



ERIC M. WALTER

PARTNER

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Eric Walter has extensive state and federal litigation experience in a wide range of complex commercial and business cases that include: a major men's retail chain defeating false advertising claims by different statewide classes of customers; a publicly traded company defeating breach of fiduciary duty claims by a national class of former stockholders; and a religious conference center prevailing in a long-running corporate governance and property dispute.

In his practice, Eric serves privately owned businesses, publicly traded companies and nonprofit corporations. A significant portion of this work involves the defending class action lawsuits brought against various business entities. Many of the cases involve allegations of fraud, false advertising, unfair trade practices and breaches of state and federal consumer protection laws.

Eric also represents clients in matters alleging breach of contract, breach of fiduciary duty, fraud, and copyright infringement. He also provides counsel in workplace cases involving claims such as discrimination and violation of noncompete and nonsolicitation provisions.

A significant part of Eric's practice involves representing businesses and individuals in the legalized marijuana industry. He has successfully represented companies applying for state licenses to cultivate and dispense medical marijuana and its byproducts. In this area, Eric advises clients on state and federal regulations governing not only the operation of legalized marijuana businesses, but also the solicitation of and contracting with investors and other business partners.

EDUCATION

- University of Missouri School of Law (J.D., 1998)
 - Missouri Environmental Law and Policy Review, Articles Editor (1996-1998)
- University of Missouri (B.S., *magna cum laude*, 1995)

PROFESSIONAL ACTIVITIES

- The Missouri Bar
- Bar Association of Metropolitan St. Louis (Marijuana Law Committee, Chair)
- Texas Bar Association

SERVICES AND INDUSTRIES

Class Action Litigation

Marijuana Law

Employment and Labor Litigation

Outside General Counsel

Noncompete and Trade Secrets

Consumer Products and Services

Alternative Dispute Resolution

Professional Liability

ADMISSIONS

Missouri

Illinois

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, Eighth Circuit

U.S. District Court, Western District of Missouri

U.S. District Court, Eastern District of Missouri

U.S. District Court, Southern District of Illinois

ACCOLADES

- *Missouri/Kansas Super Lawyers®* (2017-present)

BACKGROUND

Prior to joining the firm, Eric was in private practice at another St. Louis area law firm. He was previously an assistant attorney general for the state of Missouri. In that position, Eric was appointed general counsel for several professional state licensing boards and prosecuted licensure violations. While with the Attorney General's Office, he also worked on complex federal lawsuits involving ERISA pre-emption.

EXPERIENCE

Multimillion-Dollar Investment in Multi-State Marijuana Cultivation Business

Advised and assisted client with documenting a multimillion-dollar investment in a multi-state marijuana cultivation business.

Significant Victory in Multimillion-Dollar National Class Action for Men's Retailer

Secured a significant victory for a men's clothing retailer on a motion to dismiss in U.S. District Court for the District of Maryland. The plaintiffs alleged that certain sales promotions were deceptive and sought certification for a nationwide class, as well as Maryland and California subclasses, potentially exposing our client to hundreds of millions of dollars in damages. The court dismissed the nationwide claims, claims relating to the Maryland subclass, and large portions of the California subclass. The firm moved to dismiss the small portions of the lawsuit that remain.

Dismissal in Consumer Class Action Lawsuit for Sporting Goods Retailer

Secured the dismissal of a consumer protection and class action lawsuit against a major sporting goods and outdoor equipment retailer filed in the U.S. District Court for the Western District of Missouri. The matter specifically involved claims of alleged violation of the Missouri Merchandising practice act, unjust enrichment, and violation of consumer protection laws in 21 other states. The plaintiff sought to represent a nationwide class of customers seeking millions of dollars in damages for alleged violations of various states consumer protection statutes. The court granted the client's motion to dismiss, and the plaintiff did not appeal or seek leave to amend.

Licensure for Client in Medical Marijuana Industry

In an intensely competitive process, we assisted our client in preparing detailed applications for licenses to grow and dispense medical marijuana, pursuant to Illinois's Compassionate Use of Medical Cannabis Pilot Program Act. Over 370 applications were filed in Illinois for just 81 licenses. Our client was awarded a license to operate a medical marijuana dispensary in suburban Chicago.

