

LITIGATION

From jury trials and bench trials, to arbitrations and appeals, our litigation team is consistently recognized for successfully handling complex, high-stakes matters for our clients in challenging venues across the country.

Our lawyers consistently win at trial. Their skills and strategy have resulted in dozens of top-ranking plaintiff and defense verdicts over the years.

Our team includes a fellow of the prestigious American College of Trial Lawyers, former appellate court clerks, trial court clerks, a former Illinois Supreme Court law clerk, and federal and state prosecutors. It also includes four former trial court judges and a state Supreme Court justice.

Because the firm's lawyers have experience in every major practice area, we can rapidly assemble a focused, integrated and efficient team to support our clients.

EXPERIENCE

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.

Counsel to National Mortgage Servicer Defending Consumer Protection Claims and Affirming on Appeal Second Trial Judge's Authority to Rule Conversely on Second Summary Judgment

Served as counsel to lender/servicer in defense of multi-count counterclaim for damages in context of foreclosure action, affirmed on appeal following differing decisions by original and successor trial judge.

Trial Counsel on Breach of Contract Damages and Assignment of Contract, Affirmed on Appeal

Served as Plaintiff's counsel and lead trial counsel on damages claim for breach of contract and/or negligence and rights on assignment. Matter affirmed on appeal, per curiam.

Counsel to Secured Creditor in Farming Operation Litigation and Bankruptcy

Served as lead and trial counsel to lender in federal litigation for breach of contract, fraud, and replevin and for non-dischargeability and defense of lien avoidance in subsequent bankruptcy.

Defense of Convenience Store Client in Personal Injury Case

Represented a convenience store client in a jury trial before the Western District of Missouri in a case involving a slip and fall at a fueling station following a major winter storm. The plaintiff asked the jury for damages related to medical expenses, past pain and suffering, and future pain and suffering. Following a four-day trial, the jury assigned 94% of the fault to the plaintiff and only 6% to the client.

Defense Counsel for Mobile Advertising Platform Developer and Directors in Delaware Chancery Court

Served as defense counsel for a mobile advertising platform developer and its former directors in a Delaware Chancery Court action alleging breach of fiduciary duty and disclosure violations arising out of an M&A transaction.

Representations in Actions Seeking Access to Company's Records



Represented companies defending, and shareholders and members prosecuting, actions seeking access to a company's books and records pursuant to Section 220 of the Delaware General Corporation Law and Section 18-305 of the Delaware LLC Act.

Defense Counsel for Employee Retirement Investment Funds in Two of the Largest Fraudulent Conveyance Actions in History

Served as defense counsel for employee retirement investment funds of a Fortune 100 company in two of the largest fraudulent conveyance actions in history, filed in the Southern District of New York.

Defense Counsel in Advancement Action

Defended company in Delaware chancery court in action brought by former officers and directors for advancement of attorneys' fees and expenses under indemnification provisions of company's corporate charter and separate indemnification agreements.

Defense Counsel in Business Divorce Arbitration

Represented company and its officers and directors against former officer's and shareholder's breach of fiduciary duty claims in arbitration.

Defense Counsel Against Action to Obtain TRO, Preliminary Injunction

Served as defense counsel to employee and employee's company against an action by former joint venture partner to obtain a temporary restraining order and preliminary injunction involving contested nondisclosure and noncompete agreements.

Secured Motion to Dismiss in Illinois Consumer Fraud and Deceptive Business Practices Act Case

Secured motion to dismiss with prejudice in Cook County Chancery Court for the client, a pharmaceutical company, in an action brought by the Illinois Attorney General against various manufacturers and distributors. The plaintiff alleged that the defendants had created a public nuisance and violated the Illinois Consumer Fraud and Deceptive Business Practices Act, and that the distributors had failed to properly examine and report suspicious orders of opioid medications.

