



## ERIC W. MOCH

Partner

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Eric W. Moch focuses his practice on the defense of 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 insurance clients, which has resulted in financial recoveries against fraud perpetrators.

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 50 jury verdicts, oral arguments before the Illinois Supreme Court and Seventh Circuit Court of Appeals, and several published appeals.

## Results

### 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. The Supreme Court affirmed the

## PRACTICES

First-Party Coverage  
Governmental & Civil Rights  
Insurance Fraud Investigation  
Insurance Services  
Legal Malpractice  
Premises Liability  
Producer Errors & Omissions  
Professional Liability  
Third-Party Coverage

## BAR ADMISSIONS

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

## EDUCATION

- University of Illinois Chicago School of Law, J.D., 1997

dismissal of the fraternity and corporation, the only defendants whose dismissals were affirmed.

- 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.

- University of Dayton,  
Bachelor of Arts in History,  
1994

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

- Solo trial attorney in defense of motor vehicle injury claim in which plaintiff alleged ligament tears in both knees, underwent knee surgery and alleged permanent disability. The trial court entered a directed verdict for the defendant. (*Garcia v Sutherlin, et. al.*, 15 L 4809, 2019).
- 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).

#### **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. Dismissal affirmed 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)].

FEBRUARY 8, 2024

Moch, Fay, and Mucci Secure Significantly Reduced Award in Jury Trial in Cook County

SEPTEMBER 27, 2022

Moch and Fay Secure Significantly Reduced Verdict in Personal Injury Case

JANUARY 4, 2022

Moch and Chancellor Secure Favorable Defense Verdict

MARCH 28, 2017

Moch Argues Case before Illinois Supreme Court

## Honors

### Honors & Awards

- Best Lawyers in America (2024-2026)
- Illinois Super Lawyer (2020-2025)
- Illinois Leading Lawyer (2017-2025)

### Professional Associations

- International Association of Special Investigation Units
  - “Law Update” columnist, *SIU Today*
- National Society of Professional Insurance Investigators
  - Past member, Board of Directors
  - Past President and newsletter editor, Illinois chapter

### Other Professional/Civic Involvement

- City of Aurora (IL)
  - Advisory Commission on Disabilities (one of only nine mayoral appointees)
- Family Counseling Service of Aurora
  - Board member (volunteer)

## Insights

### Events & Speaking Engagements

- “Anatomy of Modern Pain Management Injury Claim Fraud,” Illinois Chapter of International Association of Special Investigation Units’ 30<sup>th</sup> Insurance Fraud Conference (Chicago IL, 2023).
- “Cell Tower Data in Claim Investigations, Vacancy Versus Occupancy in Property Loss Claims, and Strategies for Combatting Organized Medical Fraud,” Illinois Chapter, International Association of Special Investigation Units (2021).
- “Good Investigations, Good Faith: Harmonizing Diligent Medical Investigations with Ethical Responsibilities,” 6th Annual Midwest Medical Fraud Symposium (virtual, 2021). (Co-presenter)
- “Non-COVID Claims in a COVID World,” Christian & Small Webinar (June 22, 2020). (Co-presenter)
- “Litigation Grab Bag—All the Ways to Go Wrong!” 2019 Synergy Forum, Illinois Association of Defense Council and Illinois Manufacturers’ Association (Itasca IL, 2019).

- “Recent Trends Involving Bodily Injury and Property Insurance Fraud Claims: Staying Ahead of the Curve!” Annual Insurance Fraud Conference, Illinois Chapter of the International Association of Special Investigation Units (Chicago IL, 2019).
- “Using Affirmative Litigation to Combat Organized Medical Fraud,” National Seminar of National Society of Professional Insurance Investigators (Indianapolis IN, 2018).
- “Emerging Trends in Organized Medical Fraud and Strategies for Combatting them,” Farm Bureau Special Investigations Seminar (Des Moines IA 2018).
- “Fighting Organized Medical Fraud.” Meeting of the Indiana Chapter of the National Society of Professional Insurance Investigators (Greenfield, IN, January 18, 2018).
- “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, 2nd 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, 2nd 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).

