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PRACTICE AREAS

Business Litigation
Appellate Practice
General Business and Complex
Commercial Litigation
Labor & Employment

EDUCATION

University of Missouri-Kansas
City School of Law, J.D., *with
distinction*, 1980
University of Missouri-Kansas
City, B.A., *with distinction*, 1977

CLERKSHIP(s)

Law Clerk to The Honorable
Joseph E. Stevens, Jr., United
States District Court for the
Western District of Missouri

More than 25 years experience representing clients in a wide array of disputes involving complex legal issues, including contracts and business torts, employment discrimination and civil rights, insurance coverage, ERISA, receiverships, director and officer liability, class actions, federal preemption and intellectual property. Prepared briefs and argued cases before various federal and state appellate courts, including submission of amicus briefs. Experienced in the development and implementation of discovery and motion strategies and case management techniques for complex litigation.

- Obtained discretionary transfer to state supreme court and briefed appeal that reversed dismissal of client's claim for inverse condemnation and recognized right of property owner to sue for "condemnation blight" arising from stalled redevelopment plan.
- Represented a national mining company in simultaneous federal and state litigation, including extraordinary writ practice and parallel appeals, involving constitutional, statutory and common law claims arising from lawful use of public streets.
- Represented a national producer of agricultural commodity in state appeals and discretionary review proceedings arising from multiple suits alleging nuisance.
- Represented a national financial institution in a federal appeal upholding a preliminary injunction against former employees to enforce nonsolicitation agreements and upholding an order refusing to compel FINRA arbitration.
- Represented a national health care provider in federal action for judicial review of administrative denial of millions of dollars of cost reimbursement.
- Represented municipality and permit holder in three cases for judicial review arising from rezoning and special use permit for underground mining.

- Represented an association of health care providers as amicus in a state supreme court appeal involving Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- Handled appeal successfully defending quarry's special use permit against municipal challenge.
- Briefed and argued successful post-trial motion and appeal overturning \$250,000 award of punitive damages against client accused of wrongful detention and arrest.
- Filed amicus brief and obtained state supreme court ruling that not-for-profit corporations have the same right as for-profit corporations to use restrictive covenants to prevent unfair competition by former employees.
- Obtained summary judgment for client organization and executives accused of conspiracy in real estate transaction; briefed and argued successful appeal upholding result.
- Obtained state supreme court ruling recognizing setoff rights against insurance receiver, thereby sparing client from further losses to insolvent insurer.
- Obtained federal appeals court decision upholding summary judgment for national waste company against claim of disability discrimination.
- Briefed successful federal appeal upholding client's ERISA benefits determination.
- Briefed and argued successful state supreme court challenge to retroactive legislation as unconstitutional impairment of vested rights.
- Obtained summary judgment for national manufacturer in action by union members alleging ERISA, RICO and other claims; briefed and argued successful federal appeal upholding favorable result.
- Developed and implemented dispositive and evidentiary motion strategy for test case in multi-party franchise dispute with national tax preparation firm; case ultimately resolved by payment of \$270 million to sixteen clients.
- Prepared trial court and appellate briefing for big three automaker accused of "covering up" alleged product defect in lawsuit brought by two former employees; case ended with award of summary judgment and sanctions in client's favor.
- Briefed federal appeal for national health insurance carrier in case involving alleged improper disclosure of medical records; briefing prompted favorable settlement vacating adverse decision prior to oral argument.

Court Memberships

- Missouri

- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the District of Kansas
- U.S. District Court for the Western District of Missouri
- U.S. Supreme Court

Honors

- Selected among *The Best Lawyers in America*®, 2008-2012
- Martindale-Hubbell® “AV” Rating
- Research Staff Attorney, Missouri Court of Appeals, Western District
- Comment Editor, UMKC Law Review

Professional Affiliations

- American Bar Association
- The Missouri Bar
- The Kansas City Metropolitan Bar Association

Presentations

- Presenter, “The Pending Missouri Challenge to Non-Economic Damage Caps in Medical Malpractice Actions: *Klotz v. Shapiro et al*” to the Greater Kansas City Society of Health Care Attorneys - January 20, 2010