



**ERIC W. MOCH**

**Partner**

30 North LaSalle Street, Suite 2900

Chicago, IL 60602

312-205-7712

[emoch@heplerbroom.com](mailto:emoch@heplerbroom.com)

**AREAS OF PRACTICE**

- Insurance
- Governmental & Civil Rights Law
- Personal Injury & Property Damage
- Professional Liability

**EDUCATION**

- The John Marshall Law School, J.D., 1997
- University of Dayton, Bachelor of Arts in History, 1994

**ADMISSIONS**

- Illinois Supreme Court
- U.S. Court of Appeals for the 7<sup>th</sup> Circuit
- U.S. District Court for the Northern District of Illinois

**PRACTICE DESCRIPTION**

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Eric W. Moch focuses his practice on the defense of injury claims involving insurance fraud, including medical provider fraud, organized activity and staged and caused losses, as well as first- and third-party coverage and bad faith defense. His insurance fraud practice entails the defense of insurers and their insureds against fraudulent claims at trial and the pursuit of civil recoveries for liability and workers compensation carriers, which have resulted in financial recoveries against fraud perpetrators for his clients.

Mr. Moch counsels and represents national insurers, businesses, not-for-profit organizations, and individuals in a variety of matters and litigated disputes. He has extensive civil litigation experience in Illinois state and federal courts, including in excess of 40 jury verdicts and several published appeals.

He has also held numerous claims roles in the insurance industry, including as a founding member of a Special Investigation Unit for an international insurer, a role in which he investigated fraudulent claims across a wide range of insurance lines, including workers compensation.

**BAR/PROFESSIONAL ASSOCIATIONS**

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- National Society of Professional Insurance Investigators
  - Board of Directors
  - President and newsletter editor, Illinois chapter

**AWARDS, HONORS & DISTINCTIONS**

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- *Illinois Leading Lawyer* (2017-2018)

**LEGAL LECTURES & PRESENTATIONS**

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- "Fire Investigation for the Insurance Professional," IAAI Fire Investigation Seminar (Champaign IL, 2017)

*(continued on page 2)*

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## LEGAL LECTURES & PRESENTATIONS (Continued)

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- “Fighting Organized Medical Fraud,” HeplerBroom/CPCU Insurance Law & Coverage Seminar (Oak Brook IL, 2017)
- “Updates & Trends: Medical Fraud, Bad Faith and Legal Decisions,” Illinois chapter, International Association of Special Investigations Units (Woodridge IL, 2017)
- Claims managers roundtable (panel moderator), National Society of Professional Insurance Investigators national seminar (Bloomington IL, 2016)
- Medical fraud roundtable, 2<sup>nd</sup> Annual National Society of Professional Insurance Investigators Midwest Medical Fraud Symposium (Indianapolis IN, 2016)

*For a complete list of **Legal Lectures and Presentations**, see attached.*

## REPRESENTATIVE/RECENT CASE RESULTS

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### Appellate Arguments

- Argued before the Illinois Supreme Court on March 15, 2017. Represented Pi Kappa Alpha International Fraternity, Pi Kappa Alpha Corporation, and the Eta Nu chapter at Northern Illinois University in *Bogenberger v. Pi Kappa Alpha, et. al.*, Docket Nos. 120951, 120967 & 120986. Case arose from the alcohol-related death of a student during a social event at the Eta Nu chapter house in November 2012. At issue in the case is the state of social host liability law in Illinois, as well as the scope of the Hazing Act.
- Argued before a three-justice panel of the Court of Appeals for the Seventh Circuit on January 11, 2017. Represented Church Mutual Insurance Company in *Olivet Baptist Church v Church Mutual Insurance Co.*, 16-1689, a breach of contract and statutory bad faith case. Won summary judgment for Church Mutual on all counts, and appellate court affirmed summary judgment on January 13, 2017, just two days after argument.

### Verdicts - Circuit Court of Cook County, Illinois

- Solo trial attorney in defense of bodily injury cases in which plaintiffs alleged permanent neck and back injuries and sought six-figure jury verdicts in excess of applicable policy limits. Both cases involved suspicious chiropractic and diagnostic care, which in some instances was never provided, despite being billed. Jury returned verdicts in favor of plaintiffs in each case but awarded just a fraction of medical bills; both verdicts were well below settlement authority. (*Hilario-Sotero v Wozniak*, 15 L 2910, 2017; *Fox, et. al. v. Berryman*, 14 M1 300835, 2016)
- Solo trial attorney in chancery declaratory judgment action seeking a declaration that State Farm owed no coverage in an uninsured motorist claim because the insured claimants breached the Concealment or Fraud provision of the applicable policy by lying about material facts. The Court entered judgment in favor of State Farm on all counts. (*State Farm v. Johnson and Nichols*, 14 CH 13543, 2016)

*For a complete list of **Representative/Recent Case Results**, see attached.*



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## **Legal Lectures & Presentations**

"Fire Investigation for the Insurance Professional," IAAI Fire Investigation Seminar (Champaign IL, 2017)

"Fighting Organized Medical Fraud," HeplerBroom/CPCU Insurance Law & Coverage Seminar (Oak Brook IL, 2017)

"Updates & Trends: Medical Fraud, Bad Faith and Legal Decisions," Illinois chapter, International Association of Special Investigations Units (Woodridge IL, 2017)

Claims managers roundtable (panel moderator), National Society of Professional Insurance Investigators national seminar (Bloomington IL, 2016)

