

## JOHN H. MATHIAS, JR., Partner

*John H. Mathias, Jr. is a senior litigation partner and veteran trial lawyer whose practice focuses upon contract litigation, insurance and reinsurance, labor and employment, class actions, unfair competition, securities, intellectual property, and complex commercial disputes of all kinds. He is co-chair of the firm's Insurance Recovery and Counseling Practice and oversees its Reinsurance Practice. Clients seek his advice and representation in difficult matters requiring sophisticated strategy, execution and advocacy.*

Mr. Mathias is a versatile commercial litigator with significant recent success on behalf of a national trucking company in defeating a large Title VII employment discrimination class action brought by the EEOC both in the district court and on appeal to the Eighth Circuit. Beyond the defense of difficult cases like this, his practice emphasizes pursuing contract and similar commercial claims on behalf of clients, especially insurance coverage claims.

Since 2004, *Chambers & Partners USA* has annually named Mr. Mathias one of the country's leading lawyers in Insurance Law. In 2013, *Chambers USA* gave its prestigious "Award for Excellence in Insurance (Policyholder)" to the firm's Insurance Litigation and Counseling Practice, which Mr. Mathias chairs, recognizing it as the best policyholder-side practice in the country. Shortly thereafter, the *National Law Journal* named his group the "Chicago Litigation Department of Year: Insurance." Benchmark Litigation has named Mr. Mathias a national Insurance Litigation Star. He has co-authored more than 20 legal publications, including *Insurance Coverage Disputes* (Law Journal Press) and *Directors and Officers Liability: Prevention, Insurance and Indemnification* (Law Journal Press), two of the leading treatises in the insurance field. He is also a fellow of the American College of Coverage Counsel, a prominent organization of policyholder- and insurer-side counsel.

Mr. Mathias has been an active member of the American Bar Association's Section of Litigation for many years, formerly serving on its leadership Council and co-chairing various Section committees, including the Insurance Coverage Litigation Committee. He is also a past Chair of the ABA's Death Penalty Representation Project Steering Committee. He has successfully represented five clients in death penalty cases on a pro bono basis.

Prior to joining Jenner & Block, Mr. Mathias served as trial defense counsel in the US Navy JAG Corps where he tried hundreds of court martials in Long Beach, CA, San Diego, CA, and Jacksonville, FL.

He is AV Peer Review Rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability.



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### CHICAGO

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### PRACTICE GROUPS

Class Action  
Complex Commercial Litigation  
Energy  
Insurance Recovery and Counseling  
International Arbitration  
Labor and Employment  
Litigation  
Professional Responsibility  
Reinsurance

### EDUCATION

Harvard Law School, J.D.

Dartmouth College, A.B.; Phi Beta Kappa

### ADMISSIONS

California

Illinois

### COURT ADMISSIONS

US Supreme Court

US Court of Appeals, Second Circuit

US Court of Appeals, Third Circuit

US Court of Appeals, Fifth Circuit

US Court of Appeals, Seventh Circuit

US Court of Appeals, Eighth Circuit

US Court of Appeals, Tenth Circuit

US District Court, Northern District of Illinois

US District Court, Eastern District of Wisconsin

Mr. Mathias has served as lead counsel on the following significant insurance coverage cases (client shown in bold):