SEPTEMBER 19, 2023 | SPEAKING ENGAGEMENT

Moch Discusses Headline-Making Cases at National Conference of Special Investigators

APRIL 26, 2023 | SPEAKING ENGAGEMENT

Moch to Speak at State Defense Counsel Conference

APRIL 7, 2020 | SPEAKING ENGAGEMENT

Insurance Attorneys Take Part In Podcasts

## Publications

- “Current Insurance Industry Trends and Their Impact on the Claims Industry: Surviving the Law of Unintended Consequences,” Law Update Column, *SIU Today* (Spring 2024).
- “Inconvenient Truths Every Claims Professional Needs to Know About Litigation,” Law Update Column, *SIU Today* (Fall 2023).
- “Rash of Social Media-Inspired Thefts Prompt Insurers, 17 States to Urge Recalls Prompt Insurers, 17 States to Urge Recalls,” Law Update Column, *SIU Today* (Summer 2023).
- “I’ve Fallen, and I Can’t Get Up (Just as We Planned)! – Updated,” Law Update Column, *SIU Today* (Spring 2023).
- “The Perils of Playing Dead for Money: Indictment of Major Life Insurance Fraud Ring Exposes the Extent to Which Fraudsters Will Tempt Fate in Pursuit of Insurance Proceeds,” Law Update Column, *SIU Today* (Fall 2022).
- “Washington State Insurance Fraud Prosecution Highlights Growing Trend of Fraudulent Claims on Personal Articles Policies,” Law Update Column, *SIU Today* (Summer 2022).
- “Prescription Medication Fraud: A New Federal Civil Suit and a Case Study to Highlight Real Dangers,” Law Update Column, *SIU Today* (Spring 2022).
- “I’ve Fallen, and I Can’t Get Up (Just As We Planned)!” Law Update Column, *SIU Today* (Winter 2021).
- “We’ve Got ‘em Right Where we Want ‘em! (What Do We Do Now??) Extracting Recoveries from Organized Insurance Fraud Perpetrators: Legal Remedies and Strategies,” Law Update column, *SIU Today* (Fall 2021).
- “Federal Health Care Fraud Prosecution Spotlights the Intersection of a Familiar Fraud Medium and New Technology: Bribes for Unnecessary Durable Medical Equipment Prescriptions in the Telehealth Context,” Law Update column, *SIU Today* (Summer 2021).
- “Seventh Circuit Affirms Conviction of Serial Arsonist: Evidence of Prior Fires Admissible to Prove Scheme and Modus Operandi,” Law Update column, *SIU Today* (Spring 2021).
- “Disproving Exaggerated Injuries from Low Impact Collisions: Court Restores Common Sense to the Admissibility of Vehicle Damage Photos at Trial,” Law Update column, *SIU Today* (Fall 2019).

JANUARY 7, 2025 | PUBLICATION

Moch Offers Primer on Investigating Organized Medical Fraud

APRIL 17, 2024 | PUBLICATION

Moch Highlights Impacts of Changes in Insurance Industry on Claims Practices

## Blog Posts

MAY 12, 2022 | BLOG

Prescription Medication Fraud: A New Federal Civil Suit and a Case Study to Highlight Real Dangers

NOVEMBER 2, 2018 | BLOG

Bogenberger v Pi Kappa Alpha: A Tragedy Changes the Law

## News

AUGUST 21, 2025 | RECOGNITION

19 HeplerBroom Attorneys Honored with Inclusion on 2026 Best Lawyers Lists

JANUARY 21, 2025 | RECOGNITION

Moch Named 2025 Illinois Super Lawyer

AUGUST 15, 2024 | RECOGNITION

28 HeplerBroom Attorneys Honored with Inclusion on 2025 Best Lawyers Lists

JANUARY 25, 2024 | RECOGNITION

13 HB Attorneys Named 2024 Illinois Super Lawyers and Rising Stars

AUGUST 17, 2023 | RECOGNITION

28 HeplerBroom Attorneys Honored with Inclusion on 2024 Best Lawyers Lists