



## TROY A. BOZARTH

Partner

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Mr. Bozarth focuses his practice on trials involving complex commercial litigation matters, including:

- Class Actions
- Pharmaceutical
- Medical Device
- Products & Agriculture
- Banking
- Antitrust Law
- Jones Act
- Maritime Law

He is a trial lawyer with extensive experience in state and federal courts at both the trial and appellate levels. Mr. Bozarth has tried many cases to verdict, including being part of the trial team for a nationwide class action jury trial. He has appeared before and argued multiple matters in the state and federal appellate courts concerning all aspects of class action jurisprudence. He has successfully defended many CAFA (Class Action Fairness Act) removals, including before the United States Court of Appeals for the Seventh Circuit, and argued against numerous class action certification motions in the

### PRACTICES

- Banking & Financial Services
- Business & Corporate
- Class & Mass Tort Actions
- Commercial Litigation
- Pharmaceutical & Medical Devices
- Products Liability
- Securities & Financial Litigation

### BAR ADMISSIONS

- Illinois
- United States Supreme Court
- U.S. Courts of Appeals for the
  - 7th Circuit
  - 8th Circuit
- U.S. District Courts for the
  - Northern District of Illinois
  - Central District of Illinois

state and federal courts in which he practices.

#### Petition for Certiorari

- First Bank v. DJL Properties

## Results

- Obtained favorable opinion from the Illinois Appellate Court, Fifth District. This case, a matter of first impression in Illinois, involved National Bank Act Preemptions and the application of the Riegal Niel Act and Illinois State Parity statutes to an out-of-state bank. It was the first and only case of its kind in Illinois. [*Johnson v. First Bank*, 382 Ill.App.3d 907, 89 N.E. 2d 233, 321 Ill. Dec. 329 (5th Dist. April 18, 2008)]
- Successfully argued against class certification. Plaintiff argued defendant engaged in a "Silent PPO" and unjustifiably reduced payments to the class through applying PPO discounts it did not deserve. The Southern District of Illinois court found that plaintiff's claims for breach of contract, unjust enrichment, and ICFA (Illinois Consumer Fraud Act) violations were not subject to common proof and therefore denied plaintiff's motion to certify the class. (*Roche v. Zenith*)
- Part of trial team that successfully defended nationwide class action jury trial in St. Clair County, Illinois. Verdict was affirmed on appeal. (*Craft v. Allstate*)
- Part of trial team that successfully represented Zimmer, Inc. in multiple jury trials in St. Clair County, Illinois. All trials ended in defense verdicts. (*Santas v. Zimmer, Inc.*)
- Successfully defended a Class Action Fairness Act removal, including before the United States Court of Appeals for the Seventh Circuit. [*Spivey v. Vertrue*, 528 F.3d 982 (7th Cir. 2008)]
- Obtained orders dismissing cases on the merits, all prior to plaintiff moving for class certification. (*Vardell v. Union Planters* (2006); *Hicks v. UPS* (2007); *Knight v. Sprint* (2006); *Agney v. National City*)
- Other appellate decisions with which he's been involved:
  - *Howland v. Stonewolf* (2004)
  - *Brown v. RBMG* (2007)
  - *Hill v. Chase* (2008)
  - *First Bank v. DJL Properties*, 598 F.3d 915 (7th Cir. 2010)

- Southern District of Illinois
- Eastern District of Missouri

#### EDUCATION

- Drake University School of Law, J.D., with Honors, 1996
- Drake University School of Business, M.B.A., 1996
- Illinois Wesleyan University, B.A. in Business Administration, 1992