- **American National Can Company** v. *Certain Underwriters at Lloyd's, London and Certain London Market Insurance Companies, et al.*, No. 895940, Cal. Super. Ct. (Environmental Insurance Coverage)
- **AM International** v. *Commercial Union Insurance Company, et al.*, No. 89 CH 11602, Circuit Court of Cook County (Environmental Insurance Coverage)
- **Berlin Steel Construction Company** v. *R.C. Knox and Company, Inc., and Aetna Casualty & Surety Company of Illinois*, No. CV 93 0459772S, Superior Court, Judicial District of Hartford/New Britain at New Britain, CT (Workers' Compensation Insurance)
- **CSXTransportation** v. *Admiral Insurance Company, et al.*, No. 96-00415, Circuit Court of Duval County, Florida (Industrial Solvent Insurance Coverage)
- **CSXTransportation** v. *Admiral Insurance Company, et al.*, No. 93-132-Civ-J-10, M.D. Fla. (Environmental Insurance Coverage)
- **Dell Computer Corporation** v. *Home Insurance Company* (Directors & Officers Insurance Coverage)
- *Employers Insurance of Wausau* v. **Signode Corporation**, No. 94 CH 6200, Circuit Court of Cook County, Ill. (Environmental Insurance Coverage)
- **Generali** v. *Caribe Realty Corp.*, 612 N.Y.S.2d 296, Sup. Ct. N.Y. County 1994 (Lead Paint Insurance Coverage)
- **Household International** v. *Allstate Insurance Co., et al.*, No. 96 CH 1521, Circuit Court of Cook County, Ill. (Environmental Insurance Coverage)
- **Interlake Corporation** v. *Certain Underwriters at Lloyd's, London, et al.*, No. 94 MR 0272, Du Page County, Ill. (Environmental Insurance Coverage)
- **Missouri Pacific Railroad Company, et al.** v. *Admiral Insurance Company, et al.*, No. 94 MR 0198, Du Page County, Ill. (Hearing Loss - Asbestos Insurance Coverage)
- **Missouri Pacific Railroad Company** v. *Certain Underwriters at Lloyd's, London, et al.*, No. 93 L 712, St. Clair County, Ill. (Environmental Insurance Coverage)
- **Missouri Pacific Railroad Company, as successor-in-interest to Missouri-Kansas-Texas Railroad Company** v. *Aetna Casualty & Surety Co., et al.*, No. 242-93, N.D. Tex. (Environmental Insurance Coverage)
- **MRC Holdings, Inc.** v. *Employers Insurance of Wausau, et al.*, No. L-1234290, N.J. Super. Ct. (Environmental Insurance Coverage)
- **North Shore Gas Company, et al.** v. *Certain Underwriters at Lloyd's, London, et al.*, 94 CH 003349, Circuit Court of Cook County, Ill. (Manufactured Gas Plant Insurance Coverage)
- **Sunbeam Corporation** v. *National Union Fire Ins. Co. of Pittsburgh, PA, et al.*, No. 99-8288-Civ-Middlebrooks, S.D. Fla. (Directors and Officers Insurance Coverage)
- **Tennessee Gas Pipeline Company** v. *Continental Casualty Company, et al.*, No. 371865, M.D., La. (Environmental Insurance Coverage)
- **Union Pacific Corporation** v. *Certain Underwriters at Lloyd's, London, et al.*, No. CV88-06442R, C.D. Cal. (Antitrust Insurance Coverage)
- **Union Pacific Railroad Company** v. *Certain Underwriters at Lloyd's, London and Certain London Market Insurance Companies, et al.*, No. C89-069J, D. Wyo. (Environmental Insurance Coverage)

- **Union Pacific Railroad Company**, as successor-in-interest to *Western Pacific Railroad Company v. Certain Underwriters at Lloyd's, London, et al.*, No. 93 4825 WDK(EX), C.D. Cal. (Environmental Insurance Coverage)
- **Union Pacific Resources Company v. Aetna Casualty and Surety Company, et al.**, No. 352-138363-91, Tarrant County, Tex., 894 S.W.2d 401, Ct. of App. of Texas (Environmental Insurance Coverage)
- **Viking Insurance Company and C & I Insurance Company of Canada v. Certain Underwriters at Lloyd's, London, et al.**, (Extended Automobile Warranty Insurance Coverage)
- *Walbrook Insurance Company, Ltd., et al. v. Monsanto Company, et al.*, N. 91 C. 3823, N.D. Ill. (Premises Liability Insurance Coverage)

In 2004-2005, Mr. Mathias was the lead trial counsel in 3 substantial international reinsurance arbitration hearings related to injury and death claims arising from the terrorist attacks of September 11, 2001 upon the World Trade Center (clients, parties and results are confidential). Since then, he has continued to represent this same client in several other arbitration hearings involving highly complex financial structures.