Favorable Settlement and Dispute Resolution for Animal Feed Producer

Successfully opposed efforts to seek class certification in U.S. District Court for the Eastern District of California in case founded upon consumer fraud claims, resulting in a favorable settlement for the client and elimination of continued liability exposure.

Litigation Counsel for Craft Brewery

Represented a regional craft brewery in the course of dispute with distributor's breach of agreement.

Breach of Contract Judgment in Favor of Business Products and Services Client

Secured judgment in favor of a business products and services client in a breach of contract dispute with a former customer, who stopped paying invoices on a 60-month contract. The client filed suit in Jackson County, Missouri, Circuit Court for breach of contract and quantum meruit seeking liquidated damages and unpaid invoices plus interest. The defendant denied that the client was entitled to pre-judgment interest and liquidated damages. Following a bench trial, the judge found in favor of the client on all claims and awarded all damages plus interest.

Summary Judgment in Employment Discrimination Case

Secured summary judgment in the Circuit Court of Cape Girardeau County, Missouri, for a university client in a heavily contested employment discrimination case. A former university coach claimed she was discriminated against based on gender stereotyping and implicit bias. Following numerous depositions and testimony from expert witnesses on both sides, the Court granted summary judgment for the university on all counts.

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.

Defeated Motion to Cancel Notice of Pendency in \$1.5 Million Dispute

Defeated a motion by property owner to cancel client's notice of pendency on real property, on grounds that property owner was "alter ego" of parties who defaulted on the loans totaling \$1,545,000.

\$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.

Defense Verdict in Jury Trial for School District

Obtained a defense verdict in a Jackson County, Missouri jury trial in favor of our client, a school district. The plaintiff alleged reverse race discrimination, harassment and retaliation related to his termination as a constructive services department manager. The court entered summary judgment on the harassment and retaliation claims just before trial. The jury returned a unanimous defense verdict on the reverse discrimination claim.

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.

Secured Jury Verdict and Punitive Damages

Secured a jury verdict of over \$20 million and \$4 million in punitive damages against defendants regarding fraudulent activity by joint venturers concerning a failed hotel resort project in the Bahamas. The case won recognition as No. 4 in the Top 10 Verdicts in Florida in 2014.

Successfully Defended Auto Parts Assembler in Safety-Related Recall Claims

Defended auto parts assembler against breach-of-contract and indemnification claims arising from the large-scale safety recall of a sedan that cost its automaker \$25 million. A jury in Oakland County, Michigan, agreed that the client's assembly process did not cause the defect that led to the recall and rendered a no-liability verdict on the claim after a five-week trial, held just miles from the automaker's U.S. headquarters.

Successfully Defended Financial Services Firm Against Whistleblower Claim

Led litigation team to win a crucial victory for a financial services firm, turning away a \$5 million whistleblower claim against them.

Defended Corporations in Multimillion-Dollar Fraud Action

Successfully defended (at both the trial and appellate levels) several corporations in a multimillion-dollar fraud action, and obtained an award on behalf of the client for the attorney's fees the client incurred in defending the action.

Represented Company Against Venezuelan State-Owned Entity

Represented a U.S. company in a \$150 million federal bench trial against a Venezuelan state-owned entity.

Representation of National Managed Services Provider in Action Against International Owner of Luxury and Upscale Hotels



Represented a national managed services provider in an action against one of the largest international owners of luxury and upscale hotels. The case involved civil theft, constructive fraud and violation of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA). Settled favorably for our client.

Plaintiff's Counsel on Numerous Books and Records Actions in Delaware Chancery Court

Served as counsel to various plaintiffs in Delaware Chancery Court for numerous books and records actions that led to recoveries from foreign companies that failed to comply with reporting obligations.

Lead Trial Counsel in Jury and Bench Trials Before State, Federal and Appellate Courts

Served as lead trial counsel in numerous jury and bench trials in the state and federal courts in Kansas and Missouri. Successfully argued numerous cases in the Kansas and Missouri appellate courts, and before the Eighth and Tenth Circuit Courts of Appeal. Cases have involved construction defects, architect and accountant liability, title insurance and bad faith, and creditors' rights claims.

