

APPELLATE

Litigation doesn't always conclude when the judgment is entered. Crafting and arguing an appeal requires unique skills, apart from trial experience.

Lawyers in Armstrong Teasdale's Appellate practice area have successfully argued hundreds of appeals in civil and criminal litigation in state and federal courts throughout the United States. They have successfully handled cases involving a wide variety of claims, including employment discrimination, business litigation, medical malpractice, taxation, breach of contract, Uniform Commercial Code, lender liability, product liability, insurance coverage (including bad faith claims), antitrust, patent, trademark and personal injury.

To prevail on appeal of an adverse judgment, or to preserve a favorable ruling, a lawyer must be able to examine the entire record and applicable law, and frame the issues to craft a compelling argument. Our appellate lawyers are skilled at critically analyzing a case and identifying the key components necessary to build the most persuasive argument in the client's favor. Many of them have prior experience as prosecuting attorneys, judges, and appellate clerks, giving them particular insight into the elements of a successful appeal.

In addition to overseeing appeals in cases tried by lawyers in our firm, our appellate lawyers are frequently retained to handle or assist with post-trial motions and appeals for outside trial counsel. We can also provide guidance and assistance to trial counsel on preservation of issues for appeal, and we often assist in preparation of post-trial motions or petitions for extraordinary relief such as writs. We can consult with you to evaluate the strength of a possible appeal before substantial expense is incurred.

EXPERIENCE

Summary Judgment Affirmed for Health Care Client in IVF Services Dispute

Represented a regional hospital system in a medical malpractice dispute arising from in vitro fertilization services provided to a then-husband and wife. When it was revealed the wife had substituted the husband's semen sample for that of another man, the husband and the surrogate who carried the baby filed suit in St. Louis County Circuit Court. The Missouri Court of Appeals for the Eastern District affirmed an order granting summary judgment in favor of the defendants.

Defeated Putative Class Action Against Streaming Media Clients

Represented streaming media companies in the U.S. District Court for the Southern District of Illinois and the U.S. Court of Appeals for the Seventh Circuit in a lawsuit brought by an Illinois city claiming video streaming companies owed fees pursuant to an Illinois statute. The Court of Appeals upheld the District Court's dismissal of the matter.

Secured Immediate Release for Incarcerated Pro Bono Client

Represented a pro bono client through the Washington, D.C., nonprofit [Second Look Project](#) who had been incarcerated for more than 31 years. Following an evidentiary hearing, including a written submission and testimony from three witnesses, the judge immediately granted the client's motion and resentenced him, giving credit for time served and resulting in his immediate release from prison. Without this motion, the client would not have been eligible for parole for another 10-15 years.

Multimillion-Dollar Judgment for Manufacturing Clients Affirmed on Appeal



Secured opinion from the Seventh Circuit Court of Appeals affirming a judgment in favor of manufacturing clients who brought breach of contract and fraud claims against sales representative. At trial in federal court in Chicago, the jury awarded over \$3 million in contract damages, \$400,000 in fraud damages and just over \$900,000 in punitive damages. The District Court awarded additional amounts for unjust enrichment and interest for a total judgment over \$5.6 million.

Summary Judgment for Commercial Real Estate Lender

Secured a victory in the New York Supreme Court, Appellate Division, First Department, on behalf of a commercial real estate lender. A borrower and guarantors sought to void multiple loan, mortgage, note and guarantee agreements by claiming that the agreements were unconscionable and induced by fraud. The trial court granted summary judgment dismissing the claims and granting the client's counterclaims for foreclosure. The Appellate Division affirmed, following which the trial court issued a final judgment of foreclosure and sale.

Successful Defense of Prominent Law Firm in Legal Malpractice Action

Represented prominent law firm in legal malpractice action at the trial and appellate court level in Illinois and succeeded in obtaining a dismissal on the pleadings.

\$3.4 Million Judgment Affirmed

Represented bottling company in appeal to the U.S. Court of Appeals for the Eighth Circuit. The Court affirmed the \$3.4 million judgment for our client, adopting the reasoning of our brief.

Jury Verdict Affirmed in Slip-and-Fall Case

The Eighth Circuit Court of Appeals affirmed a verdict favorable for our client following a trial in which the jury found the plaintiff 94% at fault for a slip-and-fall following a major winter weather event. The Eighth Circuit affirmed the trial court's ruling excluding portions of the plaintiff's deposition designations, which sought to introduce the cost of the plaintiff's future medical care and information regarding his future surgeries.

