



KANSAS CITY

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Assistant

Amy Smith
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PRACTICE AREAS

Litigation

Class Action Defense

Financial Services Litigation

eDiscovery: Data, Records &
Information Governance

General Business & Complex
Commercial Litigation

Non-Compete, Non-Solicit,
Trade Secrets & Other
Restrictive Covenants

Environmental Insurance
Analysis & Recovery

Environmental Litigation

Contaminants & Toxic Tort

Accountant Liability & Risk
Management

Financial Services

COURT MEMBERSHIPS

- Missouri

Brian C. Fries

Partner | brian.fries@lathrogpm.com

Brian Fries focuses his practice on class actions and complex litigation, and he leads the firm's Class Action group. He has extensive trial practice, arbitration, and mediation experience in a variety of litigation matters throughout the United States.

His experience includes disputes arising from general business transactions, class actions, accounting and other professional negligence claims, healthcare litigation, real estate transactions, business ownership disputes, banking related claims, and a variety of tort, breach of contract and fraud claims.

Brian knows there is no one-size-fits-all approach to litigation, and he excels at working with clients to achieve their goals.

Brian also provides general outside legal counsel and advice to privately owned businesses.

Class Action Experience

- Defense of University in class action brought by former student athletes and parents alleging violations of Kansas Consumer Protection Act due to safety" representation regarding campus. Obtained complete dismissal on motion to dismiss based upon lack of standing.
- Defense of City regarding alleged improper tax and negotiation of favorable and creative settlement.
- Defense of hospital systems in consumer class actions relating to charges for providing medical records.
- Defense of national pharmacy in consumer class action relating to charges for providing medical records.

- Kansas
- U.S. District Court for the District of Kansas
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the Eastern District of Missouri
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit

EDUCATION

University of Missouri-Columbia School of Law, J.D., *cum laude*, 1992

Arizona State University, B.S., Finance, 1987

- Defense of medical records provider in consumer class action relating to charges for providing medical records.
- Defense of behavioral healthcare provider in class action relating to appropriateness of treatment guidelines.
- Defense of state agencies relating to claims of inappropriate foster care system.
- Defense of TCPA class actions relating to automated dialers and alleged TCPA violations.
- Defense of food manufacturer relating to package labeling claims.
- Representation of hospital in class action and obtaining of summary judgment in claim alleging improper disclosure of Protected Health Information through Business Associate agreement.
- Defense of commercial automobile insurance carrier in several class actions relating to policy language and interpretation.
- Defense of sport vehicle manufacturer in several consumer class actions relating to sales transactions.
- Defense of financial institution in class action relating to electronic bill payment transactions.
- Defense of financial institutions in class actions relating to overdraft fees.
- Defense of consumer fraud class action relating to advertising for medical procedures.
- Defense of title insurance company in class action seeking nationwide certification of class.
- Defense of consumer class actions relating to unsolicited faxes.
- Representation of telemarketing entities in national class actions and attorney general investigations.
- Defense of odor nuisance class actions.
- Defense of toxic tort class actions.

Additional Experience

- Defense of numerous cases brought by customers of one of the world's largest financial institutions.
- Trial judgment for bank in defense of claim relating to alleged wrongful dishonor of cashier's check based upon failures in negotiability of underlying checks. Plaintiff alleged significant economic and non-economic harm, and asked the court for

punitive damages, seeking in total over \$25 million dollars in damages.

- Defense of national accounting firm in numerous cases relating to alleged negligence claims.
- Defense of energy trading company in litigation relating to fraudulent third-party commodity trader.
- Trial judgment for business purchaser to obtain \$1.5 million earnest money deposit in real estate transaction and attorney's fees.
- Representation of international company in litigation relating to asset sale agreement.
- Several cases involving representation of officers, limited partners and general partners in breach of contract and breach of fiduciary duty claims.
- Representation of purchasers in fraud case resulting from commercial real estate transactions with underlying environmental contamination.
- Representation of educational product licensor in dispute with licensees.
- Representation of employers in enforcement of restrictive covenants with former employees.
- Defense of directors and officers of life insurance company in action brought by receiver.
- Representation of seller of manufacturing facility in indemnity and breach of contract action brought by purchaser relating to environmental liabilities.
- Representation of insureds in coverage disputes with insurance companies.
- Pro bono representation of board of directors of charitable organization.