Counsel in Commercial Litigation, Foreclosure, Special Assets and Receivership Matters

Served as counsel to local, regional and national lenders in numerous commercial litigation and foreclosure, special assets and receivership matters involving the sale and liquidation of nearly every type of real property and collateral, as well as workouts, including: office parks, mobile home parks, factory, warehouse and manufacturing properties, retail centers, marinas, medical offices and equipment, transportation development districts (TTDs), liquor stores, turkey farms, cattle, farm products and equipment, hotels, dry cleaners and many more.

Secured Jury Verdict for Client in Fraud Case

Served as lead trial counsel in securing jury verdict for client in connection with fraud in the inducement in commercial marketing agreement.

\$19.5 Million Verdict in Complex Business Fraud Case

Secured a \$19.5 million verdict for a prominent Miami physician and part owner of a family drywall business in Colombia, in a two-week jury trial regarding attempts to deprive the client of his 33.33% interest in the business.

Secured Dismissal for Banking Client in Loan, Foreclosure Matter

Secured motion to dismiss in St. Louis County Court for a Missouri state-chartered banking client. The plaintiffs claimed several million dollars in damages related to a loan and foreclosure by the client and filed claims alleging breach of contract, breach of implied covenant of good faith and fair dealing, breach of fiduciary duty, wrongful seizure and liquidation in a prior replevin case, and a wrongful foreclosure sale. The plaintiffs voluntarily withdrew their claims and set forth new claims of negligent misrepresentation or concealment, fraudulent misrepresentation or concealment and breach of contract/third-party beneficiary. The Court granted our motion to dismiss based on arguments of res judicata and failure to state a claim, and dismissed the claims with prejudice.

Dismissal of Case Seeking to Ban "Obscene" Book in Virginia

Secured the dismissal of a Virginia state court case seeking to ban the sale of a client's book. A Virginia Beach General Assembly Delegate brought the action against our client and one of its authors, filed under a decades-old statute and alleging that the book – a memoir, told in graphic novel form, of the author's own journey of realizing their nonbinary and asexual identity – was "obscene." Argued that the statute was unconstitutional both facially and as-applied, and that the petition failed to state a claim under Virginia law. The Court agreed and found that the book could not be considered "obscene" under state law, as well as that the statute was unconstitutional in violation of due process and the First Amendment.

\$7.5 Million Settlement Over Delayed Renovation of Historic Landmark

Negotiated a \$7.5 million delay damages settlement for construction company client over the renovation of a National Historic Landmark building in New York City. The one-year project took three years for substantial completion due to design



conflicts with existing conditions, interferences and changes, causing substantial increased costs for the client, a subcontractor. Successfully overcame legal hurdles including lack of privity, New York law that a general contractor is not liable for delay caused by an owner, and a “no damage for delay” contract clause.

Dismissal for Public Utility Owner, with Sanctions Against Plaintiff

Represented a public utility owner in a federal court case involving a complex commercial transaction, securing a dismissal with prejudice against a plaintiff resulting from our motion for terminating sanctions over the plaintiff's various discovery violations.

Successfully Defended Client in Wrongful Death Case

Conducted the investigation and successfully represented a national fast-food delivery company in a high-profile wrongful death case stemming from a shooting that occurred at one of the client's restaurants.

Defended Client Against \$15 Million Damages Claims

Defeated claims seeking more than \$15 million in damages from his client, while obtaining a judgment for damages, attorneys' fees and expenses in the client's favor on its counterclaims.

Claims Dismissed Against Corporate Officers

Secured dismissal of claims brought against corporate officers under the fiduciary shield doctrine.

