



Timothy D. Elliott

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Tim maintains a national trial and appellate practice. He has tried more than 40 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. Currently, he serves on the DuPage County Board (which manages a \$430 million budget in a county with 950,000 residents). Previously, he served as President of the DuPage Historical Museum Foundation (2010-2014), member of the DuPage Water Commission (2008-2010), the board of Metropolitan Family Services of DuPage, one of DuPage County's largest social services organizations (2012-2019) 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
- Higher Education

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

- Fellow, Litigation Counsel of America (2018-present)
- Trial Law Institute (2020-present)
- Diversity Law Institute (2020-present)
- DuPage County Board (2016-present)
- 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

- Barrister, Order of Veritas (2020)
- Advocate, Order of Certus (2020)
- 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 – 2020)

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

- *Consumer Financial Protection Bureau v. Mortgage Law Group, LLC, et al.* Tim is lead trial counsel defending an enforcement action filed by the Consumer Financial Protection Bureau in which the CFPB is seeking over \$70 million in damages. In April 2016, Tim and a Rathje Woodward team successfully argued that a key portion of the



CFPB regulation at issue was invalid because it exceeded the scope of the CFPB's statutory authority. *See CFPB v. Mortgage Law Group*, 182 F. Supp. 3d 890 (W.D. Wis. 2016). Tim defended the remaining claims in a week-long trial in April 2017.

- *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 general 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. Tim also 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 2016, 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 bench 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, and successfully defended the 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.