Mr. Mathias' extensive trial experience includes the following (client shown in bold):

- **CSX Transportation v. Admiral Insurance Company, et al.**, No. 96-00415, Circuit Court of Duval County, Florida (jury trial regarding insurance coverage for employee solvent claims)
- **Berlin Steel Construction Company v. R.C. Knox and Company, Inc., et al.**, No. CV 93 0459772S, Superior Court, Judicial District of Hartford/New Britain at New Britain, CT (jury trial regarding workers' compensation insurance fraud claims)
- **CSX Insurance Company v. Certain Underwriters at Lloyd's, London, et al.**, (international reinsurance arbitration in London before Tribunal of Lord Neill of Bladen, QC, Hon. Abner J. Mikva (Ret.) and the Rt. Hon. Lord Mustill) (February 2003)
- **Professional Sports Marketing, Inc. v. Green Bay Packers, Inc.** (commercial arbitration re stadium advertising rights in Lambeau Field) (June 2003)
- **Steven J. Friedheim v. John D. Pezold, et al.**, M.D. Tenn. (Nashville) (jury trial re libel in connection with sale of TV stations)
- **Colonial Life & Accident Insurance Company v. Robert Taylor, et al.**, No. 88 C 10593, U.S.D.C. (N.D. Ill.) (jury trial regarding theft of trade secrets)
- *American National Bank v. Home Savings of America, FSB*, Case No. 90 C 1737, U.S.D.C. (N.D. Ill.) (bench trial regarding lenders' liability claims)
- *James Smith, et al. v. Monsanto Company, et al.*, Cause No. 842-03290, Division No. 1, In the Circuit Court of The City of St. Louis, State of Missouri (jury trial regarding toxic tort claim related to plant emissions)
- **Dell Computer Corporation v. Home Insurance Company** (arbitration hearing regarding directors & officers insurance coverage)
- **Adele Kahn v. Magic Pan, Inc.**, Case No. 86 L 50788, Circuit Court of Cook County, IL (jury trial regarding breach of contract claim)
- *People of the State of Illinois v. Stanley Boclair*, Case No. 84 CF 151, Circuit Court of Livingston County, IL (murder jury trial)

- *People of the State of Illinois v. Donnie Riddle*, Case No. 83 C 8659, Circuit Court of Cook County, IL (murder jury trial)
- *Lawter Chemical Company v. John R. Carroll, et al.*, Circuit Court of Cook County, Chancery Division (bench trial re trade secret claims)
- *Worldwide Chain Store Systems, Inc. v. Dallas Systems Corp.*, Case No. CA3-81-0193-R, U.S.D.C. Northern District of Texas, Dallas Division (jury trial regarding computer software trade secrets claims)
- *Viking Insurance Company and C & I Insurance Company of Canada v. Certain Underwriters at Lloyd's, London, et al.*, (arbitration hearing regarding extended automobile warranty insurance coverage)
- *Emerson Electric Co. v. Black & Decker*, Circuit Court of Cook County, Chancery Division (bench trial re restrictive employment covenants)
- *Bell South v. MCI Airsignal*, Federal Dist. Ct., Atlanta, GA (bench trial regarding breach of contract claims)
- *Israel Margolies v. Landy & Rothbaum*, Case No. 81 L 5035, Circuit Court of Peoria County, IL (bench trial regarding accountants' liability claim)

As trial defense counsel in the U.S. Navy JAG Corps from 1973 to 1976, Mr. Mathias tried hundreds of court martials in Long Beach, CA, San Diego, CA and Jacksonville, FL. Upon his discharge from the Navy, Mr. Mathias was rated as "undoubtedly one of the finest trial lawyers in the Navy today."