Successful Representation in Breach of Fiduciary Duty and Misappropriation of Trade Secrets Case

Our client brought claims against a former company officer, his new employer and an officer of his new employer, alleging that they misappropriated trade secrets from our client. The alleged trade secrets included customer information and highly technical manufacturing information. Our client also brought a breach of fiduciary duty claim against the former officer for allegedly diverting business from our client to his new employer immediately before he left. After a two-and-a-half-week jury trial in U.S. District Court for the Northern District of Illinois, the jury found that the former employee, his new employer and the new employer's officer misappropriated certain trade secrets and that the employee also breached his fiduciary duty, awarding our client damages on both claims.

Earned Arbitration Award for Michigan Avenue Property Owner

Earned an arbitration award for the owner of a Michigan Avenue property, defeating the developer's claim that it had substantially completed construction.

Multimillion-Dollar Jury Verdict for Chinese Manufacturer

Secured a multimillion-dollar jury verdict in federal court for a Chinese manufacturer and a Chinese distributor for fraud, breach of contract and defamation against their manufacturer's representative.

Judgment Against National Bank

Obtained summary judgment plus attorneys' fees against a national bank on behalf of the landlord in a commercial lease dispute.

Secured Judgment for Client in Post-Termination Equity Case

Secured judgment for a publicly traded master-limited partnership against a former executive's claim for post-termination equity.

Arbitration Award for Michigan Avenue Property Owner

Earned an arbitration award for the owner of a Michigan Avenue property, defeating the developer's claim that it had substantially completed construction.

Significant Reduction of Punitive Damages in Illinois Supreme Court Case

Secured a reduction of a \$1.75 million punitive damages award to \$65,000 by the Illinois Supreme Court.



\$50 Million Energy Market Dispute for Regional Transmission Organization

Reached a settlement agreement for a regional transmission organization in a \$50 million energy market dispute with hedge funds.

\$8 Million Judgment for CEO of Construction Company

Secured an \$8 million judgment in a stock buyout suit for the former CEO of a nationwide construction company.

Judgment in \$10 Million Breach of Warranty Claim Case

Secured judgment at the close of plaintiff's case for a \$10 million breach of warranty claim on large power generators.

\$70 Million Judgment Against Pharma Company in Royalty Dispute

Secured a \$70 million judgment against a pharmaceutical company in a royalty payment dispute.

Multimillion-Dollar Judgment for Nation's Largest Wholesale Power Producer

Secured a multimillion-dollar judgment for the nation's largest wholesale power producer after a bench trial.

Injunction Against Orbitz for Breach of Contract

Secured an injunction for an internet travel service against Orbitz for breach of contract.

Summary Judgment Win for Shopping Center Client Against Debtor's Claim

Beat back an \$11 million claim in bankruptcy case asserted against country's second largest owner of shopping centers based on doctrine of judicial estoppel.

Successful Defense of Board of Directors in Fiduciary Duty, Shareholder Oppression Trial

Successfully defended a corporation's board of directors against claims by shareholders for breach of fiduciary duty and shareholder oppression at trial in federal court in Chicago.

Arbitration Award Restraining \$100 Million+ Litigation in Guatemala

Earned an arbitration award restraining a more than \$100 million litigation in Guatemala against a U.S. domestic power wholesaler, which was confirmed by the federal court in Washington, D.C.

Jury Verdict in Federal Court Rescinding Client's Multimillion-Dollar Fake Antique Purchase

Secured a jury verdict in federal court in Chicago to rescind a client's multimillion-dollar purchase of fake antique statues.

Negotiated Favorable Settlement in Shareholder Dispute Involving Concert Promoter

Represented majority shareholders in lawsuit filed by minority member and negotiated favorable settlement resulting in minority member's removal from the company.

