



THOMAS S. EHRHARDT

SHAREHOLDER



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Practice Areas

- Automobile Accident Defense
- Commercial Lines (Premises Liability)
- Dram Shop Litigation
- Personal Lines (Premises Liability)
- Transportation Defense
- UM/UIM
- Wrongful Death Defense

Thomas S. Ehrhardt has tried more than 80 cases to verdict and is one of the firm's most seasoned trial advocates. His trial experience, in both state and federal courts, includes heavy trucking, wrongful death, catastrophic personal injury, breach of contract, premises liability, first-party bad faith, UM/UIM, professional liability, and claims under the Americans with Disabilities Act. Many of these matters involved multi-million-dollar claims.

Associated with litigation defense firms for over 25 years, Tom concentrates his practice in the fields of trial advocacy, transportation, and logistics, to include heavy trucking, intermodal, cargo, and hazardous material claims. Prior to attending law school, Tom worked in management for the nation's largest privately held trucking company and LTL carrier. His "hands on" knowledge of the industry, from dispatch, driver safety requirements, day-to-day logistics, labor relations, break bulk operations, and risk management provides Tom with a keen understanding of multiple transportation business models. More importantly, it provides instant rapport with the drivers and companies that Tom represents.

Tom is an active member of the firm's transportation committee and ensures that each office has a proper Rapid Response Team ready to deploy at a moment's notice to assist in early "on-site" catastrophic trucking losses. The Team members consist of attorneys, independent adjusters, and professional engineers.

Several national fleets and insurance companies have Tom on call 24/7 to assist in rapid response situations as his enthusiasm for "boots on the ground" provides invaluable clarification to sometimes confusing information and distressing conditions. Tom is accustomed to arriving at accident scenes during all hours of the day and night. He and his Rapid Response Team members ensure that crucial evidence is secured, and witness statements are obtained, thereby allowing clients and risk management professionals to

assess preliminary exposure and available defenses. On several occasions, Tom has served as “parachute counsel” in the review and audit of high-exposure or complex claims nearing arbitration or trial.

Tom is a frequent presenter on topics including the Federal Motor Carrier Safety Act, risk management, tort claims, and trial skills. While in law school, Tom externed for the Honorable James T. Moody of the U.S. District Court for the Northern District of Indiana. In his spare time, Tom is active in his church, community, and charitable foundations.

Memberships

- Defense Research Institute (DRI)
- Defense Trial Counsel of Indiana
- Indiana Motor Truck Association (IMTA)
- Lake County Bar Association
- Transportation Lawyers Association (TLA)
- Trucking Industry Defense Association (TIDA)

Presentations and Publications

- Numerous CE and CLE presentations and in-house seminars on risk management, FMCSA regulation compliance, and trial advocacy.

Trial and Case Highlights

- Tom’s aggressive handling of rapid responses to emergency transportation claims has resulted in securing critical evidence from otherwise obscure sources. In two rapid response cases, Tom was able to secure surveillance video from nearby commercial establishments. The owners of each establishment initially claimed that the video cameras were focused on the perimeters of the property and would not capture scenes from adjacent roadways. After reviewing the video (within a few hours of the collisions), Tom was able to secure expanded video surveillance providing critical evidence supporting his driver’s version of events. In one video, the surveillance contradicted an adverse statement obtained from a purported “eyewitness.”
- Tom has also tried multiple cases resulting in favorable jury verdicts. In a federal wrongful death case, Tom obtained a defense verdict after retaining several technical expert witnesses, dealing with multiple adverse witnesses, and facing contentious issues as to causation. The final pre-trial settlement demand was \$8.5 million. After a five-day trial, the jury deliberated for less than an hour before returning a defense verdict.
- In another wrongful death case involving a minor, Tom was faced with multiple emotional distress claims from family members who witnessed or came upon the scene shortly thereafter. The family members were able to bring powerful emotional distress claims due to, a then recent appellate decision, allowing such claims. This was one of the first cases in Indiana applying the expansion of emotional damage claims even though the family members were not directly involved in the incident or traditional “zone of danger.” By engaging the case early and aggressively, the case settled for an amount well below the client’s reserve.

Appellate Opinions

- *Serna v. Malinckrodt Group, Inc.*, 824 N.E.2d 772 (Ind. Ct. App. 2005)
- *Harris v. A.C.&S., Inc.*, 785 N.E.2d 1087 (Ind. 2003)
- *Jurich v. Garlock, Inc.*, 785 N.E.2d 1093 (Ind. 2003)
- *Malott v. State Farm Mutual Automobile Ins. Co.*, 798 N.E.2d 924 (Ind. Ct. App. 2003)
- *Armstrong v. Cerestar*, 775 N.E.2d 360 (Ind. Ct. App. 2002)
- *Gregor v. Szarmach*, 706 N.E.2d 360 (Ind. Ct. App. 1999)

Admissions

- Indiana
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the Northern District of Illinois Trial Bar
- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the Southern District of Indiana

Education

- Valparaiso University School of Law, J.D.
- University of Notre Dame, B.A., Government and International Relations