A sample of Mr. Mathias' substantial early career military trial experience includes:

- *United States v. Jeffrey Tosson* (General Court Martial); Jury Trial (Sabotage by Shipboard Arson on USS Denver); June 1993
- *United States v. PFC Thomas D. Jenkins* (General Court Martial); Jury Trial (Barracks Arson); February 1975
- *United States v. RM1 David A. Girod* (General Court Martial); Jury Trial (Grand Larceny); July 1975
- *United States v. SN John A. Ephrom* (General Court Martial); Jury Trial (Theft of Postal Funds); October 1975
- *United States v. BT1 Ronald P. Kamradt* (Special Court Martial); Jury Trial (Grand Larceny); June 1973
- *United States v. Emmitt J. Hayes* (Special Court Martial; Larceny) (Jacksonville, Florida) 1975
- *United States v. Ernest E. Danielson* (Special Court Martial; Sale of Controlled Substance) (Jacksonville, Florida) 1975
- *United States v. Commander Lawrence L. Heisel, USNR* (Administrative Discharge Board) (Jacksonville, Florida) 1975
- *United States v. Ensign Robert D. Hall* (Administrative Discharge Board) (Jacksonville, Florida) 1975
- *United States v. William E. Mauricio* (Special Court Martial; Assault) (Jacksonville, Florida) 1975
- *United States v. R. E. Manning* (Special Court Martial; Controlled Substance) (Jacksonville, Florida) 1975
- *United States v. Craig A. Keuten* (Special Court Martial; Grand Larceny) (Long Beach, California) 1973
- *United States v. Manuel Mora* (Special Court Martial; Aggravated Assault) (Jacksonville, Florida) 1975
- *United States v. James R. Tall* (Special Court Martial; Controlled Substance) (Jacksonville, Florida) 1975

- *United States v. Tony B. Strong* (Special Court Martial; Aggravated Assault) (Jacksonville, Florida) 1975
- *United States v. Michael J. Anderson* (General Court Martial; Controlled Substance) (Jacksonville, Florida) 1975
- *United States v. Benjamin Strong* (Special Court Martial; Assault) (Jacksonville, Florida) 1975
- *United States v. Clinton Crowell* (Special Court Martial; Armed Robbery) (Long Beach, California) 1973

## Awards:

- *Benchmark Litigation*  
Insurance Litigation Star (National), 2009-2017  
Litigation Star (Illinois), 2008-2017
- *Best Lawyers in America* - 2006-2022  
Insurance Law
- *Chambers USA*  
Insurance: Dispute Resolution (Illinois) - 2004-2020  
Insurance: Dispute Resolution: Policyholder (Nationwide) - 2015-2020
- *Illinois Super Lawyers*  
Insurance Coverage - 2005-2020
- *Lawdragon Magazine*  
3000 Leading Lawyers in America, 2010  
500 Leading Lawyers in America, 2006
- *Leading Lawyers Network*  
Class Action/Mass Tort Defense Law - 2004-2014  
Commercial Litigation, 2004-2019  
Insurance, Insurance Coverage & Reinsurance Law, 2004-2019  
Professional Malpractice Defense Law: Including  
Legal/Technical/Financial, 2004-2019
- *Legal 500*  
Industry focus - Insurance: Advice to Policyholders - 2011, 2013, 2016-2021
- *Legal Media Group*  
*Best of the Best USA 2013* - Insurance and Reinsurance  
*Expert Guides* - Insurance and Reinsurance - 2007, 2013, 2015
- *The National Law Journal*  
"Insurance Trailblazer" - 2021
- *Who's Who Legal*  
*International Who's Who of Business Lawyers* - Insurance and Reinsurance - 2007, 2008, 2010, 2011, 2012, 2015  
*International Who's Who of Commercial Litigators* - 2013  
*Who's Who Legal Illinois* - Insurance and Reinsurance - 2007, 2008

## Service To The Bar

- American Bar Association  
Chair, Death Penalty Representation Project  
Co-Chair of Membership, Section of Litigation  
Member, Civil Justice Initiative Task Force, Section of Litigation  
Co-Chair, Insurance Coverage Litigation Committee, 1991-94  
Co-Chair, Bi-Partisan Task Force on Environmental Insurance  
Coverage Litigation, 1991-1994
- American College of Coverage Counsel  
Fellow
- Chicago Bar Association
- Dartmouth Lawyers Association  
President, 1984-1989

