



## **Timothy S. Bishop**

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Chicago-based partner Tim Bishop has argued five cases and briefed more than 60 before the U.S. Supreme Court and handled dozens of appeals in federal and state appellate courts. He also represents clients in dispositive dismissal, summary judgment, and class certification motions in federal and state trial courts. Tim has substantial experience in environmental litigation (especially under the Clean Water Act, Clean Air Act, Endangered Species Act, Takings Clauses, and nuisance law), in which he has consistently been ranked as a top practitioner by Chambers, Best Lawyers in America, and other publications, which have called him “the go-to guy if you have a serious environmental issue on appeal” (Chambers 2009). He also frequently represents clients in securities and antitrust litigation, opposing class certification, fraudulent transfer suits, federal and state tax controversies, labor and employment law, and constitutional litigation. He is co-author of the leading treatise, *Supreme Court Practice* (10th ed. 2013). Tim served as Law Clerk to Justice William J. Brennan, Jr., and to Judge James Oakes of the Second Circuit.

Tim is frequently quoted in the news media. His news and publications are available [here](#).

## **SELECTED EXPERIENCE**

### **American Farm Bureau Federation v. EPA (Eighth Circuit)**

This case involved a challenge to EPA’s Freedom-of-Information-Act release of detailed private information concerning family farmers and ranchers throughout the country.

### **American Farm Bureau Federation v. EPA (U.S. Supreme Court)**

We filed a petition challenging EPA’s establishment of a federal regulatory scheme governing pollutant loading in the Chesapeake Bay watershed.

### **Chambers v. Whirlpool Corporation (Ninth Circuit)**

We are asking the Ninth Circuit to reverse the district court’s excessive award of \$15 million in attorneys’ fees to class counsel for obtaining a settlement that provides class members with \$2 to \$5 million in benefits.

### **Georgia-Pacific West, Inc. v. NEDC (U.S. Supreme Court)**

In this case, the Ninth Circuit held that every culvert and ditched that channeled rainwater runoff from forest roads was a discharge from a point source, requiring a Clean Water Act permit. We successfully challenged that holding before the Supreme Court.

### **In re Sears, Roebuck and Co. Front-Loading Washer Products Liability Litigation (Seventh Circuit)**

We persuaded the Seventh Circuit to cut the fee award to plaintiffs’ attorneys nearly in half.

### **In re Whirlpool Corp. Front-Loading Washer Products Liability Litigation (Glazer v. Whirlpool Corp.) (Sixth Circuit)**

We represent a washing machine manufacturer on appeal, defending a judgment for the manufacturer in a suit alleging that certain of its front-loading washing machines are defective.

### **Knick v. Township of Scott (U.S. Supreme Court)**

We have argued that the Supreme Court should overturn its prior decision in Williamson County and restore federal court oversight of state

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takings of private property.

**Missouri v. Harris (Ninth Circuit)**

Our amicus brief supported several States' dormant Commerce Clause and preemption challenge to a California law requiring costly switches to egg producers' cage systems as a condition of selling eggs in California.

**National Association of Manufacturers v. Department of Defense (U.S. Supreme Court)**

We successfully persuaded a unanimous Supreme Court to reverse the Sixth Circuit and hold that challenges to the WOTUS Rule are properly brought in the district courts.

**Stoneridge Investment Partners LLC v. Scientific-Atlanta, Inc. (U.S. Supreme Court)**

Petitioners sued our client, Scientific-Atlanta, Inc., seeking to hold it liable for the purported Securities Act violations of another corporation with which our client did business.

**Mayo Collaborative Services v. Prometheus Laboratories, Inc. (U.S. Supreme Court)**

This case concerned the scope and validity of a patent that Prometheus Laboratories claimed over the testing of certain metabolites in blood to monitor appropriate medication dosages.

**Credit Suisse Sec. LLC v. Billing (U.S. Supreme Court)**

This case arose from antitrust claims asserted against several leading underwriters and mutual fund families. The plaintiffs challenged alleged conduct regarding the underwriting of initial public offerings during the "Internet bubble" in the late 1990s.

**Ameritech Corp. v. International Brotherhood of Electrical Workers (Seventh Circuit)**

This case arose from a series of arbitrations between an employer and a union representing many of its employees pursuant to a collective bargaining agreement.

**Amgen, Inc v. Connecticut Retirement Plans & Trust Funds (U.S. Supreme Court)**

Connecticut Retirement Plans and Trust Funds filed a securities-fraud complaint against Amgen, alleging Amgen made certain misrepresentations to the FDA during the approval process for a drug later marketed by Amgen.

**Association of Irrigated Residents v. EPA (Ninth Circuit)**

A citizen group sued the EPA, arguing that the EPA did not have authority to amend state implementation plans under the Clean Air Act. On behalf of Foster Farms as an intervenor, we argued that the citizen group lacked standing to bring the suit, and that the EPA did have authority to take the actions in question

**BSH Home Appliances Corp. v. Cobb (U.S. Supreme Court)**

Purchasers of front-loading clothes washing machines brought a class action against BSH, alleging that the washers are defective because they have a propensity to develop mold, mildew, and odors.

**Friends of the Everglades v. EPA (Eleventh Circuit; U.S. Supreme Court)**

An "addition" of pollution from a "point source" to "the waters of the United States" must be permitted by EPA under the National Pollution Discharge Elimination System.

**Goldman, Sachs & Co. v. NECA-IBEW Health & Welfare Fund (U.S. Supreme Court)**

NECA-IBEW Health & Welfare Fund brought a putative class action under Sections 11 and 12(a)(2) of the Securities Act, alleging supposedly common misstatements relating to 17 different mortgage-backed securities underwritten and issued by Goldman Sachs and its affiliates.

**Hartford Fire Insurance Co. v. California (U.S. Supreme Court)**

Under the McCarran-Ferguson Act, insurance companies are generally exempt from federal regulation—including the federal antitrust laws—except "to the extent that such business is not regulated by State Law."

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**Linde v. Arab Bank, PLC (Second Circuit)**

U.S. and foreign victims of terrorist attacks in the Middle East and their family members alleged that Arab Bank, Jordan's largest financial institution, violated the Anti-Terrorism Act and Alien Tort Statute by providing banking services to charities and individuals allegedly affiliated with terrorist organizations operating in the Middle East.

**Sears, Roebuck & Co. v. Butler (U.S. Supreme Court)**

The plaintiffs allege that certain washers emit odors and produce false error codes. The Seventh Circuit ruled that these plaintiffs could represent a class of purchasers in several states asserting warranty claims.

**Tarrant Regional Water District v. Herrmann (U.S. Supreme Court)**

Texas's Tarrant Regional Water District sought to acquire water from Oklahoma by exercising its rights under the Red River Compact, which governs the allocation and use of water from the Red River Basin among Texas, Oklahoma, Louisiana, and Arkansas.

**U.S. Army Corps of Engineers v. Hawkes Co. (Supreme Court)**

We filed an amicus brief arguing that "jurisdictional determinations" by the Army Corps of Engineers are final agency actions and subject to immediate judicial review.

**Weyerhaeuser Company v. U.S. Fish and Wildlife Service (U.S. Supreme Court)**

The US Supreme Court granted our petition and will review the Fifth Circuit's costly and erroneous decision upholding the designation of our client's uninhabitable land as "critical habitat" of the dusky gopher frog.