Secured Writ of Mandamus for Multi-Level Marketing Client

Obtained a writ of mandamus on behalf of an Illinois multi-level marketing (MLM) company in the Supreme Court of Alabama. The MLM company was sued in Alabama's Tallapoosa County Circuit Court. Although the circuit court denied our motion to dismiss, the Alabama Supreme Court granted our petition for writ of mandamus holding that the circuit court exceeded its discretion and directing the circuit court to dismiss the lawsuit filed against the MLM.

Defense of Prepaid Credit Card Supplier Against Regulatory Agencies

Defended a prepaid credit card supplier against the Illinois Department of Financial & Professional Regulation's claim that the client violated the Illinois Transmitters of Money Act.

Multimillion-Dollar Judgment for Commercial Landlord

Secured an \$8+ million judgment for a commercial landlord against a surety on a bond posted to secure WeWork's obligations as the tenant of a commercial building in Denver.

Acquisition of Transmission Line Easements for Energy Client



Assisted client in securing electrical power transmission line easements by negotiation and condemnation. Despite having an original list of 80 parcels of land, the team settled the majority on a compressed timeline and went to hearing on just four parcels, all of which were ultimately resolved in our client's favor.

Sizeable Judgment for Real Estate Client in Dispute

Represented real estate client in dispute with tenant and surety, and secured a sizeable judgment on the pleadings.

Successful Defense of Real Estate Developer at Federal Jury Trial and on Appeal

Represented real estate developer in several mechanic's lien suits and federal jury trial alleging breach of contract and violation of Illinois statutes concerning securities, consumer fraud, and condominiums. Obtained early dismissal of securities claim and part of a team that secured jury and bench trial verdicts entirely in client's favor. Successfully defended challenged rulings on appeal to the Seventh Circuit.

Dismissal and Favorable Verdict in Breach of Contract, Malpractice Suit

Represented founder of private buying club and his outside counsel against his former employee/attorney in breach of contract and malpractice suit; obtained dismissal of claim against outside law firm and favorable verdict on behalf of client after bench trial.

Obtained Early Dismissal in \$50 Million Breach of Fiduciary Duty, Professional Malpractice Suit

In suit seeking over \$50 million damages against receiver and her law firm, obtained early dismissal of claims against law firm and prevented filing of defamation claim under Barton doctrine. Secured summary judgment in favor of receiver on over a dozen claims for breach of fiduciary duty and professional malpractice. Successfully defended all challenged rulings on appeal to the Seventh Circuit.

Dismissal of Claims and Favorable Settlements in Representation of Real Estate Investment Firm

Represented real estate investment firm in disputes against lessees and former executives and secured dismissal of claims and favorable settlements.

Representation of Private Investor in Fraud, Veil-Piercing Claims

Represented private investor in fraudulent transfer and corporate veil-piercing claims in the Northern District of Illinois.

Representation of Corporate Client in Multi-Party Litigation Alleging Fraud Claims

Represented corporate client in complex multi-party litigation involving cross-claims of fraud in the Chancery Court of Delaware.

Prevailed on Motion for Judgment for Private Investor Client

Represented private investor in breach of promissory note action and prevailed on a motion for judgment on the pleadings against corporate defendant in the Northern District of Illinois.

Settlement Agreement for Cannabis-Related Dispute

Obtained favorable settlement agreement for landlord in breach of contract suit against cannabis manufacturing and dispensing company that violated its lease agreement after failing to obtain Illinois cannabis permits.

Vacated Default Judgment for Pro Bono Client

Successfully obtained an order vacating a default judgment against pro bono client which allowed her to have her driver's license reinstated.

Settlement Agreement in Closely Held Company Dispute

Obtained favorable settlement agreement for a construction company in a closely held company shareholder dispute involving multiple family members.

Subpoena Duces Tecum for Commodity Trading and Logistics Company



Represented an energy industry client in negotiating a limited response to an overly broad and unduly burdensome subpoena *duces tecum*.

Successful Objection to Massive Class Counsel Fee Request

On mega-settlement of antitrust action, obtained a judgment order reducing class counsel's fee award by eight-figures – notwithstanding our client's prior written agreement to the higher amount class counsel requested in fees.