Brian served on the former Executive Committee for Lathrop Gage, and chaired that firm's Litigation Division for several years.

Prior to attending law school, he was a financial analyst and examiner for the Federal Reserve Bank of Kansas City.

Brian is active in supporting youth sports. He served as President of the parent's board of a competitive swim team for several years, and was also recognized in 2014 with the President's Appreciation Award

from the Country Club Swim Association of Kansas City (CCSAKC) for his contributions to the swimming league. He also served for several years as President of the local boys' youth and high school lacrosse league, and was twice recognized by US Lacrosse as the Boys' High School Person of the Year for the Kansas City area for his contributions to growing the game of lacrosse, in part by helping create a charity that helps make the sport available to those who might not otherwise be able to afford to play.

Events

- State of Litigation: Football Draft Edition
April 12, 2023
- State of Litigation Virtual Event Series
Session 1 - Wednesday, June 9; Session 2 - Wednesday, June 16;
Session 3 - Wednesday, June 23
- State of Litigation Virtual Event Series
Session 1 - Thursday, July 16; Session 2 - Thursday, July 23;
Session 3 - Thursday, July 30
- 2019 State of Litigation
June 6, 2019
- 2018 Kansas City State of Litigation
June 12, 2018

Presentations

- Moderator, "Second Quarter: Courts and Juries in 2023 and Beyond," Lathrop GPM 2023 State of Litigation: Draft Edition, April 12, 2023
- Speaker, "Class Action Settlements," KCMBA Annual Business Litigation Seminar, August 6, 2020
- Speaker, "Arbitration: Emerging Issues for In-House Teams," 2019 State of Litigation, June 6, 2019

Publications

- Co-author, "'Immune' claims and COVID-19," Regulatory Affairs Professionals Society, Regulatory Focus, June 30, 2021
- Author, "Chapter 17, Class Actions In Missouri and Kansas," KCMBA Business Litigation Handbook (3d ed.), 2017

- Author, "Officers and Directors in the Crossfire: Increased Litigation Risks from Shareholder Derivative Lawsuits," Bloomberg Corporate Law Journal, Winter 2009.
- Author, "Recent Amendments to the Bankruptcy Code: A Politically Motivated Less Fresh Start," 56 Missouri Law Review, 1991

Client Alerts And Blog Posts

- The Supreme Court's Unanimous Decision Narrows TCPA's Reach
April 9, 2021
- Eleventh Circuit Breaks "New Ground" for Common Class Action Practice: Incentive Awards Banned by 1880s Supreme Court Precedent
September 23, 2020
- Missouri Aims to Weed out Meritless Punitive Damage Claims and Reign in Consumer Protection Claims
May 22, 2020
- COVID-19 Leads to New Class Actions
April 30, 2020
- Class Action Alert: The Not So Sweet Side of Sugar-Based Labeling
March 3, 2020
- Privacy Alert: Let the CCPA Class Action Lawsuits Commence
February 11, 2020

In The News

- Benchmark Litigation: Four Lathrop Gage Attorneys Selected as Litigation Stars
November 23, 2015
- Kansas City Business Journal: Lathrop Finds it Prime Time to Start New Practice Group
November 7, 2008

News Releases

- Lathrop GPM, Insurance Recovery Practice and Eight Attorneys Recognized by Benchmark Litigation
October 5, 2023
- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America®
August 17, 2023

