

# MissouriLawyers

VOLUME 45 NUMBER 5

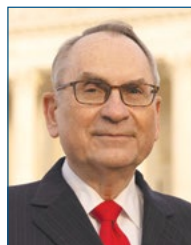
IN PRINT. IN DIGITAL. IN PERSON. Expertly Focused On Today's Legal Professional.

WEEKLY

## Personal injury, product liability attorneys navigate increase in challenging UTV & ATV crashes



THE  
**POWERLIST**  
MISSOURI LAWYERS WEEKLY  
BUSINESS DEFENSE



LEGAL  
LIMELIGHT  
MICHAEL K.  
WHITEHEAD



2026  
Roster



# THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS

## MISSOURI CHAPTER

CHECK AVAILABLE DATES CALENDARS AND SCHEDULE ONLINE  
WITH THE STATE'S MOST RESPECTED NEUTRALS



Charles Atwell  
(816) 931-6300



Jerome Bales  
(913) 638-6556



Jack Bangert  
(816) 502-4818



Thomas Bender  
(816) 421-0700



Hon. Jason Brown  
(417) 714-0440



Jane Cohen  
(314) 881-6145



Hon. Michael Cordonnier  
(417) 880-6300



Hon. Joe Dandurand  
(816) 931-6300



Hon. Jay Daugherty  
(816) 931-6300



Jerome Diekemper  
(314) 606-0831



Joe Eischens  
(816) 945-6393



Mike Geigerman  
(314) 231-4642



Hon. Paul Gurney  
(816) 931-6300



Larry Harman  
(816) 781-4788



Rick Holtsclaw  
(816) 221-2555



Hon. Victor Howard  
(816) 931-6300



Kent O. Hyde  
(417) 831-4046



Sly James  
(816) 363-9926



Derek Johannsen  
(816) 994-9700



Melvin Kennedy  
(314) 561-3241



Nancy Kenner  
(816) 931-6300



Bruce Keplinger  
(816) 931-6300



Kim Kim  
(314) 231-4642



Lou Leonatti  
(573) 473-5446



Robert Litz  
(314) 231-4642



Rodney Loomer  
(417) 883-2102



Richard McLeod  
(816) 421-5656



Ron Mitchell  
(417) 291-4754



Frank Neuner  
(314) 748-1680



Jerry Palmer  
(785) 233-1836



Mike Patton  
(417) 883-2102



John Phillips  
(816) 931-6300



Hon. Mark Powell  
(417) 430-3350



James Reeves  
(816) 231-4642



Larry Rute  
(785) 357-1800



William Sanders  
(913) 234-6101



Hon. Robert Schieber  
(816) 931-6300



Leland Shurin  
(816) 304-7500



Stephen Snead  
(417) 319-2766



Jason Sprang  
(314) 313-9385



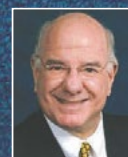
David Vogel  
(816) 665-5956



Roger Warren  
(913) 234-6100



Bruce Waugh  
(816) 714-3044



Ron Wiesenthal  
(314) 725-3344



Brad Winters  
(314) 334-5267

# [www.MissouriMediators.org](http://www.MissouriMediators.org)

The National Academy of Distinguished Neutrals is an invitation-only association of over 1000 top litigator-rated mediators & arbitrators across the US, and proud ADR sponsor to the national defense and plaintiff bar associations. For more info, please see [www.NADN.org/about](http://www.NADN.org/about)

# MissouriLawyers

WEEKLY

IN PRINT. IN DIGITAL. IN PERSON. Expertly Focused On Today's Legal Professional.

1400 South Highway Drive • Suite 103 • Fenton, MO 63026  
314-421-1880 • FAX (314) 621-1913

E-mail: [mail@molawyersmedia.com](mailto:mail@molawyersmedia.com) • Circulation: (800) 437-0916

## Managing Director/Publisher

Susan A. Bocamazo, Esq., [sbocamazo@lawyersweekly.com](mailto:sbocamazo@lawyersweekly.com)

### EDITORIAL

#### Editor

Jordan Yount  
[jyount@molawyersmedia.com](mailto:jyount@molawyersmedia.com)

#### Reporter

Kallie Cox

#### Reporter

Erin Achenbach

#### Digital Editor

Scott Andera

### ADVERTISING

#### Associate Publisher and Advertising Director

Johnny Aguirre  
[jaguirre@molawyersmedia.com](mailto:jaguirre@molawyersmedia.com)

#### Event Coordinator

Anthony Jones  
[ajones@molawyersmedia.com](mailto:ajones@molawyersmedia.com)

### PUBLIC NOTICE

#### Public Notice and Page Flow Manager

Karie Clark  
[kclark@molawyersmedia.com](mailto:kclark@molawyersmedia.com)

#### Public Notice Supervisor

Lisa Fowler

#### Customer Service Representative

Tammy Morehead

### ART & PRODUCTION

#### Creative Director

Melanie Bingham

#### Project Management

Jordan Mazuranic

#### Production Specialist

Matt Foster

#### Director of Production Services

Bradley Redmond

## MOLAWYERSMEDIA.COM

### MISSOURI LAWYERS WEEKLY

(ISSN 0899-5907) is published monthly (12 issues per year) by Bridgetower Media, 1400 South Highway Drive Suite 103, Fenton, MO 63026. The standard Digital+Print subscription is \$550.80 per year. Periodicals postage paid at SAINT LOUIS, MO 63155-9651, and additional entry offices.

**POSTMASTER:** Send address changes to Missouri Lawyers Weekly Subscription Services, PO Box 494, LINCOLNSHIRE, IL 60069-0494

To place orders, temporarily stop service, change your address or inquire about billing: Phone: (800) 437-0916 Email: [support@bridgetowerhelp.com](mailto:support@bridgetowerhelp.com)

To order a new subscription go to: <https://molawyersmedia.com/subscribe/>.

To renew your existing subscription, to change your address, or manage your account go to: <https://molawyersmedia.com/manageaccount-fc/>.

To submit subscription payments by mail: Subscription Services PO Box 494, LINCOLNSHIRE, IL 60069-0494

Copyright 2026. BridgeTower OpCo, LLC d/b/a Missouri Lawyers Media. All rights reserved. We have prepared this material at substantial expense and for the sole, exclusive and personal use of purchasers and subscribers of this publication. You may not republish, resell, record, or otherwise use this material for any purpose, without the publisher's written consent. We will seek legal redress for any infringement of our copyright.

BridgeTower OpCo, LLC d/b/a Missouri Lawyers Media is an equal opportunity employer.



MissouriLawyers  
EXPERTLY FOCUSED. WIDELY ACCLAIMED. MEDIA

BRIDGETOWER MEDIA™

# CONTENTS

## COVER STORY

p 4 | Personal Injury, product liability attorneys navigate increase in challenging UTV & ATV crashes

## INSIDE COVER STORY

p 8 | Cannabis industry growth brings workplace safety risks

## NEWS IN BRIEF

p 12 | Missouri bar exam pass rate declines slightly in latest results

## FEATURED RULINGS

p 15 | The latest rulings from state and federal appellate courts

## READER RANKINGS

p 35 | Recognizing the businesses and organizations that support attorneys each day

## LEGAL LIMELIGHT

p 56 | Michael Whitehead

## VERDICTS & SETTLEMENTS

p 48 | The latest roundup of concluded legal actions

## POWER LIST

p 60 | The top attorneys in Business Defense

**The Best Employer Survey**  
Answers All These Questions And More.

How does my company stack up?  
What's my company culture?  
How's my reputation?  
Do people like working here?  
Does leadership listen?

A Best Employer Survey gives you actionable insights that help you better understand your workforce and create a high-engagement and high-productivity work environment.

**The process is easy!**

- ✓ The survey is a fully managed, which means we do all the work for you.
- ✓ We employ a tried and tested scientific methodology overseen by HR professionals.
- ✓ By completing just one survey, you unlock multiple opportunities for recognition, giving you a real recruiting advantage.
- ✓ With insights from 1000+ Best Places to Work, you can gauge your company's performance against industry leaders, identify areas for improvement, and implement strategies that have proven successful for top-tier companies.

Download this complimentary guide to find out what the best companies do to keep top talent in 2024.

Best Companies Group >>>  
Part of the BRIDGETOWER MEDIA Network

**Correction:** In our April issue, we inadvertently placed the wrong photo of C.J. Larkin in our 2026 Women's Justice Awards section. You can find the corrected version on P67.

Cover: Depositphotos



# Personal Injury, product liability attorneys navigate increase in challenging UTV & ATV crashes

Depositphotos

By KALLIE COX • [KCOX@MOLAWYERSMEDIA.COM](mailto:KCOX@MOLAWYERSMEDIA.COM)

Missouri is known for many things shared by outsiders and locals alike — the sprawling Mississippi River, the Kansas City Chiefs, St. Louis Cardinals and of course, the Gateway Arch. However, the state has come into the personal injury law limelight for a different reason.

It is one of the deadliest states for drivers of all-terrain and utility task vehicles (ATV/UTV). “The Consumer Federation of American ranked Missouri top five in the nation for number of UTV deaths in 2022, 2023 and 2024 and top ten in the nation for number of ATV deaths across that same timeframe,” according to an analysis of the most recent study on the topic by Duckworth Injury Law. The use of these recreational and sometimes

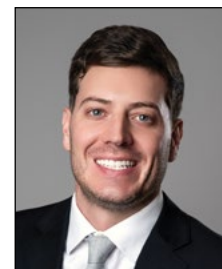
work-related vehicles has surged in recent years, with some attributing the trend to boredom during the COVID-19 pandemic. Market forecasts predict the industry isn’t slowing down and that UTV/ATV purchases will grow from an \$8.53 billion market in 2024, to \$16 billion by 2033.

UTV and ATVs are particularly popular in rural areas of the state for both recreational use and forestry and farm work. As a result of the increasing popularity, Missouri personal injury and product liability attorneys are seeing an uptick in these cases.

Rather than being litigated in the same fashion as motor vehicle collisions, these cases present unique challenges to attorneys who often have a difficult time justifying the costs of the case

given insurance loopholes that fail to cover UTV/ATV drivers and passengers.

A few of Missouri’s top experts in this emerging field shared their advice on navigating insurance, negligence and product liability claims.



**DUCKWORTH**

## Personal Injury

Over the last several years, E.C. Duckworth, principal attorney at Duckworth Injury Law in Columbia, said he has seen an increase in both UTV and ATV crashes in

the area. He thinks the growing popularity of the vehicles may be driving the surge.

"I grew up in rural mid-Missouri, and we always had a four-wheeler growing up, an ATV growing up and so did a lot of friends and neighbors," Duckworth said. "But you didn't see a ton of UTVs outside of (...) gators that are used on farmland. But over the last 10 years or so, I think across the U.S. there's been a surge of people buying recreational UTVs, like the (...) the Polaris RZRs and those are more of a hobby type use than a practical farm type use."

These recreational UTVs are designed for mudding and off-roading, but as recreational use has increased so have the crashes, he said. Anecdotally, this might relate to the COVID-19 pandemic when quarantine led to a surge in outdoor hobbies.

Brennan Delaney, a partner with Langdon & Emison, also connects the increase to the pandemic.



**DELANEY**

"My perception of it is a lot of people they are stuck at home. What are they going to do? Well, either I have a UTV or let me get a UTV so I can go to at least ride around

the country in my UTV and have something to do rather than be stuck at home," Delaney said. Integral to any case involving these vehicles is correctly identifying whether the crash involves a UTV or an ATV. Delaney has models of the vehicles he uses to explain the difference to his clients and juries.

"An ATV is like a motorcycle," he said. "It's got the handlebars, there's no rollover protection structure, (...) there's no seat belts."

UTVs are more like actual vehicles.

"You have an enclosed area where they have a seat and a steering wheel and a brake pedal and a gas (pedal)," Delaney said. "So, it's more of an occupant space that is like a car or truck."

UTV enthusiasts are gathering for group rides, similar to those that take place in the motorcycle and jeep communities.

"We've seen crashes related to those situations, whether it's they get in a crash trying to navigate a turn on these rides, or they get involved in the crash with a third-party motor vehicle," Duckworth said. "We also see crashes involving minors that are operating UTVs and ATVs on

private property. They have friends over and they're all driving the ATVs and UTVs on the property, and then they roll it over, they collide with fixed object, a tree or a ditch and get involved in the crash."

What makes ATV/UTV litigation unique from motor vehicle crashes is the lack of insurance.

"The biggest challenge I see is where the money is going to come from to compensate the injured victim in a UTV or ATV crash," Duckworth said. "Insurance coverage, liability coverage, can be a challenge as far as what insurance coverage applies (and) what limits are there (...). We're often seeing serious injuries, wrongful deaths, associated with these crashes and the damages can be significant."

The question of where the money to compensate the injured victims or their family for these complex injuries and deaths comes from is a challenging one, Duckworth said. In addition to navigating insurance policies and avenues to compensation, the liability issues are complicated — often involving multiple potential defendants.

Depending on the nature of the crash, you may have a claim against the manufacturer or distributor of the UTV/ATV for product liability, Duckworth said. Other potential claims can be made against the owner of the vehicle if they allowed someone to drive it who shouldn't have and the landowner if there was a dangerous condition they failed to warn about.

"The other issue is okay; you've identified the defendants. What sort of insurance coverage is there to pay for any potential settlement or judgment arising from the crash?" Duckworth said. "Typically, Missouri's financial responsibility law doesn't apply to ATVs or UTVs, meaning they're not required to have liability coverage. You can often get liability coverage for it, but when you're not required to, that leaves many people not getting that coverage."

Depending on who the defendants and plaintiffs are in a case, other insurance policies may apply, but this is on a case-by-case basis, he said.

"Sometimes that's under a homeowner's policy, sometimes that's under a foreign policy. Sometimes it's under an auto policy for occupants that are involved in the crash or when someone else is at fault for causing the crash. Sometimes uninsured motorist coverage applies under the occupant's personal auto

policy," Duckworth added.

Another challenge in litigation is the improper use argument, Delaney said. In one of his cases, Delaney represented the spouse of a UTV operator who died in a roll-over crash when the roll-over protective structure crushed him. One argument frequently used by the defendant in product liability cases is that the operator did something in violation of the owner's manual, for example driving the vehicle on a public roadway.

"Which is funny, because (...) it's contradictory to a lot of places. Our home office is in Lexington, Missouri, for example, you can get a license and you can legally operate a UTV on the streets of Lexington," Delaney said. "But on the other hand, the manufacturer says 'no, you shouldn't do that. That's inappropriate use.'"

Delaney echoed that it is difficult to find insurance coverage for UTV and ATVs, especially considering some homeowner policies contain exclusions for these vehicles and won't protect a property owner from liability.

"There may be no insurance. Sometimes there's a specific amount of insurance on the UTV, but it'll be a situation just like the state minimums on autos are \$25,000 that'll be the minimum in that case," Delaney said. "My client lost her husband (...) both from an economic standpoint, his income and then also his love, care, affection, all those things. And so that's when looking at something like (product liability) can help bridge that gap."

In general, in personal injury cases, about 95 percent settle before going to trial, Duckworth said. ATV and UTV cases seem to have a slightly higher litigation rate.

"Oftentimes they need litigated just because there are complex issues as far as insurance coverage (and) as far as liability with all the potential defendants that could be involved," Duckworth said. "So, I think the litigation rate that I see is a little bit higher with these cases than your average personal injury claim."

### Product Liability

In addition to wrongful deaths, attorneys in this area are seeing traumatic brain injuries, orthopedic and spinal injuries. Many of these are caused by rollovers, leading to a swath of product liability cases that primarily involve

*Continued on Page 6*

Continued From Page 5

UTVs specifically.

The rollover structure on top of UTVs is just one of the safety features on the vehicles which also typically contain either harnesses or seatbelts and speed limiting features.



**SANSONE**

Timothy Sansone, shareholder with Sandberg Phoenix in Clayton, leads the firm's appellate and complex litigation team and his practice focuses on product liability claims.

While Sansone hasn't had any UTV/ATV cases of his own yet, he has handled similar litigation, typically for the defendant.

Common allegations he sees for products like UTVs and ATVs are that not enough testing or no testing was done, the designer or creator of the product didn't account for certain use cases, or that a problem was anticipated and not addressed. Attorneys should treat these cases as an academic process by speaking with the experts and engineers behind the products to learn everything they can about how they function.

"You really need to learn these products," Sansone said. "I would say that manufacturers really like it, and expect their attorneys to really get to know the products, not to the level of being an engineer, but to be more than just conversant, to just have a much deeper understanding of the vehicles and the process than a lay person would have."



**MOORE**

Joshua Moore, a product liability attorney with national firm Morgan & Morgan based in Orlando, said regulations for the UTV and ATV industry are lacking.

As these vehicles, UTVs especially, become more and more similar to passenger vehicles, change is needed.

"The manufacturers are the ones who write the regulations. There's no third party. There's no government body," Moore said.

"If you're going to make these a passenger vehicle, then we better have some equivalent, probably government or at least third-party verification of the regulations."

Currently, the heads of some of the top brands making the vehicles make up the Recreational Off-Highway Vehicle Association which sets the safety standards for the industry.

"So that's a little bit like letting the fox write the rules as to how to guard the hen house," Moore said. "It's just not working. It's clear it's not working. We need a better system."

An issue Moore frequently sees in his cases with some of these manufacturers is a failure to warn.

"For the ATV cases, at speeds, the degree of difference that your handlebar orientation will make as to whether it's going to roll and what's going to happen when it does, is so small that I don't think people really understand how much danger (they are in). I've ridden in them with my kids and I know after I started doing this work, there is zero chance I would ride them now the way I did before. And that's simply because now I know," Moore said. "So, I think, to me, the warning — really, really, getting the word out there, not watering it down — is probably the biggest change we need."

### The cost

The cost of these cases is exceptionally expensive, especially when they involve product liability. Delaney said this is partly due to the number of experts needed to litigate the case.



**HEATH**

Blake Heath, an attorney with Heath Injury Law, said while a lack of insurance can often be a cost barrier in these cases, it can be navigated.

"A lot of insurance policies will have exclusions for recreational vehicles. But it doesn't always mean that there's not coverage," Heath said. "You can look to determine whether or not it's a recreational vehicle (when it is) on your property it can still sometimes be covered. So, I think a lot of times, at least the cases that I've been in, depending on owner or the operator

that we've looked at, I think there are (some) ways with coverage."

Some homeowner policies, for example, can cover an ATV/UTV crash on the owner's property, but many have exceptions excluding this, Heath said. The cost to litigate a case versus the potential recovery in damages can be a barrier to providing representation. Negligent entrustment is also a barrier as it's difficult to prove a case against the owner of an ATV or UTV when the operator is the one who caused the crash.

"It's just like any other case you have to assess what are the damages to the client? Does it justify litigation? Does it make sense to pursue litigation, especially if there could be a coverage battle down the road with the insurance company," Heath said. "I think you have to assess all of those factors when you're looking at whether or not you want to pursue a claim based on the ATV (or) UTV crash."

While this is an emerging area of the law and the popularity of ATVs and UTVs are surging right now, many of the guiding principles of law still apply, Duckworth said.

"These are complex claims. So, I would not jump into handling these claims. If you've never done so before, there's obviously attorneys across Missouri that have handled these claims and it never hurts to partner up with another attorney that's been through the ropes on handling a serious ATV or UTV case," Duckworth said.

It's important on these claims specifically to ensure all potential insurance coverage has been thoroughly investigated and vetted to make sure an attorney has identified all potential coverage avenues for their client, Duckworth said.

Heath's advice for attorneys handling these cases is to "get smart, get help, or get out."

"Which is, try to figure out what you can by speaking with other lawyers that have handled similar cases or that have tried similar cases and try to learn as much about the nuances of the cases before you file and pursue it. And if you aren't going to educate yourself, then partner up with somebody that is familiar with those cases," Heath said. "Then if you don't want to either get the help or educate yourself on it, then you shouldn't take the case and pass on it." ♦

BAMSL's Golf Outing  
*Annual*

**JUNE 15**

**GLEN ECHO COUNTRY CLUB**

**Compete in firm or traditional foursomes, win prizes, claim bragging rights over fellow BAMSL members, and enjoy food, drinks & fun!**

**Every golfer will have the chance to win skill competition prizes and attendance prizes!**



**REGISTER NOW TO  
RESERVE YOUR SPACE.**

**THIS EVENT SELLS OUT!**

**[BAMSL.ORG/GOLF2026](https://BAMSL.ORG/GOLF2026)**





# Cannabis industry growth brings workplace safety risks

Depositphotos

BY ERIN ACHENBACH • [EACHENBACH@MOLAWYERSMEDIA.COM](mailto:EACHENBACH@MOLAWYERSMEDIA.COM)

**W**hen a St. Louis jury awarded millions last year to a contractor and his wife over alleged marijuana dust exposure at a cannabis grow facility, the verdict put a spotlight on a workplace safety issue drawing growing attention in more mature cannabis markets.