- *Kesha Manning v. BA-2003 Limited Partnership, et al.* (2010)
- *Coy Chiropractic Health Center, Inc., Richard Coy, D.C., and Frank C. Bemis & Associates v. Travelers Casualty and Surety Company and The Travelers Indemnity Company* (5<sup>th</sup> Dist. 2011)
- *Campbell v. F.D.I.C.*, 676 F.3d 615 (7th Cir. 2012)
- *AT&T Internet Services, et al. v. Hon. Robert L LeChein*. Supreme Court granted supervisory order, June 27, 2012, No. 114334
- *Lightspeed Media Corp. v. AT&T Internet Services, et al.*, Illinois Appellate Court, Fifth District, August 31, 2012, No. 2012 IL App (5th) 110566-U
- *Phillips v. Prudential Ins. Co. of America*, 714 F.3d 1017 (7th Cir. 2013)
- *Lightspeed Media Corp. v. Smith, et al.*, 2014 WL 1244079 (7th Cir. 2014). Motion for contempt granted
- *Eike, et al. v. Allergan, Inc., et al.*, 850 F.3d 315 (7th Cir. 2017)

AUGUST 12, 2015

Bozarth, Kellett, and Fears Help Obtain Defense Verdict

## Honors

### Honors & Awards

- AV Preeminent® Attorney by Martindale-Hubbell
- Best Lawyers in America (2018-2026)
  - Lawyer of the Year – Litigation-Insurance (St. Louis) (2022)
- Illinois Leading Lawyer (2010-2025)
  - Top 10 Leading Business Lawyers-Downstate Illinois (2018)
- Illinois Super Lawyer (2010-2011, 2013-2025)
  - Rising Star (2009)

### Professional Associations

- American Bar Association
- Association of Defense Trial Attorneys
  - Executive Committee
- Bar Association of Central and Southern Illinois
- Defense Research Institute
  - DRI Law & Public Policy Class Action Task Force
- East St. Louis Bar Association

- Board of Directors
- Federation of Defense & Corporate Counsel
- Illinois Association of Defense Trial Counsel
  - President (2015-2016)
  - President Elect (2014-2015)
  - First Vice President (2013-2014)
  - Second Vice President (2012-2013)
  - Secretary/Treasurer (2011-2012)
  - Board of Directors (2004-2011)
- Illinois State Bar Association
- International Association of Defense Counsel
- Madison County (Illinois) Bar Association
- Northern District of Illinois Trial Bar

## Insights

### Events & Speaking Engagements

- "Unmasking Pointers for Conducting Civil Jury Trials During a Pandemic," 80th Annual Meeting, Association of Defense Trial Attorneys (Asheville NC, 2021). (Co-presenter)
- "Blogging, Tweeting and Friending: ADTA's Foray into Social Networking," ADTA Webinar (January 2013)
- "Current Trends in Class Action Litigation Affecting the Banking Industry," IMBA Spring Seminar (2010)
- "Tripartite and Legal Ethics for Defense Counsel" (IDC Fall Seminar, 2004)

### Publications

- "Are Class Action Counterclaims Removable Under CAFA?" *DRI* (March 2, 2011) (Co-author)
- *Class Action Fairness Act Removal*, Defense Research Institute
- *Class Action Compendium*, Defense Research Institute

### News

JANUARY 22, 2026 | RECOGNITION

15 HeplerBroom Attorneys Named 2026 Illinois Super Lawyers and Rising Stars

AUGUST 21, 2025 | RECOGNITION

Bozarth Honored with Inclusion on 2026 Best Lawyers Lists

JANUARY 21, 2025 | RECOGNITION

Bozarth Named 2025 Illinois Super Lawyer

AUGUST 15, 2024 | RECOGNITION

Bozarth Honored with Inclusion on 2025 Best Lawyers Lists

MAY 21, 2024 | FIRM NEWS

Bozarth Attends Global Insurance Summit

JANUARY 25, 2024 | RECOGNITION

Bozarth Named 2024 Illinois Super Lawyers

AUGUST 17, 2023 | RECOGNITION

Bozarth Honored with Inclusion on 2024 Best Lawyers Lists

JULY 13, 2017 | MEDIA MENTION

Partner Troy Bozarth Featured in Illinois Business Journal