Medical Marijuana Cultivation License for Missouri Client

After Missouri passed laws authorizing the Department of Agriculture to issue licenses for the cultivation of hemp to extract and sell CBD oil to treat intractable epilepsy, we assisted our client in preparing a detailed license application. Our client was awarded one of the only two licenses granted.

Managed Consumer Class Action Lawsuits for Major Men's Retailer

Managed multiple consumer class action lawsuits for major men's retailer. Obtained a dismissal of one lawsuit, and have motions to dismiss pending on two additional lawsuits.

Secured Voluntary Dismissal of Consumer Class Action Against Major Clothing Retailer

Secured the voluntary dismissal of a consumer class action filed against a major clothing retailer in the U.S. District Court for the District of New Jersey. The plaintiff alleged that our client's sales promotions violated New Jersey consumer regulations governing advertisements, potentially exposing our client to liability for millions of dollars in statutory damages. After an appellate decision in another case confirmed the strength of our motion to dismiss arguments, the plaintiff chose to voluntarily dismiss the lawsuit.

\$1.8 Billion Sale of International Men's Apparel Manufacturer, Retailer

Managed the \$1.8 billion sale of publicly traded company specializing in the international manufacturing and sales of men's apparel.

\$825 Million Acquisition of Clothing Manufacturer, Retailer

Managed the \$825 million acquisition of a manufacturer and retailer of men's and women's active and outdoor outerwear for publicly traded company.

Handled Acquisition of \$2.3 Billion Menswear Retailer and Subsequent Litigation

Defended clothing retailer against multiple lawsuits associated with the \$2.3 billion acquisition of a publicly traded clothing retailer.

Summary Judgment for Defense Company Directors in Class Action Suit

Obtained summary judgment for multiple directors of the board of a publicly traded national defense company against former shareholders' putative class action claims, alleging breach of fiduciary duty and seeking millions in damages. The clients successfully moved to dismiss the case, and the Missouri Supreme Court affirmed the judgment.

Favorable Resolution in Dispute Between Medical Marijuana Dispensary Owners

Assisted a client in resolving a dispute with the other owners of a medical marijuana dispensary. Another owner attempted to appropriate the client's ownership interest and breach the client's management and consulting agreement with the dispensary. Protected the client's rights and secured a favorable resolution.

Favorable Resolution in Breach of Contract Suit

Represented an ambulance service provider who had an exclusive contract to provide services for an entire county. When the county government attempted to breach the client's contract, we filed a lawsuit to protect the client's rights and negotiate a favorable resolution.

Summary Judgments Affirmed on Appeal for Conference Center

Defended a conference and resort center's amendments to its governing documents from multiple lawsuits filed by a religious association. The religious association claimed that the amendments unlawfully eliminated alleged enforceable contractual and statutory rights in the original documents. The client prevailed on summary judgment in two different jurisdictions, and each judgment was unanimously affirmed on appeal.

Obtained Dismissal of Consumer Class Action for Retailer in Illinois

Obtained a dismissal of putative consumer class action alleging deceptive advertising in U.S. District Court for the Northern District of Illinois. The Court granted the client's

motion to dismiss, and when the plaintiff sought appellate review, the Seventh Circuit unanimously affirmed.

Obtained Dismissal of Consumer Class Action for Clothing Retailer

Obtained a dismissal of putative consumer class action alleging deceptive advertising in U.S. District Court for the District of New Jersey. The plaintiff claimed the retailer's advertisements were misleading because the products were not sold at the advertised regular prices often enough. The Court dismissed the case because the complaint alleged no facts showing that the plaintiff suffered any damages.

THOUGHT LEADERSHIP

November 7, 2018

Medical Marijuana Measure Passes in Missouri

November 10, 2016

Voters Approve New Marijuana Laws in Eight States

June 18, 2015

Colorado Employers Can Fire Workers for Off-Duty Medical Marijuana Use