The case, filed in St. Louis City Circuit Court, centered on allegations that Mark Avent suffered pulmonary distress and an NSTEMI heart attack after marijuana dust was released into the lab airspace where he was working

as an independent contractor. Avent later required future medical care for atrial fibrillation and developed PTSD after the incident, according to case information submitted after the verdict. The jury found Blue Arrow Missouri 85 percent at fault and Avent 15 percent at fault, awarding \$2.5 million to Avent and \$500,000 to his wife, Lisa Avent.

The verdict arrived as agencies have begun to track occupational hazards more closely in cannabis cultivation and processing, particularly respiratory hazards associated with dust, mold,

pollen, terpenes and other airborne exposures.

St. Louis attorney William Meehan, who represented Avent and his wife, said he is not aware of another Missouri verdict or injury case involving similar allegations. But he said the Avent case should still get the attention of cannabis facility operators because the accident, in his view, was preventable.

“This was a totally avoidable accident,” Meehan said. “This was an accident that was caused by just gross negligence by the employee,

just not knowing what he was doing, compounded by the fact that the facility didn't have the proper safeguards in place. My client's injury could have been prevented had there been a seal on the room, which they're supposed to have, and it's for that reason, to protect people from inhaling the dust in case of an accident."

Amy Rubenstein, a Dentons attorney who advises cannabis businesses, said



**RUBENSTEIN**

she hasn't seen clear evidence that workplace injuries are increasing in the cannabis industry, but as the industry has scaled, she said, the nature of the workplace has

changed.

"I don't know that injuries are increasing when you think about how the industry has grown and the exponential number of new employees in this industry," Rubenstein said. "I think that some could argue that, as a relative basis, injuries have actually gone down."

Still, she said, cannabis businesses often combine several different workplace environments under one umbrella.

"We're dealing with an industry that has agriculture, manufacturing and retail, all under one corporate umbrella," said Rubenstein. "And that's not a usual corporate structure that is that vertical ... Early on, there were just fewer employees and now as the industry has scaled, the hazard profile has changed with it to be more of like an industrial hazard profile."

Potential hazards identified by the National Institute for Occupational Safety and Health include chemical exposures, biological exposures, ergonomic and physical hazards, safety hazards and impacts on worker mental health and well-being. Chemical exposures may include carbon dioxide, ozone, pesticides and volatile organic

compounds, while biological exposures may include allergenic proteins, endotoxins, microbials and organic particulate matter.

### Respiratory risks public attention

Respiratory issues, however, are central to many higher-profile cases and public health reports in the industry. A 2025 study published in the *Journal of Occupational and Environmental Medicine* looked at work-related asthma cases in California, Massachusetts, Michigan and Washington. Researchers identified 30 cases from each state's cannabis legalization date through 2023. Those cases included new-onset asthma and work-aggravated asthma. The most frequently reported exposure was plant material, primarily cannabis dust or marijuana plant material, and most cases involved workers in indoor cultivation or processing.

The issue gained national attention after a Massachusetts cannabis production worker died in 2022 following progressively worsening work-associated respiratory symptoms. That resulted in a \$3 million wrongful death lawsuit. Another fatality also occurred two years prior in California. That worker developed new-onset asthma after working around dried cannabis before later collapsing at work.

Meehan said respiratory cases can be difficult because workers may have other potential contributing factors, including smoking history or other respiratory problems. But he said the long-term impact of daily cannabis exposure in the workplace remains an open question as Missouri's industry develops.



**MEEHAN**

"Respiratory cases are always difficult because people smoke or people have other problems," said Meehan. "And I think that really remains to be seen, what is the

long-term effect of daily exposure to this cannabis."

### Workplace safety

For attorneys advising cannabis businesses, Rubenstein said a hazard assessment is often the starting point.

"We've seen heavily publicized cases where there are claims related to inhalation of various allergens and particulates when you're in one of these facilities where cannabis is being grown, manufactured or processed ... You've got cannabis dust ... pollen, molds, spores, terpenes, lots of different things in the air," Rubenstein said. "And when you're having those various exposures, there are certain things that businesses should be thinking about in that context, sometimes conducting a hazard assessment to understand what it is that could be an exposure in the workplace is a great first step."

The CDC's report on the Massachusetts fatality identified potential protective measures including exposure assessment, environmental exposure controls, PPE, employee training, medical surveillance, medical management and workers' compensation. It also pointed to equipment controls, such as exhaust ventilation for grinders, and work procedures such as HEPA-filtered vacuuming instead of dry sweeping.

NIOSH reached similar conclusions in its evaluations of cannabis facilities. In a 2022 health hazard evaluation of an indoor cultivation facility, NIOSH found employees were exposed to endotoxins in the air during harvesting and some repotting activities. NIOSH recommended steps such as HEPA-filtered vacuums instead of dry sweeping, encouraging employees to report work-related symptoms, improving respiratory protection practices where needed, reducing ozone and noise exposures, rotating job tasks and improving workstations for trimming employees.

Meehan said the Avent verdict should serve as "a wake-up call" to grow facility operators, particularly on

ventilation and long-term exposure.

“I think it’s a wake-up call to the owners of these grow facilities that they need to think about their workers’ safety,” Meehan said. “Some of the processes have dangerous materials and chemicals, and there’s a lot of toxicity in these products. Long-term exposure — nobody really knows what the effect could be. But proper masking, that type of stuff, and mostly ventilation — they should be having these sophisticated ventilation systems that draw off these toxic fumes or harmful fumes.”

Rubenstein said written safety protocols are also important, but only if they are paired with training and follow-through.

“It’s ... a good idea to develop and maintain written safety protocols — so hazard communication plans, respiratory protection programs, if needed, emergency action plans, procedures and protocols. And obviously those things are not worth the paper that they’re printed on if there’s not training for people,” she said. “It’s important to train employees of what is going on in their facilities, at their workplace.”

Rubenstein said businesses should also monitor and document their safety efforts.

“It’s important to regularly monitor and document what’s going on, so checking air quality if there is an incident, doing an analysis afterwards as to what happened and how that could be prevented in the future, and auditing yourself to show that you’re taking your obligation seriously to keep the safe work environment,” she said.

Those measures also track with 2023 analysis from the American Bar Association that recommended safety components of an OSHA compliance plan for cannabis employers. These include employee training, a written safety program, accountability documentation and safety auditing. A written safety program should identify the hazards associated with each part of the company’s operations and set out steps to mitigate or eliminate them.



Depositphotos

That planning matters even though marijuana remains illegal under federal law. The ABA noted that federal courts and regulators have generally enforced employment and workplace laws in the marijuana industry by focusing on the legal factors at issue rather than the legality of marijuana itself. Cannabis employers are subject to the same OSHA regulations as other industries.

“While there’s nothing specific to cannabis under OSHA, OSHA’s general duty clause requires employers to maintain a workplace that’s free from recognized hazards that are likely to cause death or serious physical harm,” Rubenstein said. “So ... that general duty clause applies to cannabis.”

Some states with more mature cannabis markets have taken a more active approach to workplace safety in the industry, Rubenstein said. California and Colorado have applied existing workplace safety frameworks to cannabis operations, and some states have begun tying safety obligations more directly into cannabis licensing requirements.

“Some states are pushing their workplace safety requirements directly into their cannabis licensing requirements,” Rubenstein said. “So that creates an interesting (intersection) where a safety violation could also be a license violation as well.”

That overlap matters for those advising cannabis clients. A workplace incident may trigger OSHA issues, workers’ compensation questions, negligence claims, insurance disputes and licensing consequences.

Rubenstein said cannabis businesses are often highly compliance-oriented because they already operate in a heavily regulated space.

“I’m not seeing some major run of these cases, and that’s a good thing ... Cannabis employers are very familiar with compliance on so many different levels, and most of them really see their employees as part of the business,” Rubenstein said. “Many, many companies that I work with, their employees are day ones, and they certainly don’t want their employees having injuries or accidents on the job.”

Missouri’s cannabis market is younger than those in states such as California, Washington, Massachusetts and Michigan. Missouri voters approved medical marijuana in 2018 and adult-use marijuana in 2022. Meehan said he expects workplace exposure issues in the state’s cannabis industry to draw more attention as the market matures.

“I think it’s really an undeveloped area,” he said. “We’ve only had it for three or four years. I think, look back in 10 years, I think you will see more and more of these.” ♦

REPRESENTING  
INVESTORS,  
ADVISORS,  
AND  
BUSINESSES  
NATIONWIDE  
FOR 20 YEARS



- ◆ Business Litigation
- ◆ Non-Competes
- ◆ Breach of Contract
- ◆ Regulatory Inquiries
- ◆ Arbitration



7800 Forsyth Blvd  
Suite 610  
St. Louis, MO 63105  
(314)-563-2490

## Missouri bar exam pass rate declines slightly in latest results

The Missouri Board of Law Examiners released results for the February 2026 bar exam on April 8, with an overall pass rate of 51.9, a slight decline from the previous year.

Of the 181 total applicants who sat for the exam or transferred scores from other jurisdictions, 94 successfully passed.

The February results showed a small decline over the same period last year, when 52.3 percent passed. Of February 2024 test takers, 49.2 percent passed. There was a modest decline in takers as well compared to 2025, when 193 sat for the exam.

According to University of Missouri – Kansas City School of Law Dean Lou Mulligan, UMKC had the highest overall pass rate for all schools for the February 2026 exam. He said that while the Missouri Bar reports an 83.3 percent pass rate for UMKC, the correct first-time pass rate is 88.2 percent, as one person was treated as a first-time test taker after already sitting for an exam in a different state in the summer of 2025.

First-time test takers had a 63.3 percent pass rate, with 50 of 79 applicants passing. Those taking the exam for the second time fared worse at 47.5 percent, with 28 of 59 applicants passing. The most significant drop-off occurred among those making their third or subsequent attempt, where only 34.1 percent passed (14 of 41 applicants).

The results represent a downturn from 2025, which had seen an increase in passers from the prior two years. However, despite the decrease, first-time test takers fared better than they did the previous year, when only 58.8 percent of first-time test takers passed. That was the same percentage as first-time testers in 2023, which represented at least a 10-year low at that time.

The highest Uniform Bar Examination (UBE) score achieved was 333.0, while the lowest passing score was 190.0. Examinees averaged 130.2 on the Multistate Bar Examination (MBE) por-

tion and 129.7 on the essay section.

The February exam is typically the smaller of the two Missouri bar exams held each year. The enrollment ceremony for new lawyers was held April 24 at the Missouri Supreme Court building in Jefferson City.

The following individuals passed the February 2026 bar examination in Missouri and have completed all other requirements under Rule 8 examination for admission to The Missouri Bar.

The names of applicants who passed the bar examination but have not yet completed all other requirements for admission are NOT published.

### A

**Adkins**, Courtney Alesia; Washington, DC

**Alexis**, Kimberly Dyane; Alexandria, VA

**Alkhatib**, Mohammad Haitham; Blue Springs, MO

**Amlalo**, Marian; Uniontown, OH

**Andersen**, Anika Karina; Lake St. Louis, MO

**Apple**, Andrew Lee; Fort Leavenworth, KS

**Arauz**, Emily Clark; Ballwin, MO

**Arties**, Tiara Delane; Kansas City, MO

### B

**Baca**, Andrea; Lees Summit, MO

**Banks**, Gerren Keith; Florissant, MO

**Beran-Netemeyer**, Bridget L.; Overland Park, KS

**Boyd**, Jason Brent; Savannah, MO

**Brazeal**, Shayna Leann; Shawnee, KS

**Bryan**, Jacob; North Little Rock, AR

**Burton**, Charlene Roxanne; Mountain View, MO

**Byassee**, Hannah McClagh; East Prairie, MO

### C

**Carpinone**, Elizabeth McDowell; Saint Clair, MO

**Cichocki**, Allison Rose; Columbia, MO

**Cockrell**, Klara Marie; Cape Girardeau, MO

**Crutchfield**, Isabella Maclyn; Kansas City, MO

### D

**DiBernardo**, Kyle; Parkville, MO

**Dincher**, Andrew Michael; St. Louis, MO

**Dowler**, Sarah Kay; Wentzville, MO

**Drake**, Derricka Deshawn; Austin, TX

**Dussold**, Justin Thomas; Ozark, MO

### E

**Esguerra**, Jessica Ventura; APO, NY

### F

**Flemons**, Taylor Marie; O'Fallon, MO

### H

**Hart**, Bret A.; Lee's Summit, MO

**Hawi**, Gabriel; Washington, DC

**Herrman**, John Daniel; Blue Springs, MO

**Herron**, Teneisha; Providence Village, TX

**Hobbs**, Annaleigh Thiessen; Kansas City, MO

**Hodges**, Andrew; Liberty, MO

**Huff**, Alison Carrol; Liberty, MO

**Hurt**, William N.; Independence, MO

### I

**Ilges**, Tara; Dora, MO

### J

**Johnson**, Latorrie; Trenton, MO

**Jordan**, Courtney Maurice; Saint Louis, MO

### K

**Khan**, Zoya; Astoria, NY

**Kina**, Rene Lelesi; St. Louis, MO

### L

**Larue**, Clayton T.; Chesterfield, MO

**Laughlin**, Lauren Catherine; Miami, FL

**Long**, Jennifer Beatty; Bountiful, UT

### M

**Manikatos**, Maria; Farmington, MO

**McIntyre**, William Robert; Wildwood, MO

**Meador**, Taylor Johna Bryana; Imperial, MO

**Meglan**, Julie Von; Brentwood, MO

**Mercer**, Chaz Michael; Kansas City, MO

**Myers**, Corey Ray; Lees Summit, MO

### N

**Nelson**, Evelyn; Lawrence, KS

**Nilges**, Kendal Margaret; Bonnots Mill, MO

**Nwaokolo**, Winifred; Garland, TX

### O

**Oldfather**, Sarah; Kansas City, MO

### P

**Paglisotti**, Allison Anne; St. Louis, MO

**Parra Lugo**, Deyanira; Kansas City, KS

**Pelton**, Faith Suzanne; Orlando, FL

**Pistone**, Vincent Anthony; Blue Springs, MO

**Poe**, Amanda; Lee's Summit, MO

### S

**Sagwa**, Christine Rubai; Brooklyn Park,

### MN

**Shah**, Tyler Harris Syed; St. Louis, MO

**Smoller**, Alex Neil; Saint Louis, MO

**Speidel**, Clayton Williams; Kansas City, MO

### T

**True**, Alexander; Overland Park, KS

### V

**Vargas**, Lizeth Anahy; Smithville, MO

**Villegas**, Isabella Marie; Mission, KS

**W**

**Wall**, Katelyn Madison; St. Louis, MO  
**Weitkamp**, Victoria Ann; Jonesburg, MO  
**Wickham**, Adeli Maria Bonita; Lebanon, MO  
**Wilson**, Fletcher; Kansas City, MO  
**Wolff**, Thomas Andrew; Kansas City, MO

### Illinois attorney disbarred by Missouri in reciprocal discipline decision

A Chicago attorney licensed to practice in both Illinois and Missouri was suspended in one state and disbarred in the other for misconduct.

Daniel Warren Thomann, who practiced immigration law, violated an earlier disciplinary order revoking his two-year probation, according to the Illinois State Bar Association. Thomann was first licensed in the state in 2007 and the next year, was admitted to practice before the 7th U.S. Circuit Court of Appeals.

"The Seventh Circuit suspended him for one year for violating an earlier disciplinary order placing him on a two-year probationary period," the state bar reported. "The Illinois Supreme Court imposed reciprocal discipline and suspended him for one year."

The Missouri Supreme Court, following a filing from the Chief Disciplinary Counsel, also imposed reciprocal discipline.

The Illinois misconduct was a violation of rules 4-1.3, 4-3.2, 4-3.4(c) and 5.20(a) of the Missouri Rules of Professional Conduct, the court stated in the order.

"On February 11, 2026, this court issued a show cause order to respondent, who did not file a response," according to the court. "Now, therefore, this court sustains the motion for reciprocal discipline and respondent, hereby, is disbarred. His right and license to practice law in the State of Missouri is canceled and his name is stricken from the roll of attorneys in this state."

The case is: *In re: Daniel Warren Thomann*, Case No. SC101518.

### Missouri Supreme Court disbars attorney tied to federal case

A Geneva, Illinois, attorney was disbarred by the Missouri Supreme Court after he pled guilty to several felonies in a federal case.

Manfredo Martin-Michael Madrigal III was disbarred March 31 by the state's highest court after the chief disciplinary counsel filed a motion for final discipline after Madrigal pleaded guilty to charges that were finally disposed in *United States of America v. Manfredo Martin-Michael Madrigal, III*, out of the U.S. District Court for the Western District of Virginia.

According to the U.S. Department of Justice and court documents, Madrigal was a former Army officer and attorney assigned to the U.S. Army Judge Advocate General's Legal Center and School (Jag School) in Charlottesville, Virginia. He was sentenced Jan. 16, 2025, to 54 months in federal prison on federal charges related to his destruction of U.S. Army property and subsequent false statements to federal investigators, in a case also involving cyberstalking, witness tampering and attempted witness tampering.

Court documents also showed that Madrigal made several threats to two of his romantic partners and their families over the course of December 2021 through June 2022.

The Missouri Supreme Court issued a show cause order as to why respondent should not be disciplined, pursuant to Rule 5.21(g) on Nov. 12, 2025. Respondent filed a response on March 16.

The court moved to disbar Madrigal after reviewing the information and his response to the show cause order. He must comply in all respects to Rule 5.27, which outlines procedures following disbarment or suspension.

The case is *In re: Manfredo Martin-Michael Madrigal III*, Case No. SC101364.

### Eastern District appellate court celebrates milestone anniversary

The Missouri Court of Appeals, Eastern District is celebrating its 150th

anniversary this year and held a special session of the court en banc in recognition of the milestone on April 14 at the Old Post Office in downtown St. Louis.

The court's official founding date was Jan. 3, 1876.

The special session featured several notable speakers, including Missouri Supreme Court Chief Justice W. Brent Powell, The Missouri Bar President Athena Dickson and Bar Association of Metropolitan St. Louis President Untress "Trez" Quinn. Lowell Pearson, general counsel for Gov. Mike Kehoe, presented a video from the governor, and Eastern District Judge James M. Dowd presented the keynote address.

The audience included the entire Missouri Supreme Court, as well as past Supreme Court judges and former and current appellate court judges, such as George W. Draper III.

### Missouri Lawyers Media celebrates Women's Justice Award winners



Recipients of the 2026 Women's Justice Awards gather for a group photo April 16 at the Ameristar Casino in St. Charles.

Photos by T.L. Witt



2026 Woman of the Year Betsy Ledgerwood delivers remarks at the Women's Justice Awards April 16.

Missouri Lawyers Media honored 65 Missouri attorneys before their friends,

*Continued on Page 14*

*Continued From Page 13*

families and colleagues as part of its 2026 Women's Justice Awards.

Now in its 28th year, these awards recognize women who "have a demonstrated track record of excellence, integrity and service that helps those impacted by the legal system."

Approximately 280 attended the ceremony which took place on April 16 at the Ameristar Resort & Casino in St. Charles.

A reception and dinner at the event preceded the program during which Publisher Susan Bocamazo announced Betsy Ledgerwood, the clerk of the Missouri Supreme Court, as woman of the year. Mary Fox, the 2025 woman of the year honoree, introduced Ledgerwood.

### **New legal tech app offers faster, cheaper focus group feedback**

A new mobile phone app is allowing attorneys and others involved in lawsuits to look into what potential jurors might think of their cases before even stepping foot in a courtroom.

The app "Focus" launched by attorney Jill Harper of Harper Evans Hilbrenner & Netemeyer in Columbia, allows attorneys to upload case materials such as videos, summaries and key questions, and receive feedback from a pool of verified evaluators intended to mirror a jury pool.



**HARPER**

Harper said the platform was created to address long-standing inefficiencies and costs associated with traditional focus groups, which can take months

to coordinate and cost tens of thousands of dollars.

"The reason why we created this was because we saw such a need in the profession for it. Prior to its existence, at least our firm, we've been using tradi-

tional focus groups where it's a minimum fee of \$20,000 — they go up to 50 grand. You have to coordinate with these moderators who ... take months to understand your case. All the good parts, the bad parts, everything," Harper said. "They book hotel conference rooms ... and then they record the whole thing. And, you know, they pay people a few hundred bucks a piece to come on a Saturday ... and ultimately ... it's of no benefit to your client whatsoever."

The app instead provides attorneys with faster, lower-cost access to feedback from dozens of participants, with customizable reports that can be used in settlement negotiations, mediation or trial preparation. Attorneys can tailor who reviews a case by geography, including limiting responses to a specific county or expanding to similar venues identified through the platform.

Harper said the tool has already influenced case outcomes, including increasing settlement values and helping attorneys evaluate litigation risk more precisely.