## Industry Organizations

- Lex Mundi  
Regional Vice Chair, North America - Insurance/Reinsurance  
Practice Group

## Community

- State of Illinois Torture Inquiry and Relief Commission  
Commissioner, 2013

## Publications

- "Challenging an Arbitrator for Lack of Required Qualification – Revisited," *International Arbitration Law Review*, August 2018
- "Challenging an Arbitrator for Lack of Required Qualification," *International Arbitration Law Review*, February 2018
- Client Alert: NLJ names Jenner & Block as Insurance Litigation Department of the Year (Chicago), August 15, 2013
- Co-Author, "Insurance Coverage Disputes," *American Lawyer Media Law Journal Press*, Spring 2013
- Co-Author, "Directors and Officers Liability - Prevention, Insurance and Indemnification," *American Lawyer Media Law Journal Press*, February 2013
- Co-Author, "The Financial Crisis and AIG: What Now?," *Lawdragon*, October 2008
- Co-Author, "D&O insurance coverage in the USA: will it be there if the worst happens?" *International Bar Association Legal Practice Division Insurance Committee Newsletter*, Vol. 15, No. 1, March 2008
- Co-Author, "Lights, Camera, Action: Taking, Defending, and Using Video Depositions," *Trial Practice*, American Bar Association Section of Litigation, 2007
- Client Alert: AIG Agrees To Far-Reaching Reforms to Resolve Allegations of Accounting Improprieties, Bid Rigging, Contingent Commissions and Failure to Pay Workers' Compensation Taxes, February 16, 2006

- Client Alert: AIG Creates Fund to Pay Policyholders In Its Settlement With New York State, February 10, 2006
- Co-Author, "Limited Defense," *Corporate Secretary*, Issue 24, December 2005
- Co-Author, "All Things Considered," *Best's Review*, Vol. 106, No. 2, June 2005
- New Jersey Supreme Court Limits Reach of "Absolute Pollution Exclusion", April 2005
- The Marsh Settlement: What it Means for Policyholders, February 2005
- Procuring Insurance for Directors and Officers Following WorldCom and Enron, January 2005
- Co-Author, "Conserving D&O Insurance Policies in Securities Fraud Litigation: A Common Interest of Policyholders and Institutional Shareholder Claimants," *Coverage*, Committee on Insurance Coverage Litigation, Section of Litigation American Bar Association, Vol. 14, July/August 2004
- *Insurance Counselor*, Winter 2003
- Crisis Coverage: Insurance for Business Interruption, August 2003
- *Insurance Counselor*, Summer 2002
- Co-Author, "Protecting the General Contractor from Independent Contractor Exposures," *Illinois Bar Journal*, Fall 2001
- Co-Author, "Misrepresentations in the Application as Grounds for Rescission of the D&O Policy," 11 *Coverage*, No. 3, May/June 2001
- Co-Author, "The Threat of Exclusion: D&O Coverage in the Wake of Bankruptcy," *National Law Journal*, April 9, 2001
- Co-Author, "Five Do's and Don't's; Tips to Help Preserve Insurance Coverage," Part 2 of 2, *The Corporate Counsellor*, Vol. 14, July 1999
- Co-Author, "Five Do's and Don't's; Tips to Help Preserve Insurance Coverage," Part 1 of 2, *The Corporate Counsellor*, Vol. 13, May 1999
- "Battling Insurers' Extra-Contractual Notice Arguments," *The Corporate Counsellor*, Vol. 13, December 1998
- Co-Author, "Let the Buyer Beware: New D&O Policy Provisions Benefit Insurers, Not Policyholders," *The Corporate Counsellor*, Vol. 13, June 1998
- Co-Author, "Insurance Coverage for IP and Business Tort Claims," *The Corporate Counsellor*, Vol. 12, No. 2, April 1998
- Co-Author, "The Not-So-Absolute Pollution Exclusion: More Courts Enforcing Exclusion's Limited Intent," *The Corporate Counsellor*, Vol. 12, No. 8, January 1998
- Co-Author, "Another Look at Notice: Proof of an Occurrence as a Prerequisite to the Insured's Duty to Notify the Insurer, Insurance Coverage Litigation: Recovery in the 1990s and Beyond," *Practising Law Institute*, January 1998
- Co-Author, "Insurance and the Year 2000 Problem," *The Corporate Counsellor*, Vol. 12, No. 5, October 1997
- Co-Author, "Notifying Insurance Companies of Coverage Claims," *The Corporate Counsellor*, Vol. 12, No. 2, July 1997
- Co-Author, "Allocation Issues in Insurance Claim Resolution," *The Corporate Counsellor*, Vol. 11, No. 12, May 1997