Summary Judgment on Challenge to Association Bylaws

Prevailed on summary judgment for directors of a leading national professional association on a challenge to a bylaws amendment brought in a derivative action by association members who were also leaders of a rival professional association that opposed the amendment.

Successfully Defended Health Care Consultants and Health Care Attorney in Multiple Civil, Bankruptcy and Investigative Proceedings

Successfully defended a health care consulting firm and a health care attorney in multiple civil, bankruptcy and investigative proceedings relating to disputed process and handling fees paid to physicians by testing laboratories.

Judgment for Commercial Real Estate Owner, Voiding Rejected Purchase Contract

Obtained a judgment order for a commercial real estate owner that held a property sales contract void under an attorney modification clause and dismissed the buyer-plaintiff's claim with prejudice.

Litigation Success Leads to Negotiated Victory for a National Hotel Operator

After substituting in as counsel for a commercial tenant in an eviction action, amended to add claims that the landlord and its affiliate had breached the lease's territorial-exclusivity covenant and sought discovery on the affiliate's profits from the forbidden competition with our client. After the court ordered our opponents to provide the discovery, the landlord relented and entered into a 50-year lease that ceded operational control of the property to our client, reversing the landlord's longstanding opposition to such terms.

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.

Arbitration Award and Federal Court Judgment Free Energy Company to Sell Overseas Assets

Obtained both an arbitration award and a federal court judgment in favor of subsidiaries of a publicly held energy company, restraining frivolous multimillion-dollar litigation in Guatemala, which freed our client to sell its assets in that country.

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.

Representation of CEO in Compensation, Wrongful Termination Dispute

Represented former CEO of a major corporation in a dispute involving wrongful termination and compensation including stock options.

Representation of Recruiter in Fee Dispute

Represented a recruiter in a suit against a law firm for his fees.

Representation of High-Profile Law Firm Partner Moving to Another Firm

Represented a partner of a major law firm who was moving his practice to another major law firm.

Favorable Settlement for Food Ingredient Supplier in U.N. Contract Enforcement



Won a favorable settlement for a food ingredients supplier seeking to enforce a long-term contract governed by the United Nations Convention on the Sale of International Goods.

Prosecuted Claims Involving Purchase and Sale Contracts for Electrical Equipment

Defended and prosecuted claims involving purchase or sale contracts for electrical transformers used to operate light rail, and electrical switches and doors used on subway cars.

Prosecuted Claims Involving Purchase and Sale Contracts

Prosecuted claims involving purchase and sale contracts of sea containers, coal, steel, paint, wine, perfume, cloth and clothing for various manufacturers and retailers.

Licensing Matters Relating to Health Care Software Applications, Billing Systems

Prosecuted and defended licensing disputes for software including software used in health care applications and to create and maintain hospital medical and billing records.

Recovered Fraudulently Acquired Jewelry for Upscale Boutique

Recovered fraudulently acquired jewelry valued at several hundred thousand dollars for an upscale jewelry boutique.

Secured Dismissal of Corporation in Dispute Involving \$1.8 Billion Investment

Represented client against alter ego and other claims in a dispute involving a \$1.8 billion investment. Thereafter, represented client in various discovery and bankruptcy-related matters.

Enabled Investor to Exercise Conversion Rights, Control over Retail Company

Enabled an investor to exercise conversion rights, vote his new shares and exercise control over a profitable retail company despite fierce opposition.

Representation of High-Net-Worth Family in Business Dispute

Represented wealthy family members in a dispute over control of a profitable family business.

Representation of Medical Association in Bylaws Enforcement, Right-to-Payment Case

Represented a professional medical association in an action to enforce its bylaws and right to payment from a group of doctors.