### **Bar Association of Metropolitan St. Louis passes gavel, presents awards at 'Law Day'**

The Bar Association of Metropolitan St. Louis swore in its new president and incoming board of governors on May 1. It also presented several awards and hosted speaker Susan N. Herman.

BAMSL held the annual meeting and award ceremony at the Saint Louis Club on May 1 where in addition to the leadership changes, it honored several legal legends including retired Judge David C. Mason.



**TOMASO**

Among the honorees was Bob Tomaso of Husch Blackwell who received the Hon. E. Richard Webber Distinguished Lawyer Award. While Webber himself was present-

ing the honor, his speech was interrupted several times by Tomaso's friends and colleagues who were given microphones to roast and compliment him.

One friend recalled a mishap at a restaurant they frequented together, another Tomaso's mentorship advice that he buy a tanning bed and another described his eating habits which she likened to that of a teen girl.

"We know lawyer Bob, but there's also Bob who hangs out in the pool at Bellerive," said past BAMSL President Lynn Ann Whaley Vogel. "Bob actually has the eating habits of a 14-year-old girl. His first order is usually a virgin strawberry daiquiri topped with six inches of whipped cream camouflaged by sprinkles. If you don't have that, don't show up."

On a more serious note, Herman — the president of the ACLU from 2008-2021 and the inaugural Ruth Bader Ginsburg Professor of Law at Brooklyn Law School — spoke about finding similarities as "we the people" and focusing on the process of law rather than partisan outcomes.

Also, at the event the new board of governors was sworn in to serve the association from 2026-2027 and President Untress Quinn passed the gavel to incoming president Amy Rebecca Johnson.

### **The awardees included:**

Bob Tomaso of Husch Blackwell received the Hon. E. Richard Webber Distinguished Lawyer Award.

Retired Judge Anne-Marie Clarke received the Ronda F. Williams Community Awareness Award.

Amy Diemer of St. Francis Community Services was honored with the Community Service Award.

Courtney Chen, Karen Jordan, Matt Reh, Hon. Jason Sengheiser and Mavis Thompson received President's Outstanding Service Awards.

Receiving the Young Lawyers Division Awards of Merit were Zach Brand, Alex Pawlowski and Lucy Weilbacher.

Portia Britt received the John C. Shepherd Professionalism Award. ♦

# 8th Circuit affirms fees, orders lower interest rate in Jet Midwest case

By ERIN ACHENBACH • EACHENBACH@MOLAWYERSMEDIA.COM

The U.S. Court of Appeals for the 8th Circuit affirmed in part and reversed and remanded in part a judgment in a contract suit involving attorney's fees, expert witness fees and interest rates stemming from a breach of a loan agreement.

The parties in the suit appealed the district court's decision on remand regarding attorney's fees and prejudgment interest. The appellate court's decision was filed April 2, 2026, authored by Judge Ralph R. Erickson, with Judges Raymond W. Gruender and Jane L. Kelly concurring.

The dispute began in 2015, when Jet Midwest International agreed to lend \$6.5

million from the original \$8.75 million request to just over \$6.5 million for what the district court described as "overlawyering" — was vacated on appeal because the district court failed to perform a lodestar calculation and did not analyze which requested costs were recoverable under federal statute.

On remand, Jet Midwest voluntarily reduced its fee request to about \$5.85 million and sought a 1.5 multiplier. The district court rejected the multiplier and awarded approximately \$5.8 million in attorney's fees, along with \$1.1 million in expert fees and additional costs, with prejudgment interest set at 14 percent.

not sufficiently explain the experts' role or justify treating those costs as attorney's fees. The award of expert witness fees was vacated.

The appellate court also reversed the district court's use of a 14 percent prejudgment interest rate. The district court imposed the higher rate based on the underlying loan agreement and the defendants' conduct, but the 8th Circuit found that Missouri's statutory prejudgment interest rate of 9 percent applies. The case was remanded for the district court to apply the correct 9 percent rate.

"Prejudgment interest is an issue controlled by state law and we are not free to substitute our own opinion. Jet Midwest is entitled to prejudgment interest at the rate of nine percent," the opinion stated.

The 8th Circuit also clarified that, after Aug. 6, 2020 — the date of the amended money judgment — postjudgment interest is governed by federal law. The court found that the district court erred by failing to apply the federal postjudgment interest rate under federal statute from that date forward.

"The district court did not consider whether a judgment had been entered triggering the federal postjudgment interest statute. While state law governs the award of prejudgment interest, federal law governs postjudgment interest ... The federal statute calculates interest at a prescribed floating rate on 'any money judgment in a civil case recovered in a district court,'" the opinion stated, referencing *Weitz Co., Inc. v. Mo-Kan Carpet, Inc.* "The district court recognized Jet Midwest's right to attorney's fees in its May 27, 2020, judgment. The district court, however, did not enter a money judgment until August 6, 2020 ... Thus, on August 6, 2020, the district court both entered a money judgment and recognized Jet Midwest's right to recover attorney's fees. The district court erred when it did not apply the federal postjudgment interest rate to calculate interest after August 6, 2020."

The case is *Jet Midwest International Co., Ltd. v. Jet Midwest Group*, Case No. 25-1033, 25-1034, & 25-1306. ♦

**Prejudgment interest is an issue controlled by state law and we are not free to substitute our own opinion. Jet Midwest is entitled to prejudgment interest at the rate of nine percent. — Judge Ralph R. Erickson**

million to Jet Midwest Group to finance the purchase of a Boeing 737-700 aircraft. When Jet Midwest Group failed to repay the loan, Jet Midwest International filed a lawsuit for breach of contract. In 2017, the district court ruled in Jet Midwest International's favor but initially denied its request for attorney's fees. That decision was reversed on appeal, and the case returned to the district court for further proceedings.

When Jet Midwest attempted to collect on the judgment, it discovered that Jet Midwest Group had no funds. This led to further litigation under the Missouri Fraudulent Transfer Act, with Jet Midwest alleging assets were improperly transferred to individuals and entities connected to the company, including F. Paul Ohadi, Kenneth M. Woolley, KMW Business Jets and Alta Airlines Holdings. The district court ultimately ruled in Jet Midwest's favor, awarding \$6.5 million in damages plus over \$2.1 million in interest.

However, Jet Midwest initially sought over \$8.7 million in fees and costs, including more than \$1.1 million for expert witnesses. An earlier fee award — reduced by 25 percent

The 8th Circuit affirmed the district court's award of \$5.8 million in attorney's fees and upheld the court's decision not to apply a 1.5 multiplier. The court said that, although there was no statutory or contractual basis for attorney's fees, Missouri's special circumstances exception to the American Rule allowed for such an award.

"The district court did not err when it rejected Jet Midwest's claim that a multiplier is 'part of the lodestar' calculation or that the complexity and egregious nature of a parties' misconduct can be a basis to apply a multiplier," the opinion stated.

However, the appellate court reversed the district court's decision to award more than \$1.1 million in expert witness fees as part of attorney's fees. The court emphasized that, under both federal and Missouri law, attorney's fees and expert fees are separate elements of litigation costs. While there are limited circumstances where expert fees might be recoverable as attorney's fees if consistent with prevailing billing practices, the court found that Jet Midwest failed to provide evidence of such a practice. It also found the record did

# Missouri Supreme Court affirms decision on tax assessment for hotel in school district dispute

By KALLIE COX • [KCOX@MOLAWYERSMEDIA.COM](mailto:KCOX@MOLAWYERSMEDIA.COM)

In a unanimous decision issued on April 21, the Missouri Supreme Court affirmed a lower court's decision that the tax assessment for a hotel in Kansas City did not violate the state's constitution.

The court added that the assessor and the Park Hill School District both lacked standing to challenge the assessment.

Central to the case was a question of whether a 2016 property tax assessment for the Marriot Hotel located at the Kansas City International Airport violated the Missouri Constitution.

In 2015, Grady Hotel Investments purchased the property for \$8.5 million. This amount is integral to understanding the property's value as its assessed value changed several times as the dispute made its way from local courts to the appellate court, back to local court and now before this court.

"Because the hotel lies within airport

but Grady is not exempt, according to the court. Grady is required by law to pay property taxes on the property improvements for the hotel building that it owns. For tax purposes, real property includes any improvements that are "permanently affixed to land."

Originally, the Platte County assessor valued the hotel at \$11,222,000. Grady disputed this amount and appealed to the Platte County Board of Equalization. The board increased the property's assessed value to \$13,447,000 and Grady appealed again, this time to the State Tax Commission.

The commission reduced the assessed value to \$7.3 million. According to the court, the reduction was because the hearing officer applied Section 137.115.1 by taking the price of the sale of the improvements — \$8.5 million — less the cost paid toward new construction of the improvements — \$1.2 million.

Platte County Circuit Court and the Park Hill School District moved to intervene, which the court allowed. After a hearing, the court reversed the commission's decision calling the \$0 evaluation "arbitrary, capricious and unsupported by law."

"Specifically, the circuit court found Grady owned the property's improvements, which made the STC's (commission's) valuation method inapplicable, because it applied only to leasehold interests," the court wrote.

Grady appealed, and the case went to the court of appeals who affirmed the circuit court's decision and remanded the case back to the commission. This time the commission valued the hotel at \$6,139,505.

The assessor and Park Hill jointly appealed to the full commission, which affirmed the decision, according to the court. Both parties then turned again to the circuit court and the assessor challenged the constitutional validity of Section 137.115.1.

"Assessor argued the provision violated the Missouri Constitution because the statute: (1) was void for vagueness in violation of Article I, Section 10; (2) gave Grady an unconstitutional tax exemption in violation of Article X, Section 6; (3) violated the uniformity provision of Article X, Section 3; and (4) granted an irrevocable special privilege in violation of Article I, Section 13," according to the court. "Park Hill mirrored assessor's Article I, Section 13, and Article X, Sections 6 and 3 claim."

This time the court sided with the commission and found "Section 137.115.1 affected how 'true value in money' was determined but did not create an unconstitutional tax exemption under Article X, Section 6," the

**Until this point, this court has not been presented with the question of whether other political actors — such as assessor — are more akin to 'persons' able to bring due process and equal protection claims or more akin to 'political subdivisions' that do not possess such rights. — Judge Mary R. Russell**

boundaries, the land remains titled as property of the City of Kansas City," the court stated in its opinion. "Grady purchased a possessory interest to the improvements on that parcel — meaning Grady does not own the land but, instead, owns the hotel building situated on airport property."

As a political subdivision of the state, the city is exempt from paying property taxes,

Grady again appealed the decision, this time to the full commission, who again changed the valuation to \$0. In their reasoning, the commission claimed Grady "held a leasehold interest in the hotel and valued the property as the difference between economic rent and the contract rent for use and occupancy of the premises."

This time, the assessor appealed to the

**Read the complete opinions and all other recent opinions at [www.molawyersmedia.com](http://www.molawyersmedia.com)**

court wrote. “It also found Section 137.115.1 did not violate the uniformity clause because Article X, Section 3 did not apply to valuations of property.”

The lower court expressed doubt at both the assessor and Park Hill’s standing, adding that Section 137.115.1 was not “vague or ambiguous, or irrational and arbitrary, in violation of Article I, Section 10.”

“Lastly, the circuit court found Section 137.115.1 was not an irrevocable special privilege in violation of Article I, Section 13 because the legislature had revised the statute several times since its enactment and the legislature had a rational basis to distinguish property located on airport boundaries from property that was not,” this court wrote.

Still, assessor and Park Hill appealed to this court.

Park Hill claimed standing to challenge the assessment because of the loss of funding from tax revenue it would suffer if the hotel is undervalued. In the opinion, authored by Judge Mary R. Russell, the court disagreed citing the case law in *State ex rel. Kan. City Power & Light Co. v. McBeth*.

“While Park Hill has an interest in protecting its funding, that interest is not sufficient to grant direct standing to challenge the assessment value of a third party’s property,” Russell wrote. “Standing for this interest may exist when a school district brings a declaratory judgment action to determine its own rights under a statute it alleges is unconstitutional, but not when the school district is challenging the assessed value of another’s property.”

The assessor’s standing was more complicated, presenting new questions for the court.

“Until this point, this court has not been presented with the question of whether other political actors — such as assessor — are more akin to ‘persons’ able to bring due process and equal protection claims or more akin to ‘political subdivisions’ that do not possess such rights,” Russell wrote.

Russell turned to *State ex rel. Brentwood School District v. State Tax Commission* to inform the court’s decision that the assessor is more similar to a political subdivision than a person. The case determined school dis-

tricts should be viewed “as creatures of the state established to perform governmental functions.” Meaning, it did not have the same rights as a person and could not charge the state with violations of due process.

This principle applies to all creatures of the state. From the court’s point of view, the assessor is such a creature. While the assessor may have standing to challenge the state as an individual, he brought this claim of a due process violation in his official capacity and does not have standing. This claim was dismissed.

Similarly, the court dismissed the assessor’s claim that Section 137.115.1 violates Article I, Section 13 of the Missouri Constitution due to a lack of standing. The assessor does have standing on the two Article X cases, but his arguments failed and the court affirmed the circuit court’s decision.

The case is: *David Cox and Park Hill School District v. Grady Hotel Investments LLC and Missouri State Tax Commission*, Case No. SC101131. ♦

## SAVE THE DATE

Hon. Richard B. Teitelman

**MEMORIAL SEMINAR TO  
BENEFIT LEGAL SERVICES  
OF EASTERN MISSOURI**

**JUNE 23, 2026**



**Simon Law**  
Your Trusted Litigation Partner



(314) 241-2929



simonlawpc.com

Hon. Richard B.  
Teitelman

# Missouri Supreme Court considers suspension for attorney over trust account violations

By ERIN ACHENBACH • EACHENBACH@MOLAWYERSMEDIA.COM

The Missouri Supreme Court is considering whether to discipline a St. Louis County attorney for allegedly misusing trust funds and other fraud.

Edgar E. Lim, an immigration attorney who also practices tax law, had a prior disciplinary history that included a court reprimand and two admonitions, most recently in February 2022 for trust account violations. That history became central to the latest proceedings after the Office of Chief Disciplinary Counsel was alerted by Lim's bank to multiple overdrafts in his client trust account over a six-month period.

A subsequent audit found that, following the 2022 admonition, Lim used the trust account for hundreds of personal transactions, including payments to family members and personal deposits. The audit also determined he failed to maintain required financial records, including a general ledger, and did not properly account for client funds received for filing fees. Lim did not respond to requests for records from disciplinary counsel or comply with a subpoena for a sworn statement.

During a July 2025 disciplinary hearing, Lim acknowledged commingling funds but said he did not intend harm and that no clients were affected. The panel found multiple rule violations and recommended an indefinite suspension with no eligibility for reinstatement for two years, while Lim argued for a lesser reprimand based on his community service.

Oral arguments were set to be heard in the case April 15. However, since Lim, who was representing himself, did not appear for arguments, the court submitted the case on its briefs.

In the OCD's brief to the court, Andrea Spillar, chief disciplinary counsel, said Lim violated Rules 4-1.15, 4-3.4, and 4-8.1 and recommended sus-

pension. They compared Lim's case to several past disciplinary cases, including that of *In re: Crump*.

"Respondent knew or should have known that he was improperly dealing with client funds when he made cash withdrawals from his client trust account, paid personal expenses from his client trust account, deposited personal funds into his client trust account, and did not maintain necessary records for his client trust account. In turn, Respondent overdrawed his client trust account mul-

**R**espondent may have trust fund ethics, but as no client was harmed and public's confidence in the legal system not shaken, a two-year suspension seems excessive and unwarranted. — Edgar E. Lim

multiple times, causing potential injury to his clients." Counsel wrote. "As this Court held in *In re: Crump*, Respondent's substantial experience in accounting as a tax preparer and his LL.M in Taxation should be considered an aggravating circumstance in that Respondent failed to properly maintain a client trust account, even though he has a professional degree and experience in Taxation."

In his brief to the court, Lim admitted to inadvertently misusing his trust account, but that the misuse of accounts and cash withdrawals were done out of ignorance, not malice or personal gain. He claimed all funds deposited were either his own or fees already owned, not client trust funds. Arguing against suspension, he said since the actions did not harm any clients or the public, the recommended two-year suspension is excessive. He pointed to the difference between his case and the *Crump* case.

"Unlike the *Crump* case, no attempts were ever made to coverup or distort the truth as we are really looking at a different system of accounting or

record keeping ... The violations in the *Crump* case are far too many and most egregious," Lim wrote. "What attorney Crump did makes Respondent look like a boy scout ... Crump lied and basically stole from his clients; Respondent did nothing of the sort ... Respondent deposited his Social Security benefits in his trust fund and wrote checks against it; no client funds were ever misused or mismanaged and the public was not harmed."

Lim also emphasized his service to the com-

munity, his unique role as a bilingual Chinese-American attorney and the lack of any actual harm or client complaints.

"The U.S. Constitution has the Eighth Amendment prohibiting cruel and unusual punishment, and the U.S. Supreme Court has interpreted this to forbidding the government from imposing a criminal sentence that is disproportionate to the crime committed ... A two-year suspension of Respondent's right to earn his livelihood is tantamount to cruel and unusual punishment as Respondent has successfully practiced law for over 50 years now," wrote Lim. "Granted, Respondent may have trust fund ethics, but as no client was harmed and public's confidence in the legal system not shaken, a two-year suspension seems excessive and unwarranted ... This Court should take into consideration his 50+ years of service to the Asian community and the general public at large."

The case in *In re: Edgar Edward Lim*, Case No. SC101427. ♦

# Missouri Supreme Court weighs discipline for attorney who used racial slur toward assistant prosecutor

By KALLIE COX • KCOX@MOLAWYERSMEDIA.COM

A Missouri attorney is facing suspension for using a racial slur against a Black, female military veteran and assistant prosecutor. The attorney's counsel argued that because of mitigating

factors including that the statement was "whispered" the court should consider a reprimand instead.

The state's highest court heard arguments in

the case on April 14. Andrea Spillar represented the Office of Chief Disciplinary Counsel and James Morrow of Morrow Willnauer Church represented attorney Scott L. Campbell.

Two judges from other districts — Kathleen Hamilton from the Missouri Court of Appeals Eastern District and Bryan E. Nickell from the Southern District — sat on the bench in the place of Chief Justice W. Brent Powell and Judge Zel M. Fischer.

Campbell violated Rule 4-8.4(g) which governs harassment, bias and prejudice, according to the 2025 filing by the Chief Disciplinary Counsel.

In March of 2024, Campbell was representing clients on a criminal docket in Platte County. While speaking with another attorney inside the courtroom, but before the hearing began, the other attorney was complaining about Lynnette Lockhart, a Black female assistant prosecutor.

The other attorney was bemoaning the difficulty of obtaining favorable plea offers from Lockhart when Campbell responded by using a racial slur, asking “[i]s it because she is a N\$#\*%\$?” the ODCD reported in its stipulation of facts.

A month later, Campbell filed his response to the accusation and admitted his conduct violated Rule 4-8.4(g).

Because the conduct was knowing under

ABA standard 7.2, the baseline discipline should be suspension, Spillars said.

“The ABA defines knowing as the conscious awareness of the nature or attendant circumstances of the conduct, but without the conscious objective or purpose to accomplish a result,” Spillars said. “We cannot peer into respondent’s mind and determine his intent when he used that word to describe the assistant prosecutor as this court has recognized direct evidence of mental state is rarely available and mental state will often rest on circumstantial evidence and permissible inferences. The only reasonable inference based on the evidence in this case is that respondent knew by using that word, he was denigrating the assistant prosecutor based solely on her race.”

As a public citizen and as a member of the legal profession for more than 34 years, it is impossible to assume Campbell didn’t know better, Spillars argued. Campbell is a solo practitioner based in Platte City who has been licensed since 1990 and who specializes in domestic, municipal court and criminal cases.

“It is simply inconceivable that respondent was not aware of the historically negative racial

connotations surrounding that slur,” she said. “To find otherwise would require we suspend belief.”

The definition of “knowing” also does not hinge on Campbell’s objectives, Spillars said.

“There were a myriad of other ways respondent could have conveyed his purported sentiment without using a racial slur,” she said. “Respondent’s conscious choice to use such a racially charged word when referring to another member of the legal profession was by definition, a knowing act.”

While suspension must be the baseline discipline, Spillars said in light of mitigating factors a reprimand is appropriate.

Morrow began his arguments by saying at no time has he or Campbell defended the slur and agreed its use is reprehensible. But Morrow claims context is a mitigating factor.