Judgment Affirmed on Appeal in Insurance Case

The Missouri Court of Appeals for the Eastern District affirmed a judgment dismissing a case against an insurance company client with prejudice as sanctions for failure to appear. The Eastern District stated the trial court did not abuse its discretion in issuing sanctions and dismissing the case.

Summary Judgment Affirmed on Appeal in Trademark Case

Secured summary judgment for a manufacturer in dispute over use of the client's mark. The plaintiff in the case sought a permanent injunction in Wisconsin and Michigan and disgorgement of profits. The U.S. District Court for the District of Wisconsin granted summary judgment precluding an award of profits and denied a permanent injunction after trial. Both rulings were affirmed on appeal to the U.S. Court of Appeals for the Seventh Circuit.

Representation of International Franchisor in Catastrophic Injury Case

Represented an international franchisor in a catastrophic injury case litigated to the Nebraska Supreme Court, including presentation of oral argument on behalf of the franchisor before the Nebraska Court of Appeals.

Successful Reversal of \$6.5 Million Against Home Remodeling Client

Successfully obtained the reversal of \$6.5 million judgment entered against a national home remodeling company.

Won Dismissal of Class Action Securities Litigation Alleging Market Manipulation for Brokerage Firm

Represented a brokerage firm in class action securities litigation alleging manipulation of options market. Won motion to dismiss. Affirmed on appeal by the Third Circuit.

Reversal of \$72 and \$55 Million Judgments

Armstrong Teasdale attorneys obtained reversal from the Missouri Court of Appeals of two separate judgments – one for \$72 million and one for \$55 million – against our client in cases alleging that the use of personal care products containing



talcum powder caused ovarian cancer. This was the subject of media attention around the country and [earned trial lawyer Tom Weaver the title of Litigator of Week](#) in the AmLaw Litigation Daily.

Upheld Regulations of the Missouri Conservation Commission

Armstrong Teasdale attorneys won an opinion from the Missouri Supreme Court upholding regulations of the Missouri Conservation Commission prohibiting the importation of whitetail deer. The regulation was challenged by hunting lodge owners who imported the deer for private hunts. The opinion confirmed the constitutional authority of the Conservation Commission to regulate wildlife and game in the state, whether privately owned or not. The regulation was promulgated to protect all Missouri deer from chronic wasting disease.

Granted Writ of Prohibition in Dozens of Related Product Liability Actions

Granted writ of prohibition from the Superior Court of Pennsylvania in dozens of related product liability actions for a national window manufacturer.

Obtained Affirmance on Appeal in Federal Corporate Veil-Piercing Action

Obtained affirmance of summary judgment at the Court of Appeals for the Second Circuit in a federal corporate veil-piercing action involving a major web and mobile application company.

Obtained Quashal for National Law Firm on Appeal

Obtained quashal on behalf of a national law firm on appeal seeking to overturn sustaining of preliminary objections dismissing the lawsuit brought against the firm and others.

Successful Appeal to Missouri Supreme Court in Product Liability Case

Appealed a \$1.1 million judgment in a product liability case to the Supreme Court of Missouri for a manufacturer of car haulers for tractor trailers. The Supreme Court reversed the judgment and remanded the case to the circuit court for a new trial.

Multimillion-Dollar Personal Injury Toxic Tort Case for Fortune 150 Client

Tried multimillion-dollar personal injury toxic tort case for Fortune 150 corporation for over 12 weeks in Missouri state court. Represented the client in an appeal to the Missouri Court of Appeals resulting in the reversal of over \$200 million in assessed damages.

Obtained Landmark Appellate Ruling Defeating ERISA-Preemption Defenses to Fraud and Tort Claims

Represented a medical device provider in payment claims against a leading insurer that resulted in a landmark ruling by the U.S. Court of Appeals, Fifth Circuit, sustaining our client's fraud and tort claims against ERISA-preemption defenses

Appellate Victory Affirming Court-Ordered Removal of Illegal Billboard

The Illinois Appellate Court affirmed a summary judgment order we obtained, compelling the removal of an illegal billboard that stalled completion of a shopping center development.

Appeal Affirms Dismissal of Class Action at the Outset

Prevailed for our national client on a putative class action at the outset, executing a strategy to moot the named plaintiff's claims before the expense of class certification and merits proceedings even began. The dismissal with prejudice of plaintiff's claim was affirmed on appeal.

Complete Victory for Defendant/Counterclaimant at Trial, Affirmed on Appeal

Defeated all claims against a building owner at trial and obtained a seven-figure judgment on the owner's counterclaim against the contractor and its principals, including on veil-piercing theories and an award of attorney's fees. The victory was affirmed on appeal.