- "Ambiguity and Independent Significance: The Interpretation of Insurance Policies," Prentice Hall Law & Business Ninth Annual Insurance Litigation Institute, October 1994
- Co-Author, "Choice of Law from the Policyholder's Perspective," *Prentice Hall Law & Business*, September/October 1994
- Co-Author, "Policyholder May Choose Among Multiple-Triggered Policies," *Coverage*, Vol. 4, No. 2, March/April 1994
- Co-Author, "Tripartite Relationships and Reservation of Rights Letters: The Need for Independent Counsel," *Insurance Coverage Litigation 1994, A Satellite Program*, Practising Law Institute, 1994
- Co-Author, "Significant Current Developments Regarding Environmental Insurance Coverage," *Environmental Insurance Coverage Claims and Litigation*, Practising Law Institute, 1994
- Co-Author, "Emerging Issues in Bad Faith Litigation," *Insurance Coverage Litigation 1994, A Satellite Program*, Practising Law Institute, 1994
- Co-Author, "The Pollution Exclusion, As Damages and Known Losses Issues: The Illinois Supreme Court Decision in *Outboard Marine Caps a Banner Year for Policyholders*," *Mealey's Litigation Reports: Insurance*, Vol. 7, No. 8, December 22, 1992

## Speaking Engagements

- "What's Wrong with Arbitration?" IBA 2019 Insurance Conference, March 21, 2019
- "Global Legal Strategies for Managing Change and Mitigating Risk: 2013 and Beyond," Lex Mundi Insurance and Reinsurance Cross-Border Legal Summit, Munich, Germany, September 09, 2013 to September 10, 2013
- "Resolving Reinsurance Disputes at Home and Abroad: Developing the Case and Providing It at Trial or a Hearing," American Bar Association Section of Litigation Insurance Coverage Litigation Committee Mid-Year Meeting, Tucson, AZ, March 03, 2011 to March 05, 2011
- "Punitive Damages and Tort Reform," The International Bar Association's 2009 Annual Conference, Madrid, Spain, October 04, 2009 to October 09, 2009
- "Fronting Insurance," International Bar Association 2008 Annual Conference, Buenos Aires, Argentina, October 15, 2008
- "Insuring Hollywood: Coverage Under Entertainment and Media Policies," American Bar Association's Twentieth Annual Insurance Coverage Litigation Committee CLE Seminar, Tucson, AZ, February 27, 2008 to March 01, 2008
- "Introduction to International Arbitration," International Bar Association Annual Conference, Singapore, October 14, 2007 to October 19, 2007
- Corporate Secretary Magazine Chicago Think Tank 2007, Chicago, IL, September 20, 2007
- ABA Insurance Coverage Litigation Committee Meeting, Tucson, AZ, March 06, 2003 to March 08, 2003
- "The New Accountability," Jenner & Block Executive Briefing, Chicago, IL, October 23, 2002
- "Business Interruption from 9/11: An Executive Briefing," Deloitte & Touche Webcast, Chicago, IL, January 08, 2002