“(This was) a whispered statement,” Morrow said. “It doesn’t excuse the statement at all. The context could have been worse had it been stated as an insult, as a bullying statement, as an intimidating statement in an effort to get some-

*Continued on Page 20*

**NEW**

**Missouri Lawyers Substance Abuse Helpline\***

**Call: 888-621-1140**



**Speak Confidentially and Directly to a Missouri Lawyer Who is Successfully Recovering From Substance Abuse**  
**We Are Not Affiliated With, Nor Do We Report to the Missouri Bar. Our Participants Are Recovering Lawyers**  
**Whose Only Mission Is to Offer Confidential Assistance to Fellow Practitioners**

**Visit Our Website at: <https://molsah.org>**

*\*Established and operated by the Missouri Lawyer Substance Foundation*

*Continued From Page 19*

thing from someone, but we know that it was an isolated one time (incident), and there is absolutely no evidence in this record that this has ever been stated by Mr. Campbell at any other time, especially in a situation that would involve representation of a client.”

Whether the court judges the act under ABA 7.2 or 7.3, the appropriate discipline is a reprimand given the context, Morrow argued. He cited *In re: Schuessler*, in which this court reviewed the case of an attorney who used racist and homophobic language, as precedent that a reprimand is appropriate when the matter “is an isolated act and does not involve dishonest, fraudulent, or deceitful conduct on the part of the attorney.”

Morrow said there is no evidence that Campbell’s use of slurs is a pattern of activity, while in its filing, the OCDC said Campbell testified inconsistently about his prior use of the word.

“At the sworn statement, he initially acknowl-

edged using the word only the ‘one time’ but then later stated he may have said it in a joking manner in the past,” according to the OCDC. “At the hearing, he testified to never using the term prior to April of 2024.”

Morrow said that attorneys, like everyone else, are protected under the First Amendment, except when they are representing a client. Because the speech occurred in the courtroom but before his appearance was filed or a hearing was started, this is a gray area.

Morrow added that his client has been remorseful and cooperative since day one.

After reading Campbell’s response to her complaint, Lockhart wrote another letter to the OCDC expressing concern about the lack of remorse Campbell seemed to show. A judge during oral arguments asked Morrow if Campbell apologized to Lockhart.

Morrow said Campbell apologized in the response, which Lockhart said was more an apology to the bar than to her, but has not since because he wanted the apology to be sincere and

not a mitigating factor.

After reading a letter from Lockhart regarding the impact the incident had on her, Campbell resigned from his position on the Sixth Circuit Judicial Nominating Commission, a fact Morrow pointed to in his arguments for a reprimand versus suspension.

“Mr. Campbell’s isolated remark can only be understood as a misguided overreaction to the complaining attorney and without expressed discriminatory intent toward Ms. Lockhart,” according to Campbell’s brief. “Mr. Campbell’s isolated, rhetorical remark was a lapse of judgment, and Mr. Campbell has admitted the ethical violation. For the reasons set forth herein, Mr. Campbell respectfully requests this court to find that the appropriate discipline under the facts of this case should be a public reprimand and for such other or further relief as this court deems just and equitable.”

The case is *In re: Scott L. Campbell*, Case No. SC101338. ♦

## Missouri appeals court finds trial error in truck accident case

By ERIN ACHENBACH • [EACHENBACH@MOLAWYERSMEDIA.COM](mailto:EACHENBACH@MOLAWYERSMEDIA.COM)

The Missouri Court of Appeals Eastern District reversed and remanded a St. Louis County Circuit Court judgment in a tort case involving a truck accident and liability determination.

The opinion was handed down April 21, authored by Judge Angela T. Quigless with Presiding Judge Renee D. Hardin-Tammons and Judge Thomas C. Clark II concurring.

The appeal goes back to a March 2025 jury verdict that found neither the plaintiff nor the defendant at fault for an accident involving the truck driven by the defendant’s employee.

The plaintiff, Keith Taylor, sought over \$1 million in damages for the collision; however, the St. Louis County jury found the defendant B&D Hauling and its employee, Hurshel Head, not at fault.

The incident occurred in 2022 in north St. Louis County off Interstate 270. Head was driving the company’s commercial dump truck near the Washington Street-Elizabeth Avenue exit when he collided with Taylor’s Dodge Charger. Taylor had four passengers with him — his then-girlfriend Asha Medley-Turner and their

three children.

Head died before trial and was dismissed from the lawsuit; a video deposition he took prior to his death was played for the jury. The deposition included questions about Head’s driving record and license. Taylor filed objections to those questions, claiming the “designated questions are irrelevant, any probative value is outweighed by the prejudicial value, and [are] misleading to the jury as it confuses the issues.” The trial court allowed the designations to be entered into evidence, and counsel for the plaintiff stated on the record multiple times at trial that they objected.

After the jury found neither party at fault for the collision, Taylor appealed, claiming the evidence about Head’s driver’s license and lack of prior accidents constituted improper character evidence. The defendant argued that this concern was not brought up until appeal, and that since the plaintiff cited Head’s age and physical condition at the time of his deposition during trial, it opened the door to evidence of Head’s driving record.

The appellate court sided with Taylor, find-

ing that “the evidence” of Head’s driving record “was inadmissible and prejudiced Plaintiff.”

“Generally, a party’s character is irrelevant in a civil action and cannot be inquired into unless put in issue by the nature of the proceeding, such as libel, slander, malicious prosecution, and so forth, where damage to character or reputation is an issue,” the April 22 opinion stated, citing *Williams v. Bailey* and *Farley v. Johnny Londoff Chevrolet, Inc.* “Evidence on the collateral issue of character — like a record on the collateral issue of good driving — is inadmissible because ‘it comes with too much dangerous baggage of prejudice, distraction from the issues, and surprise.’”

Addressing the defendant’s other arguments, the court found that the plaintiff had raised formal objections to the deposition questions prior to the appeal.

“The trial transcript shows that the court and both parties were well aware of the basis of Plaintiff’s objection concerning the admission of the evidence of Mr. Head’s safe driving record,” the opinion stated. “Having considered the arguments of both parties during the

pre-trial conference and having the basis for objection reiterated for the record before seating the jury, the trial court clearly understood the basis of Plaintiff's objection at trial."

The court also rejected the defendant's reliance on the doctrine of curative admissibility, noting it would require first determination that the plaintiff's references to Hurshel Head's age and physical condition were improperly admit-

ted, an issue not before the court on appeal.

The court also found no merit to the defendant's claim that any error was harmless, finding the admission of Head's driving record was clearly improper and prejudicial. It concluded the evidence served only to confuse the issue of negligence and invite sympathy, noting defense counsel repeatedly emphasized Head's accident-free career in closing arguments

"There is no question that the evidence was erroneously admitted .. The only question is its prejudicial effect," the court wrote. "Defendant's argument exploited improperly admitted evidence for the purpose of eliciting sympathy, and the proverbial bell had been rung thus ensuring the prejudicial effect of the evidence."

The case is *Taylor v. B&D Hauling, Inc.*, Case No. ED113578. ♦

## Arbitration agreement unenforceable for lack of MUAA notice statement

By CORREY E. STEPHENSON • SPECIAL TO MISSOURI LAWYERS MEDIA

A trial court correctly denied a motion to compel arbitration where the arbitration agreement lacked the mandatory notice statement required by the Missouri Uniform Arbitration Act (MUAA), the Missouri Court of Appeals Eastern District ruled on April 14.

In 2018, Tri-Star Imports sought legal representation from law firm Jackson Lewis relating to two hostile work environment complaints from two employees. A contract for

legal services was prepared by the law firm and signed by both parties.

The contract featured an arbitration agreement, which included a statement that "Arbitration shall be in accordance with the Uniform Arbitration Act of Missouri."

Tri-Star later filed a legal malpractice claim relating to litigation in which the firm represented it on the hostile work environment complaints.

Jackson Lewis responded with a motion to compel arbitration.

Tri-Star objected, arguing that the law firm could not compel arbitration because the agreement violated section 435.460 of the MUAA by failing to include the mandatory notice statement required under the statute.

The law firm argued that the enforceability

*Continued on Page 22*



For your most complex disputes

### JAMS is the way forward

When cases involve complex industries, multiple parties or years of history, experience matters. JAMS neutrals conquer the details and clear the path to resolution. With more than 500 panelists, we'll help you find the right person for your mediation or arbitration.



*Continued From Page 21*

of the arbitration agreement was governed by the Federal Arbitration Act (FAA) and not the MUAA because the parties are from different states, some of the work on the underlying dispute was performed in Texas and payments for legal fees utilized U.S. mail and interstate wire services.

Siding with Tri-Star, the trial court denied the motion and Jackson Lewis appealed.

Judge Robert M. Clayton III affirmed, joined by Judges Lisa P. Page and Michael E. Gardner.

Generally, the FAA governs the applicability and enforceability of arbitration agreements involving interstate commerce. But the FAA does not preempt state law in cases where the parties have expressly agreed that state law will govern arbitration agreements, the court said.

“In this case, the parties’ arbitration agreement in relevant part states: ‘Arbitration shall be in accordance with the [MUAA],’” the court said. “Regardless of whether the Contract involves interstate commerce, the parties expressly agreed the MUAA would govern future arbitration proceedings. Consistent with Missouri case law, we hold that when parties expressly agree to apply state law in arbitration proceedings, state law will govern as to the enforceability of arbitration, even if the parties’ contract is determined to involve interstate commerce.”

This holding was consistent with U.S.

Supreme Court precedent, the court added, as the justices have ruled that when parties to an arbitration agreement expressly agreed to “abide by state rules of arbitration” under a choice-of-law clause, the FAA will not preempt enforcement of arbitration proceedings and state law will govern, even when the contract involves interstate commerce.

As the court concluded that the MUAA applied to the arbitration agreement, not the FAA, it also held that the mandatory notice statement in section 435.460 was required.

The mandatory notice statement provides “Each contract subject to the provisions of sections 435.350 to 435.460 shall include adjacent to, or above, the space provided for signatures a statement, in ten point capital letters, which read substantially as follows: ‘THIS CONTRACT CONTAINS A BINDING ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.’”

Use of the terms “shall” clearly and unambiguously imposes a mandatory duty to include this statement in arbitration agreements, the court said.

“Accordingly, pursuant to section 435.460 of the MUAA, when an arbitration agreement is subject to the MUAA, and does not include the mandatory notice statement required under section 435.460 of the MUAA, the arbitration agreement cannot be enforced,” the court wrote. “In this case, the mandatory notice statement is not contained anywhere in the arbitration agreement — or anywhere in

the entire Contract. Therefore, the arbitration agreement (1) does not comply with section 435.460 of the MUAA; and (2) cannot be enforced against [Tri-Star].”

The court affirmed the trial court’s decision denying Jackson Lewis’ motion to compel arbitration.

Douglas P. Dowd of Dowd & Dowd in St. Louis, who represented Tri-Star, highlighted the court’s reference to Missouri Supreme Court Rules of Professional Conduct 4-1.4(b) and 4-1.8, which require attorneys to ensure a client is fully informed about the scope and effect of an arbitration agreement.

“Arbitration agreements between a lawyer and their client are entirely different from an arbitration clause in a commercial transaction,” he said. “Lawyers have special duties to clients including a duty of candor. Entering into a contract with a lawyer is not the same as buying a lawnmower.”

While the law firm tried to argue that the FAA should apply, the arbitration provision specifically stated that the agreement was governed by Missouri law and the MUAA, Dowd added.

“If you pick the law, you are stuck with the law you pick,” he said.

St. Louis attorney Gregory J. Minana of Minana & Associates, who represented Jackson Lewis, did not respond to a request for comment.

The case is *Tri-Star Imports, Inc. v. Jackson Lewis*, Case No. ED113734. ♦

## COA affirms denial of petition to implement children’s services sales tax

By CORREY E. STEPHENSON • SPECIAL TO MISSOURI LAWYERS MEDIA

A ballot measure approved by Platte County voters authorized the Platte County Commission and the Missouri Department of Revenue to implement a countywide sales tax but did not mandate it, the Western District Court of Appeals ruled on April 14, affirming denial of a petition for writ of mandamus.

In April 2024, a group of citizens requested that the Platte County Commission place a quarter-cent children’s services sales tax on the November 2024 general election ballot. The Commission refused.

In response, a campaign committee called

Platte County 4 Kids circulated a petition to have the children’s services tax placed on the ballot. Funds generated by such a sales tax may be used to provide children in need with a variety of services, including temporary shelter, substance abuse and mental health treatment and assistance with pregnancies.

The committee submitted the required signatures, but the Board of Election Commissioners concluded it lacked the power to order the measure placed on the ballot. After the committee filed a writ of mandamus, a court ordered the placement of the children’s

services tax on the general election ballot.

At the election, 56.46 percent of voters voted in favor of the levy.

However, the Commission adopted “An Order not Levying a New Sales Tax Pursuant to Section 67.1775, RSMo.” The order acknowledged that the majority of voters had voted in favor of the new sales tax but took the position that the electorate’s vote only authorized, but did not mandate, the tax to be levied.

Warren Plumb, treasurer of the committee, then filed a writ of mandamus seeking the court to order the Commission and Department of

Revenue to implement the tax.

The circuit court denied the petition. Plumb appealed.

Writing for the court, Judge Alok Ahuja affirmed, joined by Judge Anthony Rex Gabbert and Senior Judge Patricia Breckenridge, sitting by special assignment.

Plumb argued that once voters approved the children’s services sales tax, the County Commission and the Department of Revenue had to impose and implement the tax.

But the court disagreed.

The first sentence of the section 67.1775 states: “The governing body of a city not within a county, or any county of this state may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent in the county or city, ... for the purpose of providing services described in section 210.861, including counseling, family support, and temporary residential services to persons nineteen years of age or less.”

“This sentence makes clear that it is the county’s governing body — not the voting public — which actually levies the sales tax,” the court wrote, as the fact that a tax may be levied “after” voter approval indicated that election results did not, on their own, have the effect of levying the sales tax.

Even more critical was the inclusion of the word “may” in the first sentence.

“By stating that the County Commission ‘may’ levy a children’s services sales tax, § 67.1775.1 did not impose a mandatory, ministerial obligation on the Commission which was enforceable by mandamus,” the court explained. “Instead, the General Assembly gave the Commission discretion whether or not to enact the taxing measure which voters had authorized.”

The sample ballot language supported this conclusion, as it asked voters whether they wished to “authorize” the county’s governing body to levy the tax. “Authorization” does not normally require an authorized party to act, but merely permits the authorized party to act if they choose, the court said.

This language was different than other statutes enacted or reenacted at the same time, which used language like “impose” or “levy” instead of “authorize.”

The statute also contains a sentence specifying the consequences of a failed vote to authorize a new sales tax, providing that if the

question received less than the required majority, “then the governing authority of the city or county ... shall have no power to impose the sales tax unless and until” a new election is held.

“The statement that a negative vote will deny the county’s governing body the ‘power to impose the sales tax’ confirms that the purpose of the popular vote is to empower the governing body, not to actually impose the tax,” the court wrote.

Noting that taxing statutes are strictly and narrowly construed, the court affirmed denial of the petition.

“We recognize that the statutes involved in this case may not be models of clarity,” the court said. “Even if there may be some ambiguity in the relevant statutes, however, we are required to adopt the narrowest reasonable interpretation, because these are tax laws. Seen through that lens, we cannot say that the imposition of a children’s services sales tax, based solely on a favorable vote of the electorate, is ‘expressly’ or ‘clearly authorized,’ or that such power is ‘conferred by plain [statutory] language.’ The Platte County Commission, and the Department of Revenue, were not required

to levy and implement a children’s services sales tax based solely on the favorable result of the November 2024 election. Because the Commission and Department did not have a mandatory, ministerial duty to implement the tax, the circuit court did not err when it denied mandamus relief.”

Rob A. Redman of Martinez Tobin & Redman in North Kansas City, who represented the Platte County Commission, said the court made the right decision.

“It was pretty obvious from reading the statute that the vote authorized the Commission to levy the tax, but the language of the statute gave the Commission the discretion to do so — or not to do so,” he said. “The main thing here is what the legislature’s intent was: to give discretion to the Commission.”

The Department was represented by Andrew Crane of the Attorney General’s Office, which declined to comment on the case.

Jefferson City attorney Charles W. Hatfield of Stinson, who represented Plumb, did not respond to a request for comment.

The case is *Plumb v. Missouri Department of Revenue*, Case No. WD88043. ♦



ANNOUNCEMENT

Welcoming Two New Principals



Ellen Brooke  
PRINCIPAL



Katherine Smith  
PRINCIPAL

Watters Wolf Bub Hansmann is pleased to announce the addition of two Principals, Ellen Brooke and Katherine Smith, to the firm’s St. Louis office. Ms. Brooke and Ms. Smith will be joining the firm’s First-Party Insurance Practice Group. Ms. Brooke and Ms. Smith each have over 20 years of experience in first-party insurance coverage work and litigation, and we are proud to welcome them to the firm.

Ellen Brooke

Ms. Brooke is a nationally recognized lawyer in the area of first-party insurance claims involving suspected arson and fraud. She works regularly with her SIU partners to provide guidance and counsel during the carrier’s claim investigation. She has conducted hundreds of examinations under oath. She also routinely defends her insurance company clients in first-party litigation on cases involving arson and fraud. Ms. Brooke is a sought-after speaker, regularly presenting to claims professionals, SIU investigators, and law enforcement through organizations such as theAAL, NSPII, and NICB. A Missouri native, Ms. Brooke returned to the state in 2000 after years as a military spouse and earned her law degree from the University of Missouri, where she received awards for her trial and mediation advocacy. She remains dedicated to pro bono work supporting victims of domestic violence.

Katherine Smith

Ms. Smith is widely recognized as a leading lawyer in Missouri and Illinois in the area of first-party property insurance coverage work. She regularly serves as coverage counsel for her insurance clients on a wide range of complex first-party property coverage issues, with a particular emphasis on claims involving allegations of bad faith and vexatious refusal to pay. Ms. Smith also advises insurers on best claims practices to ensure compliance with applicable insurance regulations and industry standards. She handles cases from inception through resolution and has successfully tried numerous cases in both state and federal courts. Ms. Smith earned her Juris Doctor from Saint Louis University School of Law.

The firm looks forward to the experience and depth of knowledge Ms. Brooke and Ms. Smith bring and is excited to have them join the St. Louis office.

ST. LOUIS, MISSOURI

# COA affirms \$58 million verdict for worker injured by exposure to food flavoring

By CORREY E. STEPHENSON • SPECIAL TO MISSOURI LAWYERS MEDIA

A \$58 million verdict in favor of a worker at a food manufacturing plant for the injuries he sustained due to his occupational exposure to diacetyl and/or 2,3-pentanedione should be affirmed, the Eastern District Court of Appeals ruled on April 7.

James H. Graham worked in the General Mills food manufacturing plant in Hannibal from August 2005 through February 2011. During that time, GM purchased 17 flavors from Givaudan Flavors Corporation, a manufacturer of chemical flavoring products. The flavors contained diacetyl and/or 2,3-pentanedione.

Graham filed suit against Givaudan and other defendants, alleging his exposure to diacetyl and/or 2,3-pentanedione caused him to contract bronchiolitis obliterans, a permanent and progressive lung disease. Graham claimed the disease halved his lung capacity, causing him to gasp for air and preventing him from engaging in activities he previously enjoyed.

At the end of trial, a jury awarded Graham \$2 million in compensatory damages and assessed punitive damages against Givaudan at \$56,631,960.

Pursuant to 537.060, RSMo 2016, the circuit court reduced the amount of compensatory damages by the payments Graham received from other defendants who settled prior to trial and entered judgment for Graham totaling \$58,161,460.

Givaudan appealed.

In a unanimous opinion written by Chief Judge John P. Torbitzky and joined by Judges James M. Dowd and Lisa P. Page, the court affirmed the verdict.

The court first rejected Givaudan's challenge to the admission of expert testimony on behalf of Graham.

Section 490.065.2(2) allows experts to base their opinions on "facts or data" they are "aware of or personally observed," the court pointed out, and "[i]t was clear that Givaudan supplied approximately 179,900 pounds of flavoring with diacetyl and 2,3-pentanedione to [Graham's] workplace. Workers displayed symptoms of coughing and headaches, and their clothes smelled of flavoring at the end of the day. Workplace areas

were coated in flavoring dust."

The conclusion of one of the experts that the flavorings produced concentrations "more than ample" to cause bronchiolitis obliterans followed a reliable methodology and was sufficient because he was not required to produce "a mathematically precise table equating level of exposure with levels of harm," the court said.

As for the second expert witness, a board-certified pulmonologist who frequently treats patients with bronchiolitis obliterans, the court found his medical opinion about causation was reliable and admissible because he conducted a proper differential diagnosis.

Givaudan alleged the circuit court erred by excluding all evidence of non-party chemical flavorings present at the GM manufacturing

of bronchiolitis obliterans at other food manufacturing plants where it supplied flavorings containing diacetyl, with reports indicating an increasing number of employees with the illness.

As for Givaudan's contention that Graham failed to make a submissible case because there was no proof of a design defect, causation and the applicable standard of care, the court held the appeal failed to comply with Rule 84.04(d)(1).

Turning to damages, the court denied Givaudan's position that Graham failed to make a submissible case for punitive damages.