Defense in Shareholder Dispute Involving Malfeasance, Breach of Fiduciary Duty Claims

Defended the managing shareholder of a metal fabrication company against claims of malfeasance and breach of fiduciary duty from his fellow shareholder.

Prosecuted Claims of Internet Defamation Against Medical Doctors

Prosecuted claims against persons who made anonymous, defamatory internet postings that damaged the reputations of medical doctors.

Prosecuted Claims Against Individual in Email Hacking, Defamation Case

Prosecuted claims against an individual alleged to have hacked into a private computer and sent a defamatory email blast to the friends, family and business associates of a business executive.

Prosecution of Persons, Businesses Defaming Competitors Online

Prosecuted claims against persons and businesses who posted reviews on internet sites defaming their competitors.

Representation of World's Largest Hourly Cost Maintenance Program for Private Jets

Represented the world's largest independent hourly cost maintenance program for private business jets in numerous business disputes.

Representation in \$22 Million Breach of Contract Action

Represented national truck lessor in breach of contract action for more than \$22 million.



Representation of Transportation Trade Association in Regulatory Matter

Represented transportation trade association against the state of Illinois in claims that certain state regulations were unconstitutional and otherwise void and unenforceable.

Representation of Employee Benefits Consultant in Misrepresentation, Fraud Case

Defended multimillion-dollar claims against employee benefits consultant for negligent misrepresentation and fraud.

Representation of Numerous Clients in Embezzlement Claims

Represented numerous clients in claims against former employees or officers for embezzling millions in corporate funds.

Contract and Fraud Case Involving Foreign Manufacturer

Represented a large foreign manufacturer in a contract and fraud dispute against two American companies, including a large American retailer. Secured a multimillion-dollar judgment after a two-week federal jury trial.

Post-COVID-19 Lease Dispute

Represented a global e-commerce company in a commercial lease dispute.

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.

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.

Secured Dismissal in Marital Joinder Action

Obtained dismissal based on lack of personal jurisdiction of Florida mortgage company in a complex marital joinder action involving twenty other defendants.

Favorable Settlement in Attorney Fiduciary Duty Case

Represented a national pharmaceutical distributor in a case of first impression in Florida dealing with attorney fiduciary duties. Successfully defended against summary judgment and negotiated favorable settlement terms.

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.

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.

Successfully Defended University, Individual Against Missouri Human Right Act Claims



Secured a full defense verdict for a university and individual on multiple claims alleging violations of the Missouri Human Rights Act. After a one-week trial in the City of St. Louis Circuit Court, the jury returned verdicts in favor of our client on all counts.

Dismissal in Multimillion-Dollar Qui Tam Case

Represented a health care client in a qui tam action involving alleged violations of the Anti-Kickback Statute, False Claims Act and equivalent state-level laws. The U.S. District Court for the District of New Jersey dismissed the complaint with prejudice.

Defense Verdict for Public Entity in Vendor Contract Dispute

We obtained a full defense verdict in a jury trial in Jackson County, Missouri, on behalf of a public entity regarding a contract dispute with a vendor. The plaintiff alleged representations from the public entity's leadership induced performance in support of a claim for breach of warranty *ex contractu*. The jury agreed with our defense that the representations did not happen and that the plaintiff did not prove damages.

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.

Dismissal with Prejudice of Claims Against School Board Chair

On our motion, we secured a dismissal with prejudice for the board chair of a private school on claims of consumer fraud and infliction of emotional distress. The multi-party suit arose out of alleged acts and omissions at the school related to claimed cyberbullying and a former student's tragic death by suicide.

Summary Judgment for Media Companies in Fee Dispute

Obtained summary judgment in class action filed against media companies in St. Louis County Circuit Court seeking to collect fees allegedly owed by the media companies to local municipalities.

Trade Secrets Litigation for Health Care Company

Represented growing health services company in dispute brought against former employer and competitor who stole confidential product formulations and customer information.

Represented Client in Contentious Defamation Litigation

Represented businessman defamed at industry convention by competitor in contentious litigation which resulted in favorable outcome for client.