Medical fraud roundtable, 2<sup>nd</sup> Annual National Society of Professional Insurance Investigators Midwest Medical Fraud Symposium (Indianapolis IN, 2016)

"Fire Investigation for the Insurance Professional: SIU Perspectives," International Association of Arson Investigators joint training seminar (Orland Park IL, 2016)

Medical fraud roundtable, 2<sup>nd</sup> Annual National Society of Professional Insurance Investigators Midwest Medical Fraud Symposium (Indianapolis IN, 2016)

Legal roundtables, National Society of Professional Insurance Investigators national seminars (Louisville KY, 2015; St. Louis MO, 2014)

Faculty member and speaker, Illinois Association of Defense Trial Counsel Deposition Academy (Naperville IL, 2015)

"The Do's and Don'ts of Using Social Media in Candidate Screening," Network of Nonprofit Search Consultants annual conference (Chicago IL, 2014)

"Defending the Investigation in Civil Litigation: Do's and Don'ts for Investigators," Sixth Annual Fire & Arson Investigation Conference for Will, Cook, and Grundy County Fire Investigation Task Force (Joliet IL, 2014)

"Making Sure the Law Doesn't Derail the Mission: Legal Compliance and Liability for Not-for-Profit Organizations," Aurora Regional Chamber of Commerce (2012)

"Bad Faith Trends and Strategies," NSPII Advanced Insurance Fraud Seminar (Downers Grove IL, 2012)



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Solo trial attorney in defense of bodily injury cases in which plaintiffs alleged permanent neck and back injuries and sought six-figure jury verdicts in excess of applicable policy limits. Both cases involved suspicious chiropractic and diagnostic care, which in some instances was never provided, despite being billed. Jury returned verdicts in favor of plaintiffs in each case but awarded just a fraction of medical bills; both verdicts were well below settlement authority. (*Hilario-Sotero v. Wozniak*, 15 L 2910, 2017; *Fox, et. al. v. Berryman*, 14 M1 300835, 2016)

Solo trial attorney in chancery declaratory judgment action seeking a declaration that State Farm owed no coverage in an uninsured motorist claim because the insured claimants breached the Concealment or Fraud provision of the applicable policy by lying about material facts. The Court entered judgment in favor of State Farm on all counts. (*State Farm v. Johnson and Nichols*, 14 CH 13543, 2016)

Solo trial attorney in defense of three bodily injury cases in which each plaintiff alleged significant permanent injuries and sought six-figure jury verdicts well in excess of applicable policy limits. Each case involved suspicious medical care, including multiple epidural injections to spinal discs. Negligence was admitted in all three cases, and in each case the plaintiff demanded full policy limits in settlement of the case. Jury returned a verdict in favor of the plaintiff in each case but awarded just a fraction of medical bills; all three verdicts were well below policy limits. (*Ponce v. Schnell*, 09 L 015581, 2012; *Avila v. Zubia*, 09 L 6076, 2012; *Medina v. Wenc*, 09 L 5046, 2013)

Solo trial attorney in trial of declaratory judgment action alleging an insured committed intentional, material misrepresentations in the submission of a hit and run uninsured motorist claim. Court returned verdict in favor of State Farm and declared the insured voided coverage as a result of his misrepresentations. (*State Farm v. Johnson*, 14 CH 13543, bench trial, 2016)

Solo trial attorney in defense of insurer in a breach of contract and statutory bad faith lawsuit arising from the denial of a fire claim on the basis of fraud and intentional acts policy defenses. Plaintiff sought half a million dollars in damages; jury returned a verdict in favor of State Farm. (*Watt v. State Farm*, 04 L 3377, 2007)

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### Representative/Recent Case Results (Continued)

**Summary Dismissals: Circuit Court of Cook County, Illinois**

Obtained dismissal of plaintiff's Complaint with prejudice on behalf of the Pi Kappa Alpha International Fraternity in a multi-million dollar wrongful death lawsuit arising from the death of a college student at Northern Illinois University in 2012. Case is on appeal. (*Bogenberger v. Pi Kappa Alpha International Fraternity, et. al.*, 13 L 1616)

Obtained dismissal of plaintiff's Complaint with prejudice in a breach of contract and statutory bad faith lawsuit arising from the denial of a claim on the basis of the insured's failure to cooperate in the investigation of a stolen custom motorcycle claim. Dismissal affirmed on appeal [*Piser v. State Farm*, 08 L 9784; 405 Ill.App.3d 341(2010)]

Obtained summary judgment in favor of insurer in a declaratory judgment action. Plaintiff alleged significant Permanent injuries and almost a million dollars in damages as a result of being struck by an underinsured motorist while working as a delivery driver. Argued successfully that the claimant did not satisfy the definition of an insured under the underinsured motorist provision of the applicable policy. Summary judgment affirmed on appeal [*Zurich American Insurance Co. v. Lukacs*, 11 CH 25269; 2013 IL App (1st) 130664-U (2103)]

Obtained summary judgment in favor of insurer in a breach of contract and statutory bad faith lawsuit arising from the denial of a stolen vehicle claim on the basis of fraud and intentional acts policy defenses. Plaintiff did not appeal the dismissal. (*Vastis v. State Farm*, 11 M1 123784)

Obtained summary judgment on behalf of the City of Harvey in a multiple-count civil rights lawsuit in which plaintiffs alleged that the City committed an unconstitutional taking of their land during the enforcement of public nuisance ordinances. Summary judgment affirmed on appeal [*Brewer v. City of Harvey*, 06 L 50892; 236 Ill.2d 502 (2010)]