"Graham introduced evidence that by 1985, Givaudan was aware diacetyl could cause systemic toxicity," the court said. "By the mid-1990s, Givaudan's predecessor company compiled internal documentation confirming at least seven

**The evidence in this case showed that Givaudan knew its products caused bronchiolitis obliterans in factory employees where its chemical flavorings were used. — Chief Judge John P. Torbitzky**

plant, but the circuit court allowed evidence that approximately 10 million pounds of chemical flavorings were used at the plant, with only about two percent of those flavorings supplied by Givaudan, the court found.

Nor was the court persuaded that the circuit court should have allowed evidence that cigarette smoke contains diacetyl and 2,3-pentanedione.

"[T]he risk of confusion of the jury was quite clear," the court wrote. "Givaudan argues that the studies show either that the ingredients do not cause bronchiolitis obliterans or that cigarette smoke provides an alternative source of chemicals that caused Graham's illness. Being as Givaudan seems confused by its own experts' testimony, it is unclear how a jury would fare better."

Admission of evidence of other workers' respiratory injuries at other food manufacturing plants was not error, the court determined, as it was within the circuit court's discretion.

Graham admitted evidence demonstrating that in the 1990s, Givaudan became aware diacetyl exposure was linked to the development

of bronchiolitis obliterans among its employees. ... [T]his evidence was sufficient for the jury to find that Givaudan continued marketing diacetyl and 2,3-pentanedione for years after knowing these chemicals are toxic and caused injury to food plant workers. Thus, the jury could reasonably conclude Givaudan intentionally disregarded worker safety in pursuit of profit by continuing to sell these chemicals with knowledge they would cause injury."

The punitive damage award did not violate due process, the court added, as there was ample evidence that Givaudan's conduct was reprehensible, and the jury awarded Graham a significant amount of compensatory damages because it found his injuries were serious – which did not mitigate Givaudan's liability for punitive damages.

Givaudan's net worth was a valid consideration, the court said, despite the manufacturer's argument that it was irrelevant.

As for the punitive damages cap, the court disagreed with Givaudan that there was no analogous right to recovery in 1820 because a plaintiff

like Graham would not have had a cause of action against a third-party supplier because there was no privity of contract between them.

“The evidence in this case showed that Givaudan knew its products caused bronchitis obliterans in factory employees where its chemical flavorings were used,” the court wrote. “The evidence also showed Givaudan knew its products could be dangerous, concealed this information, and people were harmed. These ac-

tions fall within the exception to the general rule of privity for actions relating to the delivery of a ‘dangerous or noxious’ article to another who is without fault and lacks knowledge of the danger. Privity of contract is not required in this case, and Givaudan would have been liable for the injuries to others.”

Finally, the court held that the circuit court did not err by awarding post-judgment interest on the entire judgment balance, as the fact the

state can assert an interest in the judgment balance does not reduce it.

Thomas W. Hayde, Jr. of Spencer Fane in St. Louis, who represented Givaudan, did not respond to a request for comment on the decision.

Neither did Leawood, Kan. attorney Michael S. Ketchmark of Ketchmark & McCreight, who represented Graham.

The case is *Graham v. Givaudan Flavors Corporation*, Case No. ED113318. ♦

## Missouri appeals court reverses multimillion-dollar golf cart injury judgment

By ERIN ACHENBACH • EACHENBACH@MOLAWYERSMEDIA.COM

The Missouri Court of Appeals Western District partially overturned a Boone County ruling in a personal injury case stemming from a golf cart accident, remanding the case for further proceedings while dismissing part of the appeal.

In a March 24 opinion, Judge Alok Ahuja wrote that the court found error in the trial court’s entry of judgment based on a settlement agreement between the parties. Chief Judge Anthony Rex Gabbert and Special Judge James M. Dowd concurred.

The trial court had sided with the plaintiff in her personal injury claim after she was injured while riding a golf cart driven by the defendant in 2019. The plaintiff, Connie E. Lyda, was ejected from the golf cart when Mark Northcott lost control and crashed it. Lyda claimed Northcott was intoxicated at the time of the accident and that she “sustained severe injuries, including large skin avulsions on her left foot that exposed tendons and bones, a fracture of the second metacarpal on her right hand, and significant facial lacerations.”

Northcott was insured at the time of the incident under an auto policy with Allstate Fire and Casualty Insurance Company, and by a homeowner’s policy issued by Allstate Vehicle and Property Insurance Company.

Lyda filed a petition in Warren County Circuit Court in January 2023 against Northcott, alleging his negligence caused her injuries. The action was later transferred to Boone County. After being served, Northcott requested a defense from Allstate, which Allstate refused without reservation

of rights, and subsequently denied coverage for the accident.

In March 2023, Allstate sought declaratory judgment that it had no obligation to defend or indemnify Northcott under the policies, filing the suit in the U.S. District Court for the Eastern District of Missouri.

In May 2023, Lyda and Northcott entered into an agreement in which Lyda agreed to

“forego collecting any compensatory damage judgment against or settlement with Northcott from Northcott’s personal assets.” Instead, she would “pursue as the sole source of payment ... the assets of Allstate or any other insurer from whom Northcott makes final recovery...” Northcott agreed

*Continued on Page 26*

# 2300

## EVENT CENTER

### Plan Your Next Event at KCMBA






- Conference spaces for mediations, arbitrations, and meetings
- Large event facility for seminars, team-building activities, or networking events
- Skyline patio with a stunning view of downtown Kansas City



Kansas City Metropolitan Bar Association



Contact: [info@kcmba.org](mailto:info@kcmba.org) or  
(816) 474-4322

Continued From Page 26

to bring claims against his insurers for indemnity, breach of contract, bad faith, and breach of fiduciary duty, and to pay Lyda 90 percent of the net proceeds he ultimately recovered.

As part of the agreement, Northcott had to admit the following: that he operated the golf cart, had consumed alcohol, and that his negligence caused the accident and Lyda's injuries.

Northcott's counsel notified Allstate on the same day the agreement was agreed to. On May 22, 2023, Allstate moved to intervene as of right in Lyda's personal injury lawsuit under Statute 537.065.4, and the circuit court granted that motion in June 2023. In its answer, Allstate acknowledged Northcott's Missouri residency and the golf cart accident involving Lyda but denied key allegations, including intoxication, negligence and the extent of Lyda's injuries. It also raised affirmative defenses, asserting that Lyda's own negligence contributed to her injuries and that she assumed the risks associated with riding in the golf cart.

In July 2023, Northcott filed his own answer, admitting all factual allegations in Lyda's amended petition and requesting that judgment be entered in her favor in a fair and reasonable amount, while still disputing the claim for punitive damages. He also asserted crossclaims against Allstate for indemnity, breach of contract and breach of fiduciary duty.

In June 2024, he moved for partial summary judgment on coverage under the homeowner's policy, while Allstate filed a cross-motion disputing any duty to defend or indemnify.

In September 2024, Lyda and Northcott jointly moved for entry of judgment based on a prior settlement agreement allowing Lyda to elect a \$6.14 million judgment, which Northcott agreed to accept. Despite Allstate's objections, the circuit court entered judgment for the full amount in October 2024. After the court denied Allstate's motion to vacate or amend the judgment in February 2025, it also granted Northcott partial summary judgment on indemnity under the homeowner's policy. Allstate appealed.

Lyda argued that Allstate's Point Relied On only challenged the ruling on its motion to vacate the judgment, rather than the trial court's initial judgment entry of Lyda's tort claim. She argued that a more deferential standard of review applied to Allstate's arguments. She also filed a motion to dismiss Allstate's appeal, based on the purported defects in Allstate's Point Relied On.

"Lyda reads Allstate's Point Relied On too narrowly in any event," the opinion stated. "Although the Point asserts that '[t]he Circuit Court erred in denying [Allstate's] Motion to Vacate Judgment' it also contends that 'the entry of judgment in favor of Respondent Lyda and against Respondent Northcott denied [Allstate] the right to a jury trial . . . guaranteed by R.S.Mo. § 537.065.'"

Referring to *City of St. Louis v. State*, the appellate court said that the Missouri Supreme Court encourages appeals courts to "not rely on minor procedural defects in an appellant's briefing to deny review of the merits of the appellant's arguments."

The court also looked at Statute 537.065.

Amendments in 2021 strengthened insurer rights, including the ability to assert positions on liability and damages and request a jury trial. The statute had previously been amended in 2017 to require notice and allow intervention by the insurance companies, but that could still be sidestepped by late notices.

"Section 537.065.4 expressly states that an intervening insurer is not bound by any 'stipulations' entered into prior to its intervention. Under Lyda's argument, however, the intervening insurer's litigation rights could be extinguished by an agreement entered between the injured party and the tortfeasor/insured after the insurer's intervention," the opinion stated. "All an injured party and insured tortfeasor would need to do is wait for the insurer to intervene, and then settle the underlying tort claim. Such an outcome would have the effect of completely nullifying . . . rights created by the 2021 amendments."

The Western District found that the circuit court erred by entering judgment on Lyda's negligence claim and reversed the judgment.

Allstate Vehicle and Property separately appealed the trial court's partial summary judgment on Northcott's indemnity claim. The court noted that the decision resolved only one of multiple related claims arising from the same underlying facts and therefore did not constitute a distinct "judicial unit" eligible for immediate appeal under Rule 74.01(b). The court dismissed Allstate's separate appeal.

The case is *Lyda v. Allstate Fire and Casualty Insurance Company*, Case No. WD87901 & WD87902. ♦

## Missouri Court of Appeals Western District reverses in part, affirms in part and remands workers compensation case

By KALLIE COX • [KCOX@MOLAWYERSMEDIA.COM](mailto:KCOX@MOLAWYERSMEDIA.COM)

In an appeal from the Labor and Industrial Relations Commission, a worker argued the commission erred in how it directed his employer to reimburse him for past medical expenses.

The expenses were incurred after the city

refused to provide for such treatment as required by section 287.140.1, according to the appeals court.

In a March 24 decision, the Missouri Court of Appeals Western District affirmed in part, reversed in part and remanded with

instructions, the commission's decision.

Appellant Russell Chick has worked physically demanding jobs since graduating high school in 1995. From 1995 to 2016, he worked for the City of Centralia, Missouri as an equipment operator. In 2014, he slipped

and fell on ice while working.

Chick broke his fall with his arm, but shortly after he realized he couldn't write with that hand and pain was traveling down his arm. His foreman sent him for treatment at Boone Clinic, according to the court.

The medical providers at the clinic told Chick he should get tested for a brachial plexus injury and sent him to another doctor. This doctor referred Chick to an orthopedic physician who evaluated Chick but did not provide treatment, sending him back to the other doctor.

Although the doctor suggested a second referral, the city refused to authorize further treatment, according to the court.

"Chick then sought treatment on his own with an orthopedic group and was referred to Dr. Mackinnon for brachial plexus nerve damage. Dr. Mackinnon recommended and performed surgery, and then a second surgery," the records state. "Chick last saw Dr. Mackinnon on December 11, 2014. Chick also received psychiatric treatment in late 2014 and early 2015."

Chick continued to have symptoms and also was treated for carpal tunnel syndrome and trigger finger syndrome. On April 18, 2016, his doctor released him with a permanent ten-pound lifting restriction and said he reached maximum medical improvement. That same day, the city fired him.

After the underlying injury in 2014, Chick filed a workers compensation claim, requesting compensation for medical care, mileage, temporary disability, permanent disability and disfigurement, according to the court.

During a hearing with an administrative law judge, the ALJ found that the work accident was the prevailing cause of a brachial plexus injury involving Chick's neck, right shoulder and right forearm; But that the work injury was not the prevailing cause of Chick's carpal tunnel syndrome, trigger finger syndrome, or psychiatric conditions.

The ALJ also determined the city was not responsible for Chick's past or future medical expenses related to the treatment of the brachial plexus injury or other injuries. They also ruled Chick was not permanently and totally disabled and said he sustained a 2.5 percent permanent partial disability to the body as a whole, 25 percent to the shoulder and 30 percent to the forearm.

The ALJ said Chick was entitled to five weeks for disfigurement and awarded \$1,752.80 in TTD, \$56,089.60 in PPD and \$2,191.00 for disfigurement.

"Chick filed a timely application for review with the commission and attached to the application a list of asserted errors, challenging, inter alia, the ALJ's finding that Chick was not permanently totally disabled, the ALJ's finding that Chick failed to meet his burden of proof regarding whether he was entitled to past medical expenses and the ALJ's failure to grant an adverse inference from the city's failure to provide unedited surveillance footage," according to the appeals court.

The commission modified the ALJ's award in part, allowing compensation for Chick. But it adopted the finding that Chick was not permanently and totally disabled. It found Chick was eligible for reimbursement for treatment provided by one of the doctors after the city refused compensation for additional treatment and declared that the award, excluding past medical expenses, was subject to a lien in favor of Chick's attorneys in the amount of 25 percent for necessary legal services rendered,

according to the court.

In his appeal to this court, Chick raised five points:

- That the commission acted in excess of its powers in directing the city to pay the award of past medical expenses directly to medical providers instead of to Chick.
- That its method of directing payment of past medical expenses and excluding an award of attorney's fees from such an award is contrary to public policy.
- The commission denied him due process in its manner of directing payment for past medical expenses and excluding attorney's fees from the award of past medical expenses.
- The commission erred in finding that he was not permanently totally disabled.
- And that the commission erred in failing to grant Chick an adverse inference based on the city's failure to provide unedited surveillance footage, which Chick argues amounted to spoliation.

In a unanimous opinion authored by Judge

*Continued on Page 28*

## Brinker & Doyen<sup>LLP</sup>

ATTORNEYS AT LAW

We are proud to announce that

**Bridgette N. Fu**

has been honored with the

**Women's Justice Award**

as a Litigation Practitioner  
by

**Missouri Lawyers Media**



This prestigious award recognizes women across Missouri who have demonstrated leadership, integrity, service, sacrifice and accomplishment in improving the quality of justice and exemplifying the highest ideals of the legal profession. Join us in extending our sincere congratulations to Bridgette for this well deserved recognition of her commitment to excellence and her significant contributions to the legal community.

Continued From Page 27

Thomas N. Chapman, the Western District agreed with Chick that the commission erred by directing the city to satisfy its liability for past medical in the amount of \$32,526.48 to his medical providers rather than to Chick. Due to the city's failure to provide further medical care as required by section 287.140.1, it should have reimbursed Chick, rather than his providers.

The court ruled against Chick on his claims of spoliation and upheld the commis-

sion's decision that he is not permanently and totally disabled.

The court remanded the issue of attorney's fees related to the award of past medical expenses to the commission for further consideration. The commission's findings were affirmed in part and reversed in part, with some issues being remanded for further review.

"On remand, the commission is instructed to address attorney's fees on the award of past medical in accordance with the principles set forth in section 287.260.1 and 8

CSR 50-2.010(15)," Chapman wrote. "On remand, the commission is further instructed to direct payment of the reimbursement of the past medical expenses in the amount of \$32,526.48 to Chick, with the award potentially subject to an attorney's fee lien depending on the commission's resolution of the attorney's fee issue. The commission's award is otherwise affirmed."

The case is: *Russell Chick v. City of Centralia and Treasurer of Missouri as custodian of the Second Injury Fund*, Case No. WD88273. ♦

## Missouri appeals court reverses ruling over flawed abandonment inquiry

BY ERIN ACHENBACH • [EACHENBACH@MOLAWYERSMEDIA.COM](mailto:EACHENBACH@MOLAWYERSMEDIA.COM)

The Missouri Court of Appeals Southern District reversed and remanded a Dunklin County Circuit Court ruling, holding that the motion court did not properly develop the record on whether post-conviction counsel abandoned the movant in a felony case involving child sexual abuse material and statutory sodomy.

The opinion was handed down March 12. Chief Judge Jennifer R. Growcock authored the opinion, with Judges Becky J. West and Matthew P. Hamner concurring.

Arlie Lewis was convicted by a jury in 2015 for several class C and class B felonies for possessing child sexual abuse material, as well as one count of statutory sodomy. Lewis appealed and the appellate court affirmed the trial court's judgment in April 2017. In June that same year, Lewis filed his pro se "Motion to Vacate, Set Aside or Correct the Judgment or Sentence" pursuant to Rule 29.15. The motion court appointed a public defender to represent him later that month and granted an additional 30 days to file an amended motion. Per Rule 29.15, the amended motion was due Sept. 26, 2017. Counsel, however, filed the amended motion three days late, along with a motion requesting the motion court to permit the late filing pursuant to *Sanders v. State*.

The motion for leave to file out of time attributed the delay to counsel's workload in other cases and other professional obligations, though those assertions were not made under oath or supported by affida-

vit. Counsel's amended motion also raised claims that differed from those in Lewis' original pro se filing. After independently reviewing the record and the Sanders motion, the motion court found the delay was not attributable to Lewis and concluded he had been abandoned by counsel, allowing the amended motion to be filed out of time. Following discovery, the court granted the amended motion in part and denied it in part, vacating Lewis' convictions on Counts I through IV. Lewis appealed the denial of his remaining claims, and the state cross-appealed the partial vacatur.

In its analysis, the appeals court found that the motion court relied solely on unsworn statements in the Sanders motion without conducting a proper inquiry into the abandonment issue, as required by state law.

"In its cross-appeal, the State asserts that: '[t]his Court should remand the case for an abandonment hearing because a presumption of abandonment arose after postconviction counsel untimely filed [the A]mended [M]otion and the motion court failed to conduct an abandonment inquiry.' We agree," the opinion stated.

The court concluded that since the counsel's statements in the Sanders motion were not made under oath or attested in an affidavit, the outcome of the case was controlled by *Saddler* and its line of cases.

In *Saddler*, post-conviction counsel filed an amended motion after the deadline be-

cause she failed to realize the motion court had not ruled on her earlier request for an extension of time. She submitted the late filing along with a Sanders motion asking the court to treat it as timely, explaining that the error was hers and not the movant's. However, her explanation was not made under oath or supported by an affidavit. Relying solely on these unsworn representations, the motion court concluded that counsel had abandoned the movant and deemed the amended motion timely. On appeal, the Eastern District found this to be an error, emphasizing that unsworn statements in a Sanders motion are insufficient to support an abandonment finding. The appellate court remanded that case with instructions for the motion court to conduct an independent inquiry.

"Because the motion court's determination that Movant was abandoned by counsel was based exclusively on counsel's unsworn representations in the Sanders motion and we cannot glean anything additional from the record establishing the motion court conducted an independent abandonment inquiry using any other method, the motion court did not create a sufficient record to demonstrate that its determination of the abandonment issue was not clearly erroneous," the opinion stated.

The judgment was reversed and remanded.

The case is *Lewis v. State*, Case No. SD38920 & SD39258. ♦

# Decedent's assets properly listed, COA finds

By CORREY E. STEPHENSON • SPECIAL TO MISSOURI LAWYERS MEDIA

A circuit court did not err when it found that all assets belonging to a decedent were properly listed on the inventories filed by her personal representative and that no credible evidence existed the representative failed to refuse to deliver any estate assets, the Western District Court of Appeals ruled on April 21.

Sue Ann Hughes passed away on April 3, 2021. She was survived by three children: Charles Edwards Jr., Melanie L. Edwards and Christopher W. Hughes.

During her lifetime, mother lived in Chariton County and owned agricultural real property. Hughes also resided in Chariton County, while his siblings lived out of state.

Hughes purchased cattle after his college graduation, which he raised on his mother's farm property.

In 2001 or 2002, mother incurred income tax liability from investments requiring her to make quarterly estimated income tax payments. She and Hughes discussed having her purchase cattle and depreciate them on her income tax returns to lessen her income tax liability.

Hughes testified at trial that he and his mother reached an oral agreement that she would borrow money at a bank to purchase cattle, which she would claim as a depreciation expense. Hughes would provide all the labor, feed and care for the cows and handle the sales of the cows' offspring.

The sales proceeds would either be sufficient to pay the loan payment or if not, Hughes would pay the bank himself. Any excess funds would be retained by Hughes as compensation for the care and expenses of raising the calves.

Mother purchased cattle twice in 2003 and a third time in 2006. By the time of her death, Hughes testified that all of the cows she had purchased had died, not having been sold or replaced. However, she and Hughes continued to identify some of Hughes' cattle as mother's to document they were securing her loans.

When Hughes submitted inventories as mother's personal representative that did not list any cattle, his sister objected.

The trial court sided with Hughes and Edwards appealed.

Judge Gary D. Witt affirmed in an opinion joined by Judges Mark D. Pfeiffer and Edward R. Ardini.

Edwards argued that the trial court applied the wrong burden of proof, and failed to shift the burden to Hughes after Edwards made a prima facie case.

But her argument was multifarious, alleging two distinct errors, and she did not present the alleged errors to the trial court for its consideration, the court said.

Although Edwards argued that her proposed findings of fact and conclusions of law contained the correct standard the trial court should have used, the court pointed out that she had three

months to alert the trial court to the fact that she believed Hughes's submission declared the wrong legal standard and failed to do so. Nor did she file any post-trial motions, the court added.

