City of Calumet City*, Tim served as trial counsel in a bench trial where the court awarded over \$600,000 in damages to Rathje Woodward client EFN Calumet City Properties. The court rejected the City's argument that the parties' economic development agreement was invalid, and further held that the City was wrongly seeking to interpose a condition precedent into the agreement.
- *Suisse Bancorp, Inc. v. Zellner, et al.* Tim served as lead trial counsel for Kathleen Zellner in a three-day bench trial that resulted in a complete defense judgment for his client. Suisse Bancorp sought over \$20 million allegedly owed by Zellner. The court accepted Zellner's argument that the amounts claimed were based on an invalid contract.
- *David Kahn v. Harold Ramis Productions, et. al.* Tim served as lead counsel representing loan-out companies associated with a prominent actor, screenwriter, and director. The majority of the plaintiff's claims were dismissed on summary judgment and Tim was able to secure a very favorable settlement on the remaining claims.
- *Bad River Band of the Lake Superior Tribe of the Chippewa Indians v. Enbridge Energy*, In 2023, Tim filed an amicus brief in the Seventh Circuit on behalf of certain law professors who argued that a \$5 million restitution award against Enbridge for trespass was unreasonably low and inconsistent with federal common law governing restitution.
- *In re College of DuPage*. In April 2015, the College of DuPage (Illinois' second-largest public higher education institution with nearly 30,000 students) appointed Tim as its outside counsel. At the time, COD faced multiple investigations by state and federal regulators, accreditation bodies and law enforcement agencies. Tim worked closely with the College's board and administration to respond to those investigations, implement new policies and procedures and transition to new leadership.
- *Peter Francis Geraci v. Thomas Macey, et al.* Tim served as lead trial counsel in an eight-day jury trial defeating \$90 million trade secret case brought by nationally recognized attorney Peter Francis Geraci. In a related proceeding Tim recovered nearly \$100,000 in fees as a sanction against Geraci's counsel.
- *In re Ameriquest Mortgage Lending Practices*. Between 2007 and 2017, Tim represented Mortgage Information Services in over 90 cases that were consolidated in

a federal MDL proceeding. Tim ultimately secured dismissal of all 90 claims against MIS without MIS paying a penny in judgments or settlements.

- Beginning in 2013, Tim defended two national law firms and several of their members in over 20 separate state regulatory enforcement actions and private class action lawsuits seeking tens of millions of dollars. Tim and his team aggressively defended those actions and secured favorable settlements in all of them.
- Tim represented Cronimet and two of its executives in a lawsuit alleging Cronimet had wrongfully hired the executives and misappropriated various trade secrets. Tim successfully argued that the executives' employment agreements were void and secured dismissal of the competitor's contract, unfair competition and tortious interference claims. *Cronimet Holdings, Inc. v. Keywell Metals, LLC*, 73 F. Supp. 3d 907 (N.D. Ill. 2014).
- On behalf of debtor Conseco, Tim successfully challenged over \$100 million in claims brought by the company's former senior management. After the bankruptcy court invalidated the claims, Tim argued the case before the Seventh Circuit, which affirmed the lower court's ruling. *Dick v. Conseco, Inc.*, 458 F.3d 573 (7th Cir. 2006).
- Tim served as lead trial counsel in a two-week trial for two real estate investors who had been defrauded by their partners. Tim secured a judgment of over \$1 million, which he successfully defended on appeal. *Thorne, et al. v. Riggs, et al.*, 2013 IL App (3d) 120244-U.
- Tim served as lead trial counsel in a week-long trial for a landlord seeking to reform several commercial leases. The court awarded judgment in favor of Tim's clients on nearly all claims, which judgment he successfully defended on appeal. See *Stratford Medical Center, LLC v. Miller, et al.*, 2012 IL App. (2d) 100999-U. Tim then successfully enforced the judgment against a tenant who relocated to Louisiana and attempted to evade payment by filing a bankruptcy petition. See *Stratford Medical Center, LLC v. Miller, et al.*, 2011 WL 1114258 (N.D. Ill. 2011).
- Tim represented an international insurance brokerage firm in lawsuits in Arizona, Idaho and Vermont where the firm successfully enforced non-competition and non-solicitation agreements against former brokers. Tim secured injunctive orders barring the brokers from competing against Tim's client.
- After a five-day trial, Tim secured a \$250,000 fraud judgment in a business partnership dispute. Tim then successfully defeated defendant's attempt to discharge the judgment in bankruptcy. *In re Rashid*, 2014 WL 4922478 (N.D. Ill. 2014)
- Tim represented over one thousand property owners who successfully petitioned to disconnect from the newly-created municipality of Campton Hills. Tim prevailed at trial in several cases, and successfully defended those trial victories on appeal. *In re Petition to Disconnect Certain Territory from Village of Campton Hills*, 386 Ill. App. 3d 355 (2008).

- Tim served as lead counsel for the post-confirmation estate of a food distributor in lawsuits against restaurant franchisees and owners. As a result of several trial victories, favorable summary judgment rulings, and various settlements, Tim's client collected over \$10 million. *See, e.g., AFD Fund v. Lunan Corp.*, 2003 WL 115247 (N.D. Ill. 2003).
- Lead defense counsel for two healthcare providers in a case brought by a journalist who claimed he had lost his job due to the providers' wrongful actions. Tim secured summary judgment on the journalist's defamation and tortious interference claims. *Skolnick v. Correctional Medical Serv., Inc.*, 132 F. Supp. 2d 1116 (N.D. Ill. 2001).
- Trial counsel for hedge fund in its successful effort to block substantive consolidation of five bankrupt telecom debtors' estates. After a lengthy evidentiary hearing, the bankruptcy judge sided with Tim's client and refused to permit consolidation. *In re World Access, Inc.*, 301 B.R. 217 (Bankr. N.D. Ill. 2003).
- On appeal, obtained reversal of trial court's injunction barring a cable and telecom provider from providing service in a high-rise development. *Comcast of California v. Suite Solutions Tech.*, No. 2-09-1012 (Ill. App. Ct. 2009).
- Won appeal of judgment dismissing claims under Illinois Drainage Act on grounds of federal preemption. *Chicago Title Land Trust v. DeRaedt, et al.*, 2013 Ill App (2d) 121193-U, 2013 IL App (2d) 121291-U.