



## Paul V. Esposito

PARTNER

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### Biography

**“Winning on appeal is so often a matter of winning at trial. Effective appellate advocacy starts with collaborating with client and trial counsel on aggressive and creative strategies for success. It continues with an engaged trial court presence throughout the battle, however long it takes. It ends with solid appellate briefing and argument up to the highest levels of the reviewing courts. That’s what I do — nationwide.”**

There’s something exciting about appellate practice, and it has excited Paul for over 40 years. It started only weeks after Paul became an Illinois assistant attorney general. Paul sat at counsel’s table in the U. S. Supreme Court and watched his boss argue a case, his reward for helping him with the brief. Paul felt the excitement of being a hands-on part of making law. Now in private practice, the desire to influence courts in ways that make common sense, recognize the parties’ rights and responsibilities, and fairly deal with the issues, still drives him. A relatively few years after that first Supreme Court experience Paul was back at counsel’s table, this time arguing his own case following weeks of research and writing. Paul continues to do just that — research, write, and argue — in federal and state courts all over the country. It’s a personal passion to him.

The years have taught Paul a valuable lesson: appellate results are often a direct result of the work at trial. The best appellate arguments stand little chance if the spade work has not been done at trial. Ivory-tower appellate practice collapses when the trial foundation is not firm. Hands-on appellate advocacy means working closely with a client and its trial counsel before trial to understand their strategies and offer suggestions on the best ways of preserving them. It means being that extra set of eyes and ears for trial counsel in the courtroom, and being someone who can offer insights from a different vantage point. It means learning the law, many times on the fly, to provide timely help with unexpected issues. Paul has worked closely with some of the country’s best trial lawyers, against some of the country’s best trial lawyers. Millions are always on the line. Whatever the issues, the goal always remains the same: win first at trial, and from there, win on appeal.

Hands-on appellate advocacy is a process, a collaborative intensive work. And it works. Paul would be excited to get involved.



## Education

J.D. Loyola University, Chicago School of Law, 1975

B.A. Saint Norbert College, 1972

## Bar Admissions

Illinois

## Court Admissions

U.S. District Court, Northern District of Illinois

U.S. District Court, Central District of Illinois

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Sixth Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Appeals, Tenth Circuit

U.S. District Court, Eastern District of Wisconsin

U.S. Supreme Court

## Memberships

Chicago Bar Association

Appellate Lawyers Association of Illinois

Defense Research Institute (DRI)

## Awards

Martindale Hubbell AV® rating

Super Lawyers® 2018

2014 Top Rated Lawyer in Appellate Law

2014 Chicago's Top Rated Lawyers

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## Matters of Note

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*Simmons v. Cudd Pressure Controls, Inc.,*

2022 ND 20. (The North Dakota Supreme Court reversed a judgment against our client denying its contractual indemnity claim against a co-defendant as a sanction for the alleged spoliation of evidence prior to trial. I monitored a three-week trial, where I daily provided input to our client's trial counsel. Following the entry of judgment, I analyzed the lengthy court record, prepared two appellate briefs, and argued the case in the North Dakota Supreme Court.)

*Quern v. Mandley,*

436 U.S. 425 (1978) (Construing the validity of Illinois emergency aid regulations)

*United States v. Hasting,*

461 U.S. 499 (1983) (Delineating the supervisory power of the federal courts of appeals)

*Baltimore & O.C.T.R.R. v. Wisconsin Central, Ltd.,*

154 F.3d 404 (7th Cir. 1998) (Enforcement of arbitration award for railroad switching charges)

*Dean v. Sullivan,*

118 F.3d 1170 (7th Cir. 1997) (proper constitution of an arbitration panel)

*Sullivan v. Gilchrist,*

87 F.3d 867 (7th Cir. 1996) (Notice procedures in arbitration cases)

*Reinsurance Company of America, Inc. v. Administratia Asigurarilor de Stat,*

902 F.2d 1275 (7th Cir. 1990) (Procedural question regarding grounds for vacating judgments)

*Springfield-Sangamon County Regional Planning Comm'n v. Fair Employment Practices Comm'n,*

71 Ill. 2d 61, 373 N.E.2d 1307 (1978) (Timeliness of discrimination charge)

*Village of Evergreen Park v. Commonwealth Edison Co.,*

296 Ill. App. 3d 810, 695 N.E.2d 1339 (1998) (Construction of Public Utilities Act)

*National American Insurance Co. v. Indiana Lumberman's Insurance Co.,*

(7th Cir. 2000) (Suretyship bond)

*National Union Fire Insurance Company of Pittsburgh, PA v. Admiral Insurance Co.,*

(5th Cir. 2000) (Interpretation of additional insured provisions of commercial general

liability policy)

*Susan Waken Doll Co. v. Ashton Drake Galleries*,  
272 F.3d 441 (7th Cir. 2001) (Copyright infringement)

*Lexington Insurance Co. v. Lindahl Construction & Engineering, Inc.*,  
47 P. 3d 1081 (Alaska 2002) (Fire subrogation)

*Ravotti v. Sunderland*,  
(3d Cir. 2004) (Construction accident)

*Acorn Window Systems, Inc., v. Detroit Edison Co.*,  
(Mich. App. 2004) (Subrogation)

*Velarde v. Illinois Central R.R.*,  
354 Ill. App. 3d 523, 820 N.E.2d 37 (1st Dist. 2004) (Day-in-the-life videos)

*Foust v. McFarland*,  
698 N.W. 2d 24 (Minn. App. 2005) (Motor vehicle accident)

*Westray v. Wright*,  
835 834 N.E.2d 173 (Ind. Ct. App. 2005) (Punitive damages)