Turning to Edwards's challenge to the trial court's judgment for Hughes, the court rejected her position that there was no substantial evidence showing that mother's cattle were transferred to Hughes during her life.

"This point ignores that the trial court's judgment found that prior to Mother's death, 'by 2010, all of the cows purchased by [Mother] had died having not been sold or replaced,'" the court wrote. "There was no finding in the judgment that Mother made a transfer of any cattle to Hughes during her lifetime, accordingly, no 'substantial evidence

*Continued on Page 30*



**PAUL LLP  
TRIAL ATTORNEYS**

**Paul LLP, on behalf of itself and its clients, is proud to congratulate its Managing Partner, Ashlea Schwarz, on being named Woman of the Year by The Society of Women Trial Lawyers. Congratulations Ashlea!**

600 Broadway Boulevard, Suite 600 | Kansas City, Missouri 64105  
816.984.8100 | www.paulllp.com

showing that [Mother's] cattle were transferred [to Hughes] during her life' was required to support the judgment."

Edwards also argued that there was not substantial evidence to support the oral agreement between mother and Hughes that the court found.

As a non-party to the contract, Edwards could not object to its validity on the statute of frauds, and as both mother and Hughes fully performed their duties under the contract — mother purchased the cows, and Hughes raised and sold the calves — the court found "clear, cogent, and convincing evidence as to its existence."

Nor was the court persuaded that any agreement between mother and Hughes would have been illegal and thus void.

"Edwards does not establish how the agreement, as found by the trial court, would have been illegal," the court said. "Edwards appears to be alleging that there was some illegality after 2010, where Mother was taking tax deductions for and securing the loan with cattle she may no longer have owned. The trial court vaguely acknowledged

this possibility, stating that it was making 'no findings regarding the propriety of [Hughes's] and [Mother's] agreement with their bank.' Any activity by Mother and Hughes later in Mother's life, even if it had possibly been illegal, and any dealings between Mother and her bank, do not invalidate the contract as the trial court found it to have existed at the time of its execution."

The finding that mother owned no cattle at the date of her death was not against the weight of the evidence, the court found, as Edwards focused on mother's 2010 tax returns, and not the finding that as of her death in 2021, mother had no ownership interest in any cows, bulls, calves or other livestock.

"Despite some possibly questionable accounting, the trial court found Hughes's testimony, which was part of Edwards's case in chief, to be credible, and he testified that Mother owned no cattle at the time of her death," the court said.

Finally, the court rejected Edward's attempt to rely on judicial estoppel that Hughes could not receive excess proceeds from the sale of the calves after he

previously stated under oath that mother owned the cattle.

As she provided no dates, citations to record or specifics about when Hughes made such statements, the court found her conclusory argument insufficient and affirmed the trial court.

Keytesville attorney Dale L. Linneman, who represented Hughes, said "sticking with the facts" was the recipe for success.

"Sometimes you wish you could file a motion for a change of facts, but that's not available," he joked. "But we told the story the way it was, for better or worse, and the court recognized that some of the decisions made may not have been the brightest."

Theodore D. Dearing of Riezman Berger in St. Louis, who represented Edwards, said he was "disappointed" in the decision, which serves as a reminder that "it is extraordinarily difficult to win against the weight of the evidence standard on appeal."

Keytesville attorney Dale L. Linneman, who represented Hughes, did not respond to a request for comment.

The case is *Estate of Hughes v. Hughes*, Case No. WD87892. ♦

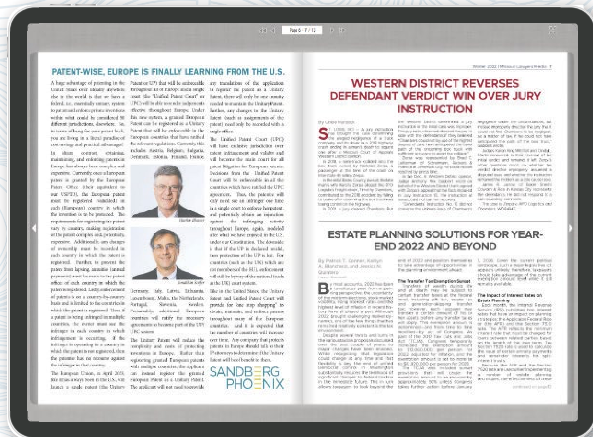
# In-House Counsel

MissouriLawyers MEDIA  
EXPERTLY FOCUSED. WIDELY ACCLAIMED.

A Quarterly supplement to Missouri Lawyers Weekly



## Get Yours Today!



For more information, contact Johnny Aguirre at 314-558-3257 or [jaguirre@molawyersmedia.com](mailto:jaguirre@molawyersmedia.com)

## Administrative

### Power Transmission Long-Term Rights Allocation of Zero Rights

Plaintiff petitioned for review of FERC's dismissal of plaintiff's administrative complaint. Plaintiff supplied power to municipal electric utilities in several states. In October 2015, plaintiff joined Southwest Power Pool, a regional transmission organization that managed large parts of the interstate transmission grid. Southwest allocated long-term transmission rights, which could be used to protect against congestion charges on interstate transmission grids. Previously, FERC approved Southwest's tariff, which established the procedure for awarding long-term transmission rights on an annual basis. Southwest began allocating rights months before plaintiff joined its market, and plaintiff had received no rights since. FERC dismissed plaintiff's petition challenging the allocation of zero long-term rights as violating the Federal Power Act.

Where the act did not entitle plaintiff to long-term transmission rights because it could not force transmission organizations to provide rights that would be infeasible due to the previous awarding of rights, Southwest's tariff was not arbitrary or capricious for rolling over awarded long-term rights as long as they were not surrendered.

Petition is denied.

*Missouri River Energy Services v. Federal Energy Regulatory Commission* (MLW No. 84536/Case No. 24-3161 & 25-1058 – 12 pages) (U.S. Court of Appeals, 8th Circuit, Colloton, J.) Petition for review of an order of the Federal Energy Regulatory Commission. (Philip W. Mone, Washington, D.C. for petitioner; Randolph Lee Elliott, Washington, D.C. on the brief) (Carol J. Banta, Washington, D.C. for respondent)

## Attorneys

### Legal Malpractice Motion to Compel Arbitration

Defendants appealed the trial court's order granting judgment to plaintiff and denying defendants' motion to compel arbitration. Defendants represented plaintiff in underlying employment complaints. The parties' retainer agreement contained an arbitration clause. After plaintiff sued defendants for malpractice, they moved to compel arbitration. However, the trial court ruled that the arbitration clause violated the Missouri Uniform Arbitration Act by failing to include the mandatory notice. On appeal, defendants argued that the lack of the statutorily required notice under the MUAA was inconsequential because the parties' agreement was governed by the Federal Arbitration Act.

Where the FAA only applied to arbitration agreements involving interstate commerce, the trial court correctly determined that the MUAA applied to the parties' agreement.

Judgment is affirmed.

*Tri-Star Imports, Inc. v. Jackson Lewis, P.C.* (MLW No. 84621/Case No. ED113734 – 10 pages) (Missouri Court of Appeals, Eastern District, Clayton, J.) Appealed from circuit court, City of St. Louis, Whyte, J. (Gregory J. Minana, Alexis M. Blood and Frederick J. Ludwig for appellant) (Douglas P. Dowd, Paul G. Lane, Clayton L. Dowd and Alexander R. Lumaghi for respondent)

## Civil Rights

### §1983 Parolees Due Process Violations

Defendants appealed the district court's award of attorneys' fees to plaintiffs. Plaintiffs, a group of detained Missouri parolees, filed suit under §1983, alleging that the Missouri DOC's parole revocation procedures deprived them of due process. The district court initially ordered certain

changes to the MDOC's policies, but the court reversed in part. On remand, plaintiffs moved for attorneys' fees based on their partial success. The district court granted plaintiffs' request in part, rejecting defendants' assertion that the Prison Litigation Reform Act's cap applied to attorneys' fees. The district court later awarded additional fees to cover compliance monitoring costs.

Where the certified class only included parolees who faced or would face revocation proceedings, all class members would necessarily be detained or incarcerated, making them prisoners subject to the PLRA and its fee cap.

Judgment is vacated and remanded for recalculation.

*Gasca v. Precythe* (MLW No. 84541/Case No. 25-1430 – 6 pages) (U.S. Court of Appeals, 8th Circuit, Kobes, J.) Appealed from U.S. District Court, Western District of Missouri, Bough, J. (Michael Pritchett, AAG, Jefferson City, MO for appellants) (Amy Elizabeth Malinowski, St. Louis, MO for appellees; Susannah P. Lake, St. Louis, MO and Megan G. Crane, St. Louis, MO on the brief)

## Constitutional Law

### Restrictions on Books in Public School Libraries First Amendment

#### Competing Legal Standards

Defendants appealed the district court's entry of a preliminary injunction against an Iowa law that required removal of books containing descriptions or visual depictions of sex acts from public school libraries. The district court determined that there was no singular standard for restrictions on First Amendment rights in public schools. The district court decided to apply the obscenity standard and the substantial government interest test to conclude that plaintiffs were likely to prevail on the merits of their constitutional challenge. However, the dis-

*Continued on Page 32*

*Continued From Page 31*

district court acknowledged that under the standard that evaluated whether restrictions were reasonably related to legitimate pedagogical concerns, state legislators could prohibit sexual content in public school libraries without violating the First Amendment.

Where the operation of school libraries was indisputably part of the school curriculum, the district court erred in the standard it applied in evaluating plaintiffs' claims, and found that the restrictions in the Iowa law addressed legitimate pedagogical concerns and sufficiently defined the materials that would be restricted from public school libraries.

Judgment is vacated and remanded.

*Penguin Random House, LLC v. Robbins* (MLW No. 84582/Case No. 25-1819 – 9 pages) (U.S. Court of Appeals, 8th Circuit, Erickson, J.) Appealed from U.S. District Court, Southern District of Iowa, Locher, J. (Eric H. Wessan, Solicitor General, Des Moines, IA for appellants; Patrick Cannon Valencia, Deputy Solicitor General, Des Moines, IA on the brief) (Frederick J. Sperling, Chicago, IL for appellees; Adam J. Diederich, Chicago, IL; Kirstie Ann Brenson, Chicago, IL; Devin K. Ross, Chicago, IL; Mark E. Weinhardt, Des Moines, IA; Todd M. Lantz, Des Moines, IA; Jason R. Smith, Des Moines, IA; Christy Ann Aumer Hickman, Des Moines, IA; Becky S. Knutson, Des Moines, IA; and Katie Schoolen, Des Moines, IA on the brief)

## Contracts

### Breach Forum Selection Clause

Plaintiffs appealed the dismissal of their complaint against defendant alleging breach of contract, fraud and tortious interference. Plaintiffs argued that the trial court erred in dismissing the case based on the forum selection clause in the contract, and on the principles of forum non conveniens and comi-

ty. Plaintiffs further contended that the trial court relinquished jurisdiction after deciding the case based on the forum selection clause and thus lacked authority to decide the remaining points of defendant's dismissal motion.

Where the forum selection clause only identified courts that lacked jurisdiction to hear disputes, plaintiffs were entitled to file in any other appropriate venue, and the record demonstrated that St. Louis was a more appropriate venue for the parties' dispute.

Judgment is reversed.

*Kogent Holdco, LLC v. Carl Zeiss Meditec, Inc.* (MLW No. 84550/Case No. ED113482 – 18 pages) (Missouri Court of Appeals, Eastern District, Clark, J.) Appealed from circuit court, St. Louis County, McPherson, J. (Rudolph A. Telscher Jr. for appellant) (Kevin Francis Hormuth for respondent)

## Criminal Law

### Post-Conviction Relief Ineffective Assistance of Counsel

Defendant appealed the denial of his motion for post-conviction relief, which alleged that trial counsel was ineffective for failing to request a curative instruction after the trial court sustained a defense objection to a portion of the state's closing argument. Defendant's pro se motion was received and filed after the deadline, although appointed counsel filed an amended motion.

Where defendant's amended motion stated that he would present evidence of the timeliness of his pro se motion but defendant had not provided such evidence, the trial court erred in taking judicial notice of the timeliness of his pro se motion, requiring a remand to enable defendant to present his evidence concerning the timeliness of his motion. Furthermore, the untimeliness of the amended motion meant that defendant had been

abandoned by appointed counsel.

Judgment is reversed and remanded.

*Taylor v. State* (MLW No. 84648/Case No. WD87850 – 24 pages) (Missouri Court of Appeals, Western District, Ahuja, J.) Appealed from circuit court, Johnson County, Wagner, J. (Damien S.B. De Loyola, Kansas City for appellant) (Daniel N. McPherson, Jefferson City for respondent)

## Domestic Relations

### Protective Custody Cessation of Reunification Efforts

Mother appealed the trial court's order relieving the children's division from making further efforts to reunify mother with her children. The division's petition followed the placement of the children into protective custody after mother allegedly attempted to strangle one child and smother another with a pillow. On appeal, mother argued that the trial court erred in making its decision without evidence.

Where the division failed to present any evidence to substantiate the allegations of mother's violence towards the children, the trial court erred in relieving the division from further reunification efforts.

Judgment is reversed and vacated.

*In the Interest of: I.J.L.* (MLW No. 84643/Case No. WD88220 & WD88221 – 13 pages) (Missouri Court of Appeals, Western District, Pfeiffer, J.) Appealed from circuit court, Cole County, Fretwell, J. (David J. Moen, Jefferson City for appellant) (Joseph M. Page, Jefferson City for respondent)

## Elections

### Voter ID Laws Standing

Plaintiffs appealed the dismissal of their complaint challenging the constitutionality of voter ID laws. Plaintiffs

alleged that the challenged laws unconstitutionally burdened the right to vote and violated equal protection. Following a bench trial, the trial court ruled that plaintiffs lacked standing, and even if they had standing, the challenged laws were constitutional.

Where plaintiffs failed to show that the challenged laws actually infringed or threatened to infringe upon their ability to vote, any alleged harms were speculative and thus could not support standing. As a result, the trial court erred in ruling on the merits of the case due to plaintiffs' lack of standing to establish a justiciable controversy.

Judgment is affirmed in part and reversed in part.

*Missouri State Conference of the National Association for the Advancement of Colored People v. State* (MLW No. 84545/Case No. SC100965 – 24 pages) (Supreme Court of Missouri, Powell, J.) Appealed from circuit court, Cole County, Beetem, J. (Gillian R. Wilcox and Jason Orr, Kansas City; Kristin M. Mulvey and Jonathan D. Schmid, St. Louis; and Denise D. Lieberman, St. Louis for appellants) (Louis J. Capozzi III, J. Michael Patton and Madeline S. Landsdell, St. Louis for respondent)

## Employer-Employee

### First Amendment Violation Retaliation FMLA

Defendant appealed the denial of his motion for judgment as a matter of law. Plaintiff filed suit against her employer and defendant, one of the employer's directors, alleging violations of the First Amendment and the Family and Medical Leave Act. Plaintiff claimed she suffered harassment and retaliation after reporting falsification of records in her department. Plaintiff later took intermittent FMLA leave for work-related stress. After a verbal altercation with a co-worker that almost became physical, plaintiff was

terminated. The jury ultimately returned a verdict for plaintiff on her First Amendment retaliation claim against defendant, finding that plaintiff's reports of misconduct were a motivating factor in defendant's decision to terminate plaintiff.

Where the record could support finding that defendant's stated reason for terminating plaintiff – the altercation with the co-worker – was pretextual given the co-worker receiving lesser discipline despite her arguably greater culpability in the altercation and prior disciplinary history, there was sufficient evidence to support the jury's verdict.

Judgment is affirmed.

*Woods v. City of St. Louis* (MLW No. 84535/Case No. 24-2689 – 20 pages) (U.S. Court of Appeals, 8th Circuit, Erickson, J.) Appealed from U.S. District Court, Eastern District of Missouri, Perry, J. (Andrew D. Wheaton, St. Louis, MO for appellants; Sheena Hamilton, St. Louis, MO on the brief) (Kevin J. Kasper, St. Peters, MO for appellee; Ryan P. Schellert, St. Peters, MO on the brief)

## Municipal

### Business License Tax Enforcement of Settlement

Plaintiffs appealed the judgment in favor of defendant on plaintiffs' motion to enforce the parties' settlement agreement in plaintiffs' class action alleging that defendant failed to pay full municipal business license taxes. The parties disputed whether the agreement's reference to "business license taxes" included gross receipts from four areas of defendant's business.

Where defendant's prepaid wireless services fell within the scope of the parties' agreement, the trial court erred in granting defendant judgment on that issue, but the trial court correctly determined that the three other lines of defendant's business at issue did not fall within the scope of the settlement.

Judgment is affirmed in part, reversed and remanded in part.

*City of University City v. AT&T Wireless Services, Inc.* (MLW No. 84597/Case No. ED113046 – 27 pages) (Missouri Court of Appeals, Eastern District, Dowd, J.) Appealed from circuit court, St. Louis County, Cunningham, J. (John W. Hoffmann, Garrett R. Broshuis, John F. Mulligan Jr., Howard Paperner, Carl J. Lumley and James R. Layton for appellants) (Mark B. Leadlove, Lindsay E. Wuller, Barbara A. Smith, Roman P. Wuller, Robert J. Wagner, Booker T. Shaw, Seth M. Reid and Kolten C. Ellis, for respondents)

## Torts

### Defamation Scope of Review of Dismissal Motion

Plaintiff appealed the dismissal of his defamation complaint against defendant, arguing that the trial court improperly considered materials outside of his petition and erred in awarding attorneys' fees to defendants under the anti-SLAPP statute. Plaintiff contended that his complaint asserted a claim of defamation, which was exempt from the statute.

Where the trial court expressly denied considering any outside materials and where the anti-SLAPP statute merely provided defendants with a procedure to test the sufficiency of defamation claims intended to prevent participation in governmental matters, the trial court did not err in its judgment.

Judgment is affirmed.

*Kirk v. Grace Evangelical Church* (MLW No. 84644/Case No. WD88127 – 14 pages) (Missouri Court of Appeals, Western District, Mitchell, J.) Appealed from circuit court, Buchanan County, Spear, J. (Lynne Jaben Bratcher, Independence for appellant) (Todd P. Graves and Katherine E. Mitra, Kansas City for respondents)

**FREE WEBINAR** WATCH ON-DEMAND

# 3 PROVEN STRATEGIES TO UNLOCK 3X ROI WITH B2B CONTENT MARKETING



HOSTED BY

**Kurt Hawks**

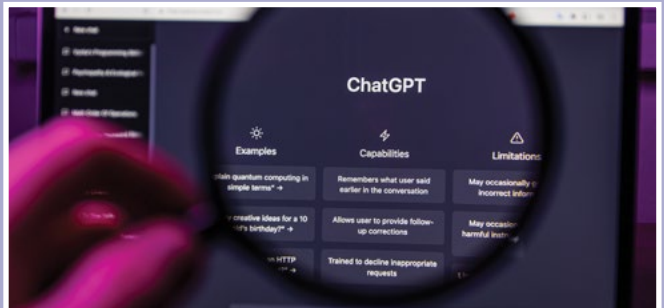
Chief Digital and Revenue Officer,  
BridgeTower Media

In this free, 30-minute session, we dive into content marketing strategies proven to boost ROI. B2B marketers will gain actionable insights on how to:

- ◆ Understand and engage your Ideal Customer Profile (ICP) at each stage of their buyer journey
- ◆ Craft content that is not only relevant and engaging but also designed to convert
- ◆ Maximize your content distribution for greater impact

**WATCH  
NOW**





## *From our Publisher*



Dear Readers,

Welcome to our annual Reader Rankings!

As a reader of our website and publications, you know we make it our business to regularly honor the exceptional work of Missouri attorneys. Our Reader Rankings are part of that tradition. It is how we recognize the businesses and organizations that support you each day across the spectrum of your practice needs.

Some of these providers have been around for many years, offering stellar services. Some are new on the scene but already showing great promise. And who better to decide who does it best than you — our readers? From forensic accounting to malpractice insurance, you have the experience to know the top businesses in each category.

The top companies represented here help you in your work. We thank you for your support in making the decisions on our 2026 winners. And, no doubt, the businesses you selected in the top spots appreciate your support every day.

Sincerely,

Susan A. Bocamazo, Esq.

Publisher

## *Table of Contents*

Financial.....	36
Firm Management Services .....	39
Legal Education .....	44
Technology.....	44
Trial Services.....	45

# VOTED #1 IN MISSOURI



THANK YOU, MISSOURI LAWYERS!