- Lathrop GPM, Insurance Recovery Practice, Labor & Employment Practice and Eight Attorneys Recognized by Benchmark Litigation
September 28, 2022
- Six Lathrop GPM Attorneys Named Lawyer of the Year, 95 Ranked as The Best Lawyers in America©
August 18, 2022
- Missouri & Kansas Super Lawyers Recognizes 30 Lathrop GPM Attorneys
November 16, 2021
- Seven Lathrop GPM Attorneys Named Lawyer of the Year, 100 Ranked as The Best Lawyers in America©
August 19, 2021
- Missouri & Kansas Super Lawyers Recognizes 34 Lathrop GPM Attorneys
November 16, 2020
- Lathrop GPM Insurance Recovery Practice Receives National Benchmark Litigation Honors; Nine Attorneys Named Benchmark Litigation Stars
November 6, 2020
- Lathrop GPM Attorneys Named to The Best Lawyers in America©, Lawyer of the Year, and Ones to Watch for 2021
August 20, 2020
- Missouri & Kansas Super Lawyers Recognizes 42 Lathrop Gage Attorneys
November 13, 2019
- Seven Lathrop Gage Attorneys Named Benchmark Litigation Stars
October 8, 2019
- Best Lawyers in America 2020 Names 72 Lathrop Gage Attorneys; 13 Lawyers of the Year
August 15, 2019
- Super Lawyers Recognizes 47 Lathrop Gage Attorneys in Missouri and Kansas
November 14, 2018
- Best Lawyers in America Recognizes 70 Lathrop Gage Attorneys
August 15, 2018
- Super Lawyers Recognizes 57 Attorneys from Lathrop Gage in Missouri and Kansas
November 9, 2017
- Benchmark Litigation Selects Four Lathrop Gage Attorneys as Litigation Stars

October 16, 2017

- Best Lawyers in America Recognizes 78 Lathrop Gage Attorneys
August 15, 2017
- Best Lawyers in America Recognizes 78 Lathrop Gage Attorneys
August 16, 2016
- Super Lawyers Recognizes 71 Lathrop Gage Attorneys
October 14, 2013
- 81 Lathrop Gage Attorneys Named “Best Lawyers in America”
August 15, 2013
- Lathrop Gage Announces Mark Bluhm as CEO
May 17, 2013
- 75 Lathrop Gage Attorneys Named Missouri & Kansas Super
Lawyers
October 15, 2012
- 80 Lathrop Gage Attorneys Named “Best Lawyers in America”
August 22, 2012
- Lathrop Gage Elects William Beck, Robert Grossman and Phillip
Lorenzo to Executive Committee
July 9, 2012
- 54 Lathrop Gage Attorneys Named Missouri & Kansas Super
Lawyers
November 1, 2011
- 62 Lathrop Gage Attorneys Recognized by Super Lawyers
Magazine
October 13, 2010
- Benchmark Litigation Selects Five Lathrop Gage Attorneys as
Litigation Stars
August 26, 2010
- American Lawyer Media Highlights Lathrop Gage Commercial
Litigators
August 25, 2010
- 59 Lathrop Gage Attorneys Named Best Lawyers in America
August 6, 2010
- Lathrop Gage Adds Brian Fries to Executive Committee
July 11, 2008

Professional Affiliations

- The Missouri Bar Association

- Kansas Bar Association
- American Bar Association
- The Kansas City Metropolitan Bar Association (former Legal Advisor to Board), Member, Business Litigation Committee
- Lawyers Association of Kansas City, Former Chairman, "Crackdown on Crackhouses," Young Lawyers Section
- Former Participant, Ross T. Roberts Inn of Court
- Former Member, Eighth Circuit Subcommittee on Civil Jury Instructions
- Earl E. O'Connor American Inn of Court

Community Involvement

- Lacrosse Association of Kansas City, President; Treasurer
- Lacrosse The City, Founder
- The Civic Council of Greater Kansas City, Kansas City Tomorrow, Class XXVIII

Honors

- Selected among *The Best Lawyers in America*®, 2011-2024
 - "Lawyer of the Year," 2020
- *Benchmark Litigation, the Guide to America's Leading Litigation Firms and Attorneys*, "Local Litigation Star; Commercial, Insurance, Securities," 2011, 2013, 2016, 2018, 2020-2024
- *Missouri & Kansas Super Lawyers*, 2008-2021
- Martindale-Hubbell® "AV" Rating
- Order of the Coif
- Board of Advocates
- Editor-in-Chief, *Missouri Law Review*