



## JONATHAN SHULAN

### PARTNER

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Jonathan Shulan has a robust litigation practice focusing on complex commercial disputes, high-stakes insurance coverage and bad faith litigation and counseling, and appeals. A tireless, thoughtful, and passionate advocate, Jon works with clients to develop winning strategies that align with their values and further their business objectives.

### Commercial Litigation/Arbitration

Jon's commercial practice encompasses a wide range of cases, including director and officer litigation, business torts, consumer protection, construction disputes, class actions, ERISA matters, fiduciary litigation, public finance disputes, noncompete and trade secret litigation, and real estate matters. Jon regularly represents individuals and organizations in high-stakes civil litigation in federal and state courts and in arbitration tribunals throughout the country. Viewed as a "go to" lawyer in matters involving complex legal issues, Jon serves as a trusted partner to clients, thoroughly analyzing their rights and obligations and helping them develop and execute sound litigation and settlement strategies. Some representative results include:

- Negotiated favorable settlement in nationwide TCPA class action
- Obtained summary judgment in water rights action
- Obtained favorable disposition of Missouri Merchandising Practices Act claim
- Obtained judgment as a matter of law in multi-defendant TIF dispute
- Obtained dismissal of breach of contract and breach of fiduciary duty claims brought against a closely held business and its directors and officers and then successfully prosecuted our clients' counterclaim for attorney's fees (affirmed on appeal)
- Lead counsel in successful defense of mortgage broker in federal consumer fraud action (affirmed on appeal)
- Obtained \$4.1 million arbitration award in commercial dispute after successfully compelling arbitration of dispute across multiple jurisdictions

### Insurance Litigation/Arbitration

Experienced in all phases of insurance disputes, Jon counsels insurers and policyholders about coverage under first-party, third-party and reinsurance policies, and vigorously litigates breach of contract, bad faith, vexatious refusal, garnishment and broker liability claims. His cases involve various coverages, including general liability, property and casualty, professional liability, directors and officers, trade credit, errors and omissions, and life insurance. Jon's insurance practice primarily focuses on bad faith and extra-

### SERVICES AND INDUSTRIES

Alternative Dispute Resolution  
Appellate  
Class Action Litigation  
Consumer Products and Services  
E-Discovery  
Environmental  
Insurance Coverage Litigation  
Life, Health, Disability and ERISA Litigation  
Litigation  
Manufacturing and Innovation  
Noncompete and Trade Secrets  
Product Liability  
Ethics and Professional Responsibility  
Real Estate, Development, Construction  
Technology

### ADMISSIONS

Missouri  
Illinois  
Arkansas  
Texas  
District of Columbia  
U.S. Court of Appeals, Eighth Circuit  
U.S. Court of Appeals, Seventh Circuit  
U.S. Court of Appeals, D.C. Circuit

contractual litigation and involves high-stakes coverage issues, such as in the following representative matters:

- Obtained summary judgment on vexatious refusal claim seeking more than \$20 million in damages
- Favorable resolution of carrier’s extra-contractual exposure involving allegations of misconduct by retained defense counsel
- Obtained favorable disposition of declaratory judgment action involving underlying TCPA class action
- Successfully defended \$10 million insurance coverage action, obtaining summary judgment for insurer on five separate grounds (affirmed on appeal)
- Obtained favorable settlement for policyholder in “bet the company” multi-jurisdictional dispute with multiple insurers and claimants

#### **Developing Practices**

A growing part of Jon’s litigation practice includes white collar criminal defense, in which Jon represents corporations and individuals in government investigations and prosecutions arising from a variety of transactions and circumstances. Jon also has an interest in copyright litigation and election law and is working to develop those practice areas. With respect to copyright, Jon keeps abreast of the latest developments in litigation involving musical and dramatic works—an area to which he brings a unique perspective as a conservatory-trained orchestral conductor and performing musician. Jon’s interest in election law is primarily focused on election contests and counseling sponsors and opponents of statewide initiative petitions in pre- and post-election litigation.

U.S. District Court, Southern District of Illinois  
U.S. District Court, Eastern District of Missouri  
U.S. District Court, Western District of Missouri  
U.S. District Court, Eastern District of Arkansas  
U.S. District Court, Western District of Arkansas  
U.S. District Court, District of Colorado  
U.S. District Court, Northern District of Texas  
U.S. District Court, Western District of Texas  
U.S. District Court, District of Columbia  
U.S. District Court, Eastern District of Michigan

#### **EDUCATION**

- William H. Bowen School of Law - University of Arkansas at Little Rock (J.D., *high honors*, 2010)
  - University of Arkansas at Little Rock Law Review, Research Editor
- University of Missouri (M.M., 2003)
- Johns Hopkins University (B.M., 2001)

#### **CHARITABLE AND CIVIC INVOLVEMENT**

- Missouri Chamber Music Festival (Board of Directors)

#### **ACCOLADES**

- Obtained #5 Judgment or Bench Award in Missouri (2021)

#### **BACKGROUND**

Prior to joining the firm, Jon served as a judicial clerk to Chief Judge Brian S. Miller of the U.S. District Court for the Eastern District of Arkansas and to Associate Justice Jim Gunter of the Arkansas Supreme Court. While clerking, Jon assisted with diverse caseloads including criminal matters, complex commercial litigation, insurance coverage

litigation, constitutional cases, ERISA matters, ballot initiative and election disputes, consumer protection litigation, class actions, and labor and employment cases.

## **EXPERIENCE**

### **\$2.3 Million Judgment for Insurance Client**

Secured judgment for insurance client and its insured in the U.S. District Court for the Eastern District of Missouri for more than \$2.3 million in a case concerning which of two insurers would pay for the settlement of an underlying civil action. Following jury and bench trials in favor of the client, the court awarded nearly all damages sought as well as more than \$646,000 in prejudgment interest.

### **Secured Unconditional Defense Coverage from Insurer for Client**

Client company and its executives were sued by a former employee for various claims arising from allegations of sexual harassment. The client's insurer denied coverage. After prevailing upon the insurer to withdraw its disclaimer, the insurer agreed to provide an unconditional defense and indemnity for the claims against the client.

### **Summary Judgment on \$21+ Million Vexatious Refusal Claim**

Secured summary judgment for insurer regarding in a high-stakes insurance coverage/vexatious refusal action arising from a class action. The plaintiff had sought more than \$21 million from the insurer client ostensibly for damages incurred litigating and settling an \$80+ million consumer class action suit alleging violations of the Uniform Commercial Code.

### **Assisted Multiple Clients in Missouri Medical Marijuana Application, Licensure Process**

Assisted multiple clients in drafting and submitting numerous applications for medical marijuana facility licenses to the Missouri Department of Health and Senior Services.

### **Opposition to Temporary Restraining Order for Freight Company**

Defended a Canadian freight company against an emergency motion for temporary restraining order (TRO) demanding immediate return of leased trailers. Prepared a response and affidavit under very limited time constraints, and successfully argued in opposition to the motion for TRO. The judge denied the TRO, which would have caused serious harm to our client and its customers if granted.

### **Successful Licensure for Client in Illinois Medical Marijuana Industry**

Assisted our client in preparing detailed applications for licenses to grow and dispense medical marijuana in an intensely competitive process under Illinois's 2014 Compassionate Use of Medical Cannabis Pilot Program Act. Over 370 applications were filed in Illinois for just 81 licenses. Our client won a license to operate a medical marijuana dispensary in suburban Chicago.