## THE BAR PLAN<sup>®</sup>

Lawyers' Professional Liability Insurance

- ✓ Tailored and comprehensive coverage
- ✓ All claims managed by attorneys
- ✓ Competitive rates
- ✓ Trusted by attorneys since 1986

### Court Bonds    Probate • Notary • Civil Court • Public Official Bonds

- ✓ Rapid 24-48 hour turnaround
- ✓ Straightforward process
- ✓ Experienced underwriters who understand court requirements
- ✓ Exceptional, personal service

### Group Term Life Insurance\*

*\*Available to members  
of The Missouri Bar*

### Continuing Legal Education

### Confidential & Free Risk Management Hotline\*\*

1-800-843-2277 ext. 103

*\*\*Available to all Missouri attorneys*

THE ENDORSED CARRIER  
FOR LPL & COURT BONDS



PLATINUM SUSTAINING  
PARTNER



CELEBRATING 40 YEARS  
OF SERVICE TO THE  
LEGAL COMMUNITY



➤ GET A  
FREE QUOTE

WE HELP LAWYERS BUILD A BETTER PRACTICE.

thebarplan.com | 1-800-843-2277

# Financial

## Business Accounting Partner

Anders CPA

FORVIS

KPMG

Rubin Brown

## Business Bank

Commerce Bank

US Bank

UMB Bank

Enterprise Bank

## Personal Bank

Commerce Bank

US Bank

UMB Bank

## Commercial Real Estate Firm

Cushman & Wakefield St. Louis

Block & Company Inc.

Hilliker Corporation

## Wealth Management Provider

Edward Jones

Monteo Group

American Century Investmentsk

# Save Time AND Money! Let us do the work for you!

We are local agents who specialize in Lawyers Malpractice and Probate Bonds.

- Competitive Pricing
- Customized Services

**Kaestner & Berry**  
Professional Insurance Services, LLC



tel: 314-808-6865

fax: 314-200-8553

[Kb-insurance.com](http://Kb-insurance.com)

Thank you for selecting  
Legacy Settlements as the

# Best Structured Settlement Firm

for the 8th year in a row.



**DAVID A. RISMILLER, JD**  
david@legacysettlements.com

**WILLIAM E. HANS, JD**  
bill@legacysettlements.com

**CONTACT US**  
816.931.5577  
legacysettlements.com

# Firm Management Services

## Alternative Dispute Resolution Provider

### Miles Mediation/USA&M

Lexitas

National Academy of Dist. Neutrals

Jay Daugherty Mediation

## Attorney Escrow Services

### First American Title Insurance

Old Republic Title

Stewart Title Company

## Case-Management Solution

### Veritext

Complete Legal

KC Litigation

## Court Reporting/Deposition Service

### Lexitas

Veritext

## Courtroom Presentation Provider

### Lexitas

Veritext

ALM Experts



[lexitaslegal.com](http://lexitaslegal.com)

We are honored to be recognized as one of the best!



- Online Deposition Services
- Courtroom Presentation Provider
- Litigation Consulting Services
- Alternative Dispute Resolution

- Deposition Video Provider
- Court Reporting/Deposition Service
- Independent Arbitrator
- Non-Association CLE Provider

Court Reporting | Record Retrieval | Process Service | Legal Talent Solutions

Lexitas is certified where required for court reporting firm registrations.



**SEMKE**  
 FORENSIC  
 A Keystone Company

**EXCELLENCE IN  
 ENGINEERING**

**WE APPRECIATE  
 YOUR VOTE OF TRUST**

**Office Locations**

- St. Louis
- Kansas City
- Chicago
- Omaha

**OUR CORE SERVICES**

- Accident Reconstruction
- Digital Forensics
- Vehicles/Machinery
- Workplace Accidents
- Property Damage
- Product Liability
- HVAC/Appliance Failures
- Fire/Explosion Causation
- Plumbing/Fire Suppression
- Mold/Water Damage



**BEST FORENSIC ACCIDENT &  
 RECONSTRUCTION COMPANY**



**BEST FORENSIC  
 INVESTIGATION COMPANY**

**CONTACT US FOR MORE  
 INFORMATION**



PHONE NUMBER  
**888.804.5020**



OUR WEBSITE  
**semke.com**

# *Firm Management Services*

## **Data Security Services Provider**

**Midwest Networking Services, LLC**

Digital Forensics Corp.  
Next IT

## **Deposition Video Provider**

**Veritext**

Lexitas  
Moriarty Reporting & Video Llc

## **Document Management Services**

**Lexitas**

Veritext  
Document Management Solutions

## **End-to-End E-Discovery**

**Complete Legal**

Digital Strata

## **Expert Witness Provider**

**JurisPro**

Wolf Forensics  
The TASA Group, Inc

## **Forensic Accounting Provider**

**Matson Driscoll & Damico LLP**

Anders CPA  
Emerick & Company

## **Forensic Investigation Company**

**Matson Driscoll & Damico LLP**

**Semke Forensic**  
Digital Strata

## **Forensic Investigation Accident & Reconstruction Company**

**Semke Forensic**

Digital Strata  
Wolf Forensics

## **Independent Arbitrator**

**Miles Mediation/USA&M**

Lexitas  
National Academy of Dist. Neutrals  
JAMS

## **Intellectual Property Litigation Consulting Services**

**Husch Blackwell**

Simon Law  
Armstrong Teasdale

## **Jury/Trial Consulting Services**

**Veritext**

Litigation Insights  
Complete Legal

# Firm Management Services

## Law Firm Business Development & Coaching Services

### Firesign Marketing | Attorney & Legal Marketing

Olmstead & Assoc.  
Proventus Consulting

## Legal Recruiter

### Sherry Hurst Legal Placement

Robert Half  
JurisTemps

## Legal Staffing Agency

### Sherry Hurst Legal Placement

Robert Half  
JurisTemps

## Litigation Consulting Services

### Lexitas

KC Litigation  
Complete Legal

## Litigation Funding Provider

### Legalist

Oasis Legal Finance  
Preferred Capital Funding

Firesign 

# Momentum You Can Measure

For the eighth year running, Firesign is your top choice for legal marketing in Missouri.

We're proud to celebrate another clean sweep in the Readers' Ranking Awards. Thank you for once again ranking us #1 in website design, public relations and business development coaching.



[firesignmarketing.com](http://firesignmarketing.com)

# Firm Management Services

## Malpractice Insurance Provider

### The Bar Plan

Kaestner & Berry Professional Insurance Services  
ALPS

## Messenger Service

### D&B Legal Services, Inc

Express Courier  
One Legal

## Non-Association CLE Provider

### The Bar Plan

Lexitas  
Cordell & Cordell

## Online Deposition Services

### Lexitas

Veritex

## Process Server

### D&B Legal Services, Inc

Missouri Process Serving, LLC  
Process Server St. Louis

## Public Relations Agency

### Firesign Marketing | Attorney & Legal Marketing

Proventus Consulting  
BigPxl

## Our expertise goes well beyond the numbers.

### Routinely engaged in:

> Financial Disputes > Financial Damages Matters > Business Valuations > Expert Witness Testimony

To learn more about our litigation services, please visit us at [mdd.com](http://mdd.com) or contact us today:

**Peter Karutz**, CPA, CVA, CFF, MAFF | Partner | [pkarutz@mdd.com](mailto:pkarutz@mdd.com)

**C. Eric Ficken**, CPA, CVA, CFF, MAFF | Partner | [eficken@mdd.com](mailto:eficken@mdd.com)

T 314.469.7445



Making Numbers Make Sense > [mdd.com](http://mdd.com)

# *Firm Management Services*

## **Structured Settlement Firms**

### **Legacy Settlement Group Inc**

Ringler Associates  
Structured Settlement Advisors

## **Time & Billing Solutions**

### **Clio**

Coyote Analytics  
Abacus Law Cost Consultants

## **Surety Bond Provider**

### **Kaestner & Berry**

The Bar Plan  
PJC Insurance Agency

## **Private Investigator**

### **Legal Investigative Services, Inc.**

Markell & Associates  
D&B Legal Services, Inc

# *Legal Education*

## **Law School in Missouri**

### **St. Louis University School of Law**

Washington University in St. Louis  
University of Missouri - KC

## **Paralegal Program in Missouri**

### **Webster University**

Maryville University  
Missouri State

## **MBA Program in Missouri**

### **St. Louis University School of Law**

Washington University in St. Louis  
University of Missouri - KC

# *Technology*

## **Website Design**

### **Firesign Marketing | Attorney & Legal Marketing**

Fox Web Creations  
Kirksville Web Design

# Trial Services

## Best Trial Services

### Complete Legal

Huber & Assoc.  
Alias Forensics

## Document Storage Company

### Complete Legal

Cintas Document Management  
Document Management Solutions

## Interpretation Services

### Bridging the Gap Interpreting

Translation by Design  
Propio Language Services

## Medical Illustration

### Eric T. Olson Illustration and Design

S&A Medical Graphics  
MediVisual

## Photography/Videography

### Veritext

Amy Schromm Photography  
Testimonial Video

## Legal Investigative Services, Inc.

*Owner Doug Mitchell has 40+ years of experience in investigation & litigation support. His exemplary staff includes: Retired MSHP Colonel J. Bret Johnson, Retired MSHP Captain James Wilt & Retired MSHP Major Kemp Shoun*

Thank you for your continued support in voting us  
Top Private Investigator Agency for 6 years in a row!



500 NW 301 Road | Warrensburg, MO 64093  
660.429.1156 | all@lislvp.net | www.lislvp.net  
MO Agency Lic. No: 20100008266



SHERRY HURST  
ASSOCIATES

SHERRYHURSTASSOCIATES.COM

**Six Years Running**



SHERRY HURST LEGAL ASSOCIATES  
*“THE BEST & BRIGHTEST  
IN LEGAL TALENT.”*

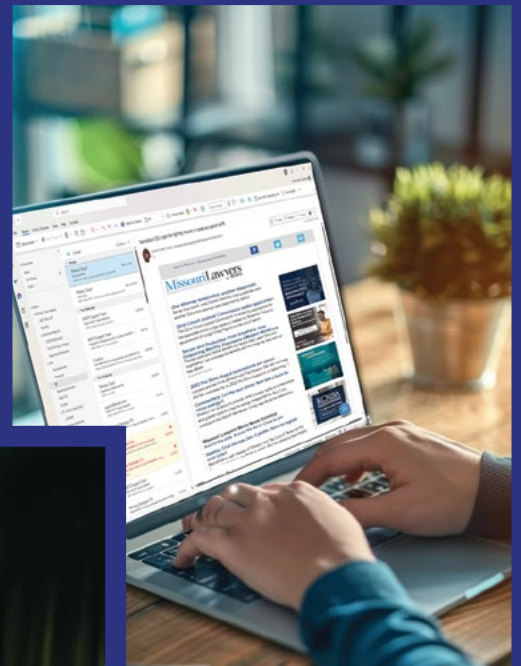
# Insightful INTELLIGENCE

**We are the #1 valuable source for industry leaders.**

Rely on us to be your information hub for trusted, accurate news  
that's produced by industry insiders for industry leaders.  
Our critical information is an essential tool for successful businesses.



Stay  
connected  
through  
multi  
platforms.



**Nobody  
Does It Better.**

**MissouriLawyers**  
EXPERTLY FOCUSED. WIDELY ACCLAIMED. MEDIA

Turn to us throughout your day for  
news, information and more.

[www.molawyersmedia.com](http://www.molawyersmedia.com)



## VERDICT

## Retaliation claim against big-box store results in jury award for plaintiff

**Amount of verdict:** \$667,000

**Type of action:** Employment disability discrimination

**Breakdown and distribution of value:** \$ 167,000 in actual damages (lost wages and emotional distress); \$500,000 in punitive damages

**Venue:** Cass County Circuit Court

**Case Number/Date:** 23CA-CC00052/Feb. 26, 2026

**Judge:** Circuit Judge Stacey Lett

**Last pretrial demand:** \$125,000

**Last pretrial offer:** \$20,000

**Caption:** *Denise King v. Menard, Inc*

**Plaintiff's attorneys:** Kevin Baldwin (lead), Erin Vernon, Emma Wilson and Sylvia Hernandez; Baldwin & Vernon Trial Attorneys, Independence

**Defendant's attorneys:** Byron Bowles, II (lead) and Kathryn Dumovich; McAnany, Van Cleave & Phillips, Mission, Kansas

**BY ALAN SCHER ZAGIER**

*Special to Missouri Lawyers Media*

A Cass County jury has awarded \$667,000 to a Pleasant Hill woman who sued big-box retailer Menard after she was fired from her part-time cashier job in what she claimed was retaliation for requesting a 5-minute break from standing on her feet each hour to relieve knee and back pain.

In a pair of 9-3 verdicts following a four-day trial in late February, the jury determined that Denise King, now 70, was entitled to \$167,000 in actual damages for lost wages and emotional distress, and an additional \$500,000 in punitive damages.

Lead plaintiff's attorney Kevin Baldwin outlined the case details as follows:

A 67-year-old widow at the time of



**BALDWIN**

her firing, King worked 20 hours a week at the Belton Menards, a position she held for four years to supplement her retirement income. During her second year of employment, King was counseled for a \$77 clerical error. During her third year, she underwent knee surgery. Combined with prior back surgeries, this rendered her a disabled person under Missouri law, Baldwin said. "She orally requested an accommodation allowing her to take more frequent breaks during her shifts — a measure expressly recognized as reasonable under Menards' own policy manual," her attorney said.

The accommodation was granted by her manager at that time and honored for approximately one year until early 2023, when a new assistant general manager at the Belton store required King to submit a formal written accommodation request for her breaks, which she did before being fired, purportedly for a mistaken \$5,000 overcharge of a contractor.

Baldwin noted that the "error was identified, corrected within a few days, and caused no actual financial loss to the company or the contractor" — but was cited, along with the \$77 error from two years prior, to justify the

termination.

At trial, Baldwin said his client "maintained that the termination was pretextual, and that the real reason was her disability and her formal accommodation request."

"Evidence at trial revealed that 11 non-disabled employees who had not requested accommodations had made multiple mistakes in a short period of time — many of which resulted in actual financial losses to the company — and were only given warnings," he said.

In addition to King, another former employee with disabilities who had been similarly dismissed testified about her own termination — testimony that forms the basis of a March 30 defense motion for a new trial.

"The court erred in allowing 'me-too' evidence" from the witness, wrote defense counsel Byron Bowles Jr. and Kathryn Dumovich of McAnany, Van Cleave & Phillips in Mission, Kansas. "If plaintiff did have a submissible case, it was incredibly weak and it certainly did not justify this astronomical verdict."

In a separate, federal lawsuit filed in March, a former Menard's assistant manager in southwest Missouri alleges she was subjected to humiliation, discrimination and retaliation after store managers forced her to remain on the sales floor while she was visibly bleeding through her clothing during an unexpected menstrual event, then yelled at her in front of customers and mocked her distress. ♦

**Read Missouri Lawyers Weekly online at  
molawyersmedia.com**

## VERDICT

## Jury sides with auto dealership in contract case

**Amount of verdict:** \$30,598 for plaintiff

**Type of action:** Contracts, other

**Type of Action Description:** Breach of Contract and Conversion claims

**Venue:** St. Louis County Circuit Court

**Case Number/Date:** 22SL-CC04678; March 3, 2026

**Judge:** Ellen Siwak

**Caption:** *Asbury Automotive St. Louis, L.L.C. d/b/a Plaza BMW v. Jorge G. Maldonado*

**Plaintiffs' Attorneys:** Corey L. Kraushaar, formerly Brown & James, St. Louis and Remington Harris, Brown & James

**Defendants' Attorneys:** Jonathan Beck, of Curtis, Heinz, Garrett & O'Keefe, Clayton

BY ERIN ACHENBACH

*eachenbach@Molawyersmedia.com*

A \$30,598 verdict was reached for the plaintiff in a contract suit out of St. Louis County Circuit Court.

The jury awarded the plaintiff, Asbury Automotive St. Louis, doing business as Plaza BMW, the \$30,598 for breach of contract and conversion claims on March 3. Judge Ellen Siwak presided over the trial.

Attorneys for the plaintiff were Corey L. Kraushaar, formerly with Brown & James in St. Louis, and Remington Harris, with Brown & James.

The defendant, Jorge G. Maldonado, was represented by Jonathan Beck of Curtis, Heinz, Garrett & O'Keefe in

Clayton.

The jury returned verdicts for the plaintiff for both breach of contract and conversion of the value of a trade-in vehicle that should have been applied to the purchase of a BMW.

The defendant had refused to return the trade-in check he had been issued by his lender, claiming loan fraud had occurred by the plaintiff. Based on the breach of contract verdict, the plaintiff can seek full attorneys' fees under the contract for pursuing the case against the plaintiff.

Counsel for both parties could not be reached for comment. ♦

## DEFENSE VERDICT

## Jury rejects negligence suit filed after three-car collision on snowy highway

**Amount of verdict:** \$0

**Type of action:** Motor vehicle collision

**Venue:** St. Louis County Circuit Court

**Case Number/Date:** 24SL-CC00642/March 10, 2026

**Judge:** Circuit Judge John "J.B." Lassater

**Plaintiff's expert:** Dr. Brian Fissel, Signature Orthopedics, St. Louis (medical - surgical specialties)

**Injuries alleged:** hip, pelvis

**Injuries detail:** Plaintiff sustained a fractured right hip requiring two surgeries, including a total hip replacement.

**Plaintiff Ross-Puhalla had a claim for loss of consortium.**

**Special damages:** \$121,000 in medical bills and \$28,000 in lost wages

**Last pretrial demand:** Plaintiff asked jury for \$15.149 million for Perry and \$2.5 million for Ross-Puhalla.

**Last pretrial offer:** \$25,000 (policy limits)

**Caption:** *Harold Perry and Josie Ross-Puhalla v. Ian Colson*

**Plaintiff's attorneys:** Zane Cagle (lead) and Andrew Mundwiller; Cagle Law Firm, St. Louis

**Defendant's attorney:** James Hodges, Brinker & Doyen, Clayton

BY ALAN SCHER ZAGIER

*Special to Missouri Lawyers Media*

a central Illinois defendant in a 2024 negligence lawsuit filed by a South County man injured in a December 2022 collision on a snowy stretch of Interstate 270 south of Tesson Ferry Road.

Harold Arthur Perry, 60, sued Ian Colson, 55, of Peoria, over a three-car collision on northbound I-270 the morning of Dec. 23, 2022.

According to the suit and a Missouri Highway Patrol accident report, Perry was driving a 2004 Toyota Highlander when the SUV was struck by a 2002 Chevrolet S-10 operated by Colson, who had lost control of his pickup after attempting to avoid hitting a truck and then traveling into an embankment before returning to the highway.

Colson's vehicle then struck a third vehicle, a 2008 Ford F-150.

Perry sustained a fractured right hip requiring two surgeries, including a total hip replacement, and sought more than \$15 million in damages from the jury. His wife, co-plaintiff, Josephine Ross-Puhalla, sought an additional \$2.5 million in a loss

of consortium claim.

Following a two-day trial in March, the 10 jurors rejected those claims. The original suit also named the Missouri Department of Transportation as a defendant before the state agency was dismissed in August 2025.

"The facts of the incident carried the day," said defense attorney James Hodges of Brinker & Doyen. "We were contacted by one juror who advised that the majority believed that the defendant was the cause of the accident, but that based on the evidence and jury instructions, he was not negligent in causing the accident."

"The fact that the roads were wet and snowy, and that there was zero evidence that defendant was traveling too fast for conditions, or that he failed to keep a proper lookout."

Plaintiff's attorney Zane Cagle called the verdict "disappointing" but credited Hodges for "a great job defending the case and serv(ing) his client very well." ♦

A St. Louis County jury has sided with

SETTLEMENT

## Plaintiff obtains settlement in teen driver crash after exclusion of defense expert testimony

**Amount of verdict, judgment or settlement:**

\$100,000

**Type of action:** Motor vehicle collision

**Venue:** Jackson County Circuit Court at Independence

**Case Number/Date:** Confidential / 03/17/2026

**Injuries:** Head, brain, neck, back, spine, shoulder, arm, elbow, wrist, hand, chest, abdomen, hip, pelvis, leg, knee, ankle, foot

**Special Damages:** \$68,363.75 past medical (billed) \$24,484.41 past medical (written-off)

**Caption:** Confidential

**Plaintiffs' Attorneys:** Laurie Del Percio of the Horn Law Firm in Independence

**Defendants' Attorneys:** None

BY KALLIE COX

*kcox@molawyersmedia.com*

A plaintiff who was involved in a rear-end crash obtained a \$100,000 settlement a year after the incident, despite no police report documenting the accident.

Laurie Del Percio of the Horn Law Firm in Independence represented the confidential plaintiff. No attorney for the confidential defendant was listed.

In March of 2025, the plaintiff was rear-ended by another vehicle. Immediately

after the collision, Del Percio said her client felt pain in his back, chest, head, neck, right and left upper extremities, and right and left lower extremities.

No police report was filed and Del Percio said her client was hoping with time and the use of over-the-counter medications that his symptoms would improve. They didn't, and two months after the crash the plaintiff sought chiropractic care for his pain.