*Gregory & Appel Insurance Agency v. Philadelphia Indemnity Insurance Co.*,  
835 N.E.2d 1053 (Ind. Ct. App. 2005) (Mitigation of damages)

*Mann v. Producer's Chemical Co.*,  
356 Ill. App. 3d 967, 827 N.E.2d 883 (2005) (Motor vehicle accident)

*Ahmed v. Pickwick Place Owners' Assn.*,  
385 Ill. App. 3d 874, 896 N.E.2d 854 (1st Dist. 2008)(Premises liability/wrongful death)

*Herman v. Brunswick Corp.*,  
(Ill. App. 2008) (Product liability)

*Capitol Group, Inc. v. Charles L. Crane Agency*,  
(Ill. App. 2008) (Insurance broker liability)

*Ready v. United/Goedecke Services Co.*,  
232 Ill. 2d 369, 905 N.E.2d 725 (2008) (Construction of joint-and-several liability statute)

*Faust v. Albertson*,  
167 Wn. 2d 531, 222 P.3d 1208 (2009) (Common law dram shop action)

*Singh v. Edwards Lifesciences,*

151 Wa. App. 137, 210 P.3d 337 (2009) (Conflicts of law)

*Stoneridge Homeowners Association v. Saddleback Homeowners  
Association,*

2009 WL 3824860 (Cal. App. 1st Dist. 2009) (Private nuisance)

*Corral v. Mervis Industries, Inc.,*

(Ill. App. 2010) (Workplace accident)

*Ready v. United/Goedecke Services Co.,*

238 Ill. 2d 582, 939 N.E.2d 417 (2010) (Upholding sole proximate cause defense)

*Phillips v. Erhart,*

151 Idaho 100, 254 P.3d 1 (2011) (Premises liability defense)

*Sperl v. C. H. Robinson Worldwide, Inc.,*

408 Ill. App. 3d 1051, 946 N.E.2d 463 (3d Dist. 2011) (Multi-vehicle accident)

*Cushing v. Greyhound Lines, Inc.,*

2012 IL App (1st) 100768 (Statutory interpretation of Probate Act)

*Lake Road Trust Ltd. v. ABB Powertech (Pty) Ltd.,*

136 Conn. App. 671, 51 A.3d 1109 (2012) (Discovery sanctions)

*Cushing v. Greyhound Lines, Inc.,*

2013 IL App (1st) 103197 (Challenge to settlement of wrongful death action)

*Zvunca v. Greyhound Lines, Inc.,*

530 Fed. Appx. 672 (10th Cir. 2013) (Dismissal of wrongful death action)

*Hoffman v. Crane,*

2014 IL App (1st) 122793-U (Truck-car collision and interstate highway)

*Wells Fargo Bank Minn. N.A., Envirobusiness, Inc.,*

2014 IL App (1st) 132714-U (Professional negligence)

*Bd. of Managers of Eleventh St. Loft. Ass'n v. MacDonald Hopkins,  
LLC,*

2014 IL App (1st) 133912-U (Legal malpractice)

*Whitebread v. Consol. Grain & Barge Co.,*

2015 IL App (2d) 14054 (Deaths/injury in grain silo)

*Dempe v. Metro. Pier & Expo. Auth.*,  
2016 IL App (1st) 142535-U (Personal injury at trade show)

*Hantel v. Lutheran General Hospital*,  
Case No. 95 L 1074 ( Ill. Cir. Ct. Cook County) (Suit under Illinois Right of Conscience Act  
and the Abortion Performance Refusal Act)

*Hill v. General Electric Supply Company*,  
Case No. 1989 CA 0262, Illinois Human Rights Commission (Age discrimination claim  
under Illinois Human Rights Act)

*Abrahamson v. Master Molded Products Corporation*,  
Case No. 1993 CF 3085, Illinois Human Rights Commission (Defense of national origin  
discrimination claim under Illinois Human Rights Act)

*Karich v. Floral Network, Inc.*,  
Case No. 1994 CF 0034, Illinois Human Rights Commission (handicap discrimination  
claim under Illinois Human Rights Act)

*National Surety Corp. v. Ranger insurance Co.*,  
(7th Cir. 2001) (Interpretation of “other insurance” claims)

*Edward Hines Lumber Co. v. U.S. Fire Insurance Co.*,  
(Ill. App. 2002) (Interpretation of replacement cost provision of fire policy)

*First Bankers Trust Co. v. Koke Mill Med. Assoc., LLC.*,  
2017 IL App (4th) 170242-U (Medical malpractice)

*C.P.B. v. Torchin, 2018 N.J. Super. ,*  
Unpub. LEXIS 83 (Legal malpractice)

*Castaneda v. Ingram*,  
2018 IL App (1st) 170065 (Personal injury)

*Huffman v. Dexter Axle Co.*,  
990 N.E.2d 947 (Ind. App. Ct. 2013) (Wrongful death)

*Lindsey v. Butterfield Health Care II, Inc.*,  
2017 IL App (2d) 160042 (Confidentiality of health care investigative reports)

*SRRT Properties, LP v. Nova Consulting Group, Inc.*,  
2019 Minn. App. Unpub. LEXIS 977 (Negligent misrepresentation)

*Benton v. Little League Baseball, Inc.,*

2020 IL App (1st) 190549 (Negligent infliction of emotional distress)

*Giovenco-Pappas v. Kenneth Young Center,*

2020 IL App (1st) 190904 (Subject matter jurisdiction over claim against State of Illinois)

PUBLICATIONS

The “Sole Proximate Cause” Misnomer Should be Replaced by “100% Proximate Cause”  
to Accurately State the Law and Eliminate Confusion (IDC Quarterly 2021 Volume 1)