Attached Property at Issue in Out-of-State Litigation

Represented large manufacturer engaged in out-of-state litigation against a retailer in attaching retailer's inventory held by a third-party distributor in Nevada. Achieved precedent-setting result which enabled client to reach favorable settlement.

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.

Dismissal of \$1 Billion Class Action Claim

Successfully defended the operator of a commercial website against a putative class action involving alleged interception of an online customer's personal information, including credit card information, and disclosure of that information to third



parties without the customer's consent. The plaintiff argued that this information, which was stored in a browser file before being sent to the website, was not yet a communication to website and that the interception and transmission of that information via JavaScript commands was illegal under the Wiretap Act. The court agreed with the website operator's arguments and dismissed the action. Plaintiff's counsel was seeking over \$1 billion in damages, making this a significant victory.

Dismissal of Potential Multimillion-Dollar Class Action

Obtained dismissal of a class action suit on appeal against our client over an alleged violation of the Fair Credit Reporting Act (FCRA). The decision helped the client avoid a potential liability of up to \$1,000 per violation (i.e., per applicant/employee) over the preceding five years, with total damages projected to be millions.

Defense Verdict in \$3.7 Million Jury Trial

Secured a defense verdict for a St. Louis, Missouri-area medical group following a five-day jury trial. The plaintiff and her attorneys asked for a verdict of \$3.7 million following a laparoscopic gynecological surgery. After 82 minutes of deliberation, the jury returned with a defense verdict.

Defense Verdict for Insurance Client

Obtained a defense verdict for our insurance client following a three-week trial. The plaintiff sought \$3.1 million related to a consent decree where it agreed to clean up soil and groundwater contamination from a manufacturing site. The insurers asserted that the plaintiff knew about the contamination for decades and did not properly notify its insurers, and that prior claims had been made associated with the contamination without proper notice. The jury found in favor of the insurers on all claims.

\$12 Million Jury Verdict in Patent Infringement Case

Obtained jury verdict and award of \$12 million in past damages against a client's subsidiary for infringement of computer software patent. Additionally, obtained jury verdict of noninfringement on patent infringement counterclaims.

Summary Judgment in Qui Tam Action Alleging Medicare Fraud

Obtained summary judgment on behalf of health care client in a qui tam action under the False Claims Act. In this case, the whistle blower sought over \$1 billion, based on all claims submitted. The judgment, regarding allegation of Medicare fraud, was successfully defended on appeal.

Largest 2014 Missouri Defense Verdict

Won the largest 2014 defense verdict in Missouri on behalf of a gas company in a \$30 million furnace explosion case. The ranking was reported by Missouri Lawyers Weekly.

Second-Largest 2013 Missouri Defense Verdict

Won the second-largest 2013 defense verdict in Missouri for its representation of a hospital in a medical negligence case. The ranking was reported by Missouri Lawyers Weekly.

Successfully Defended Snack Chip Manufacturer Against Infringement, Other Claims

Successfully defended client against claims of patent infringement, trademark infringement, trade secret misappropriation and unfair competition brought by leading manufacturer of snack chips. Secured a defense verdict on all claims.

Multimillion-Dollar Patent Infringement Verdict

Won multimillion-dollar jury verdict of patent infringement for trace detection equipment in the United States District Court for the Eastern District of Virginia.

Representation of Major International Pharma Company in Qui Tam Litigation



Armstrong
Teasdale

Represented a major international pharmaceutical company in *qui tam* litigation alleging violations of the False Claims Act and Anti-Kickback Statute.

Won Business Tort, Defamation Cases for Contract Manufacturer

Won suits brought in Pennsylvania state court against a contract manufacturer alleging various business torts and defamation.

Representation of Labor Union Against Various Claims

Represented a labor union in connection with allegations of defamation, intentional infliction of emotional distress and related business torts.