Later that same month he went to the emergency room with complaints of right-sided facial numbness, Del Percio said. He underwent a CT scan and was discharged and told to follow up with a physician. A few days later, he was back in the emergency room for pain along the right side of his neck and into his right shoulder and hand.

"He reported fatigue, lightheadedness and dizziness since the subject collision," according to Del Percio. "Plaintiff was admitted to the hospital for stroke protocol. Precautionary CT scans were taken of plaintiff's head and neck. He also underwent MRI of head and cervical spine

as a precaution."

In September during another E.R. visit, the plaintiff was suffering from dizziness, loss of balance and nausea that did not improve with medication. Two days later, at the E.R. again he was stabilized and referred to a clinic. His primary care doctor referred him to physical therapy for vestibular therapy.

Dispute about causation and the lack of a police report made obtaining a settlement difficult, but the client was a good witness who was able to recount the accident and establish credibility, Del Percio said.

"We had to argue vigorously, and it took months because causation was disputed in the case. Because there was again, no police report," Del Percio said. "There was a gap in treatment of almost two months."

Del Percio said they were able to reach a settlement agreement for the insurance policy limits of \$100,000. Painting a picture of the plaintiff, who was 34 years old, before and after the accident was key in reaching the agreement, she added. ♦

SETTLEMENT

## Plaintiff obtains six-figure settlement in rear-end crash, despite lack of police report

**Amount of verdict, judgment or settlement:**

\$100,000

**Type of action:** Motor vehicle collision

**Venue:** Jackson County Circuit Court at Independence

**Case Number/Date:** Confidential / 03/17/2026

**Injuries:** Head, brain, neck, back, spine, shoulder, arm, elbow, wrist, hand, chest, abdomen, hip, pelvis, leg, knee, ankle, foot

**Special Damages:** \$68,363.75 past medical (billed) \$24,484.41 past medical (written-off)

**Caption:** Confidential

**Plaintiffs' Attorneys:** Laurie Del Percio of the Horn Law Firm in Independence

**Defendants' Attorneys:** None

BY KALLIE COX

*kcox@molawyersmedia.com*

A plaintiff who was involved in a rear-end crash obtained a \$100,000 settlement a year after the incident, despite no police report documenting the accident.

Laurie Del Percio of the Horn Law Firm in Independence represented the confidential plaintiff. No attorney for the confidential defendant was listed.

In March of 2025, the plaintiff was rear-ended by another vehicle. Immediately



DEL PERCIO

after the collision, Del Percio said her client felt pain in his back, chest, head, neck, right and left upper extremities, and right and left lower extremities.

No police report was filed and Del Percio said her client was hoping with time and the use of over-the-counter medications that his

symptoms would improve. They didn't, and two months after the crash the plaintiff sought chiropractic care for his pain.

Later that same month he went to the emergency room with complaints of right-sided facial numbness, Del Percio said. He underwent a CT scan and was discharged and told to follow up with a physician. A few days later, he was back in the emergency room for pain along the right side of his neck and into his right shoulder and hand.

"He reported fatigue, lightheadedness and dizziness since the subject collision," according to Del Percio. "Plaintiff was admitted to the hospital for stroke

protocol. Precautionary CT scans were taken of plaintiff's head and neck. He also underwent MRI of head and cervical spine as a precaution."

In September during another E.R. visit, the plaintiff was suffering from dizziness, loss of balance and nausea that did not improve with medication. Two days later, at the E.R. again he was stabilized and referred to a clinic. His primary care doctor referred him to physical therapy for vestibular therapy.

Dispute about causation and the lack of a police report made obtaining a settlement difficult, but the client was a

good witness who was able to recount the accident and establish credibility, Del Percio said.

"We had to argue vigorously, and it took months because causation was disputed in the case. Because there was again, no police report," Del Percio said. "There was a gap in treatment of almost two months."

Del Percio said they were able to reach a settlement agreement for the insurance policy limits of \$100,000. Painting a picture of the plaintiff, who was 34 years old, before and after the accident was key in reaching the agreement, she added. ♦

## SETTLEMENT

# Kansas collision case resolves with injury settlement

**Amount of settlement:** \$162,500

**Type of action:** Motor vehicle collision

**Type of action:** Motor vehicle collision

**Breakdown:** \$12,500 from GEICO Insurance (Third Party), \$150,000 from Nationwide (First Party UIM)

**Venue:** Johnson County District Court (Kansas)

**Case Number/Date:** Not filed, 03/06/2026

**Judge:** Not applicable

**Injuries:** Head, brain, neck, back, spine, shoulder, arm, elbow, wrist, hand

**Special Damages:**

**Last Pretrial Demand:**

**Last Pretrial Offer:**

**Insurer:** GEICO for defendant Jason Kaeckell; Nationwide General Insurance Company for plaintiff

**Caption:** *Laura Warrington v. Jason Kaeckell, Nationwide General Insurance Company*

**Plaintiffs' Attorneys:** Jared G. Brown, The Law Office of Jared G. Brown, Kansas City

**Defendants' Attorneys:** Bradley Harris, Baker Sterchi Cowden Rice, Kansas City

BY ERIN ACHENBACH

*eachenbach@molawyersmedia.com*

A \$162,500 settlement was reached in a motor vehicle collision suit out of Johnson County, Kansas.

The settlement, reached March 6, 2026, goes back to a March 29, 2025, accident when defendant Jason Kaeckell turned his Ford Econoline van in front of the Toyota Highlander plaintiff Laura Warrington was a passenger in. As a result of the collision, Warrington suffered a mild traumatic brain injury, as well as nausea, neck pain, arm pain and back pain.

Counsel for Warrington made a demand on the defendant's insurer, GEICO, who ultimately tendered policy limits to Warrington and three other passengers in the Highlander, in an even four-way distribution. Warrington received \$12,500.

Warrington then made an underinsured

motorist benefit claim pursuant to her insurance policy with Nationwide. Claims with Nationwide were resolved at mediation with Derrick Johannsen for \$150,000.

In all, Warrington received a total recovery of \$162,500.

The plaintiff was represented by Jared G. Brown of The Law Office of Jared G. Brown in Kansas City. The defendants were represented by Bradley Harris of Baker Sterchi Cowden Rice in Kansas City.

"My office and Mrs. Warrington are pleased with this outcome given the difficult circumstances. It is encouraging that insurers are beginning to understand that traumatic brain injuries and concussions, even mild ones, are substantial, serious injuries," Brown said in an emailed comment.

Harris did not have any comment. ♦

## SETTLEMENT

# Family of man killed in railroad accident reaches settlement

**Amount of verdict:** \$33 million

**Type of action:** Wrongful death

**Case Number/Date:** Confidential/February 18, 2026

**Court:** Confidential (Illinois)

**Caption:** *Confidential v. Confidential*

**Plaintiff's attorneys:** Steve Groves and Caroline

Alexander; Groves Powers, St. Louis; Ben Crane and Erv Nevitt; Coplan and Crane, St. Louis

**Defendant's attorneys:** Confidential

BY ALAN SCHER ZAGIER

*Special to Missouri Lawyers Media*

In a case handled by a St. Louis law firm, the family of a 29-year-old man killed in an Illinois railroad accident has reached a \$33 million confidential settlement of a

*Continued on Page 52*

*Continued From Page 51*

wrongful death lawsuit.

St. Louis plaintiff's attorney Steve Groves said that the mid-February settlement involved a dangerous maneuver called a "blind shove," where a train backs up while no personnel are present to ensure that the

train does not reverse into any obstructions.

"The settlement underscores the severe consequences of unsafe railroad operations and the significant risks posed by improper maneuvers," a news release about the settlement states. "It stands as a stark reminder of the critical importance of strict

safety practices in preventing tragedies like this."

The trial team included Groves and Caroline Alexander of Groves Powers in St. Louis and Chicago attorneys Ben Crane and Ervin Nevitt, partners in the firm Coplan + Crane. ♦

VERDICT

## Firefighter injured in crash while responding to call wins jury award

**Amount of settlement:** \$1.8235 million

**Type of action:** Motor vehicle collision

**Venue:** Jackson County Circuit Court at Kansas City

**Case Number/Date:** 2416-CV30616 /Feb. 27, 2026

**Judge:** Circuit Judge Marty Seaton

**Plaintiff's expert:** Dr. Akhill Chhatre, Baltimore (life care planning)

**Defendant's expert:** Dr. Prem Parmar, KC Sports Medicine, Lenexa, Kansas

**Injuries alleged:** shoulder, arm, elbow, wrist, hand

**Injuries detail:** Preexisting right elbow injury that was reinjured in the wreck, causing the need for a future elbow replacement

**Insurer:** Liberty Insurance Corp. (\$1 million)

**Special damages:** \$564,722 in future medical expenses

**Last pretrial demand:** \$1 million

**Last pretrial offer:** \$215,000

**Caption:** *Christopher Hitchye v. Collins & Hermann, Inc., and Jeremy J. Cramer*

**Plaintiff's attorneys:** Reginald Stockman (lead) and Monica Tanzey; Stockman Law Firm, Kansas City

**DEFENDANT'S ATTORNEYS:** John Franke and Keaton Knott of Franke Shultz & Mullen

BY ALAN SCHER ZAGIER

*Special to Missouri Lawyers Media*

A Jackson County jury has awarded more than \$1.8 million to a Kansas City fire captain injured in a 2020 collision with an oversized pickup truck while responding to an emergency call.

The late February jury award is nearly double plaintiff Christopher Hitchye's final pretrial demand, said lead plaintiff's attorney Reginald Stockman, and nearly nine times the final pretrial offer.

According to the lawsuit as well as Stockman, the crash occurred on Jan. 6, 2020, while the Kansas City Fire Department was responding to an emergency call on eastbound Interstate 670, with Capt. Hitchye riding in the passenger seat in the rear vehicle of a two-truck caravan.

Both trucks had their headlights, emergency lights, sirens, and airhorns

activated. Pumper 9, the lead vehicle, exited westbound I-670 onto Wyoming Street, followed by Truck 6, carrying the captain.

At the intersection, a Ford F-550 operated by Jeremy J. Cramer, of Oak Grove, Missouri, yielded to the first fire truck but then suddenly pulled forward, striking the trailing fire truck.

Cramer was on duty at the time as an employee of Collins & Hermann Inc., a fencing contractor and the truck's owner.

Hitchye, who had a prior right elbow surgery, braced for impact with his right hand, Stockman said, aggravating the old injury. The firefighter has since had a second elbow surgery and was advised of the eventual need for a total elbow replacement.

Defense lawyers John Franke and Keaton Knott of Franke Shultz & Mullen in Kansas City did not immediately respond to requests for comment. ♦

SETTLEMENT

## Confidential wrongful death case results in settlement

**Amount of verdict, judgment or settlement:** \$3,000,000

**Type of action:** Wrongful death

**Venue:** Jackson County Circuit Court at Independence

**Case Number/Date:** Confidential/11/25/2025

**Plaintiffs' Experts:** Dr. Kyle Harken a trauma and critical care expert from Kansas City & Dr. Ameet Deshukh an emergency medicine specialist.

**Defendants' Experts:** Liz Rapp Van Roden Ph.D. a bio mechanical engineer from Irvine, California; Kristian Keberlein an accident reconstruction specialist from

Stillwell, Kansas; Barbara Bollinger, MD a forensic pathologist from Fort Pierce, Florida; Micheal McCabe, Jr., Ph.D a pharmacology and toxicology expert from Houston, Texas; Jack Nevins, CCE, EnCE, PI a digital forensics expert from Liberty, Missouri & David Cades a human factors specialist from Chicago.

**Injuries:** Death

**Caption:** *Confidential*

**Plaintiffs' Attorneys:** Nicholas Hinrichs & Heather Hatley of the Hinrichs & Scott Law Firm in Kansas City and Tracy Spradlin of the Spradlin Kennedy Richman

Law Firm in Kansas City.

**Defendants' Attorneys:** Confidential

BY KALLIE COX

*kcox@molawyersmedia.com*

A woman was killed by a driver while crossing the street in downtown Kansas City in 2023. After years of mediation, her family has now obtained a \$3 million settlement.

The woman was crossing at a four-way stop at a crosswalk but had a “do not walk” sign when the defendant, who was driving an F-250 truck, struck her. He continued driving after the impact and she died at the scene due to a crushed chest cavity.

The confidential plaintiff was represented by Nicholas Hinrichs and Heather Hatley of the Hinrichs & Scott Law Firm, as well as Tracy Spradlin of the Spradlin Kennedy Richman Law Firm; all were based in Kansas City. The defense attorney was listed as confidential and the plaintiff’s counsel did not return a request for comment.

“Detectives during their investigation were ultimately able to find out the identity of the driver and attempted to interview him back (at his) home in

independence, Missouri,” Hinrichs wrote in his submission of the settlement. “He refused to cooperate.”

During the civil case, the driver claimed he never saw the woman due to his line of sight, the size of his truck and the victim’s small stature. She was 105 lbs at the time of the crash and he claimed he did not feel a significant impact on the vehicle, Hinrichs wrote. The defense said the victim had methamphetamine in her system when she was killed and used this as a mitigating factor to claim she carelessly walked out in front of traffic.

Countering this claim, Hinrichs said his team argued the woman was in the driver’s clear line of sight and if he had been paying attention, she would still be alive.

The drugs in her system had no impact

on causing the accident and a traffic camera recorded the impact, clearly showing she took her time and looked both ways before crossing, he added.

“It doesn’t matter if a person is homeless or suffers from addiction issues. Every person’s life has value regardless of social status,” Hinrichs said. “Everyone jaywalks. When you drive a vehicle you have a responsibility to pedestrians. You have to keep a careful look out especially at crosswalks.”

The plaintiff’s attorneys relied on two expert witnesses during the mediation and settlement process while the defense called six.

The case ultimately settled in November of last year for \$3 million which will be given to her adult children. ♦

## VERDICT

# Jury awards farmer injured in collision with Highway Patrol trooper

**Amount of verdict:** \$2.5 million

**Type of action:** Motor vehicle collision

**Breakdown and distribution of value:** Jury award capped at \$532,148

**Case Number/Date:** 24MG-CC00089/March 11, 2026

**Court:** Morgan County Circuit Court

**Judge:** Circuit Judge Andrew Hardwick

**Injuries alleged:** head, brain, neck

**Injuries detail:** One level fusion at C3-C4

**Caption:** *Gentges v. Missouri Highway Patrol*

**Plaintiff’s attorneys:** David Grebel (lead) and Mark Niemeyer; Niemeyer, Grebel and Kruse, St. Louis

**Defendant’s attorneys:** Maleah Ahuja and Chuck Adamson, Missouri Attorney General’s Office, Jefferson City

**Plaintiff’s expert:** Dr. Jeff Lehmen, SSM Health Spine & Pain Management Center, Jefferson City (medical-surgical specialties)

By ALAN SCHER ZAGIER

Special to Missouri Lawyers Media

A Morgan County jury has ruled that

a central Missouri farmer injured in a November 2023 collision with a Missouri Highway Patrol trooper is entitled to \$2.5 million in damages — an award amended to slightly more than \$500,000 under the state’s statutory limits on such liability.

After a two-day trial in early March, the jury deliberated for just 35 minutes before siding with 26-year-old Moniteau County resident Cody Alexander Gentges.

According to both the 2024 suit and a State Highway Patrol accident report, Gentges was a passenger in a 2020 GMC Acadia traveling on eastbound U.S. 50 near its intersection with Old Highway 50 when that vehicle was struck by a MSHP squad car operated by trooper Levi Tiller.

The trooper’s vehicle was parked in a private driveway south of U.S. 50, facing east, when he pulled into the plaintiff’s

lane of traffic and collided with the rear of the other vehicle, causing the car occupied by Gentges to flip and roll over.

The trooper told responding officers that he was attempting a U-turn to pull over another speeding vehicle that was traveling westbound on the highway and had difficulty disengaging his vehicle’s anti-theft lock.

Plaintiff’s attorney David Grebel said his client’s injuries included a cervical spine fracture that required spinal fusion surgery. GMC Acadia driver Tara Leann Payne, also of Moniteau County, was initially named as a defendant but dismissed from the suit one month before trial.

The seven-figure jury award was capped at \$532,148 and approved by Circuit Judge Andrew Hardwick on March 17, online court records show. ♦

## Lawyers, Judges: Send Us Your Trial Court Decisions!

Trial court opinions can be submitted to Editor Jordan Yount at [jyount@molawyersmedia.com](mailto:jyount@molawyersmedia.com)

For information, call 573-397-3660

## VERDICT

## Multimillion dollar verdict handed down in St. Louis police shooting lawsuit

**Amount of verdict:** \$37 million

**Type of action:** Other personal injury; assault battery, malicious prosecution, false arrest

**Allocation of Fault:** Joint liability against defendants

**Breakdown:** \$7 million in compensatory damages, \$30 million in punitive damages

**Venue:** St. Louis City Circuit Court

**Case Number/Date:** 2322-CC00264/March 27, 2026

**Judge:** Joseph Whyte

**Injuries:** Back, spine, emotional, psychological, other (Shot in back, arrested as a 14-year-old, incarcerated for two months, 10 months of house arrest)

**Caption:** *Tyron Edwards v. City of St. Louis et al*

**Plaintiffs' Attorneys:** Jack Waldron, James Wyrsh, Javad Khazaeli, Brendan Roediger and Leah Fessler, Khazaeli Wyrsh, St. Louis; and Jerryl Christmas

**Defendants' Attorneys:** Nic Taulbee and Lauren Kessler, Missouri Attorney General's Office

**BY ERIN ACHENBACH**

*eachenbach@molawyersmedia.com*

More than a decade after a police shooting involving a 14-year-old, a St. Louis City Circuit Court jury awarded millions of dollars in damages.

The \$37 million verdict was handed down March 27 in the case of *Tyron Edwards v. City of St. Louis et al*.

The case goes back to 2016, when Edwards was 14. According to trial testimony and the circuit court, Edwards was shot in the back by city police officers Thomas Streckfuss and Ryan Murphy on Oct. 2, 2016, in the neighborhood of Walnut Park. The police were pursuing a stolen vehicle which apparently stopped beside a group of teenagers, including Edwards.

Edwards ran from police who ultimately both fired at him; the bullet went through his body leaving two wounds from where it entered his back and exited his chest. The officers testified Edwards had a pistol and shot at them.

Edwards was jailed for two months and had an additional 10 months of home confinement before the charges against him were dropped in 2017. The ballistic evidence at the later trial

showed Edwards was shot in the back, and the alleged gun he had did not show signs of being recently fired.

The case was tried before Judge Joseph Whyte. The plaintiff was represented by Jack Waldron, James Wyrsh, Javad Khazaeli, Brendan Roediger and Leah Fessler of Khazaeli Wyrsh in St. Louis, and Jerryl Christmas. The defendants were represented by Nic Taulbee and Lauren Kessler of the Missouri Attorney General's Office, as the St. Louis Metropolitan Police Department switched to state control in 2025.

According to Waldron, there had been some negotiations on the last day of trial with the city's attorneys, as the city is still paying judgments and settlements in some prior cases. Negotiations did not take place with the attorneys from the attorney general's office. The city made a final

false imprisonment. They were not found liable for battery.

"We were all very grateful to the jury for the verdict, and we thought it was a ... very good verdict, and our client was relieved that after basically a decade of people believing the police's story, a jury sat and listened to the facts," said Waldron. "I think he did feel a tremendous sense that that justice had finally happened. And I think it only happened because he was actually able to tell his story ... When you listen to the facts, and you listen to what the expert said ... I think it was pretty clear what happened that day, and that was that the officer shot a kid in the back and then covered it up."

The verdict is possibly one of the largest for a non-fatal police shooting in Missouri. Another multimillion verdict was reached in St. Louis City

**I think that it is important to note that 12 citizens of the city of St. Louis listened to ... testimony in the case, and they chose to listen to the evidence and found that two police officers stories were not true. — Jack Waldron, Khazaeli Wyrsh**

offer of \$1.5 million, while Waldron said they countered with a \$7.5 million final offer. Of the final verdict, \$7 million was for compensatory damages and \$30 million for punitive damages.

"It was a very odd case in that it was old ... Essentially what happened is two police officers were finishing a police chase, and they happened to see our client and start chasing him," Waldron said. "And there was no connection at all between him and the police chase. They basically saw a black kid in Walnut Park and started chasing him."

The trial lasted five days. Jurors found the officers liable for claims of assault, malicious prosecution and

Circuit Court in March of last year for the fatal police shooting of Mansur Ball-Bey by the metropolitan police department; attorneys from Khazaeli Wyrsh including Waldron also represented the plaintiff in that case.

"I think that it is important to note that 12 citizens of the city of St. Louis listened to ... testimony in the case, and they chose to listen to the evidence and found that two police officers stories were not true," Waldron said of the Edwards verdict. "Instead of the words of our client (were true) and I think that's one of the importance of the jury system, is that finally the jury was able to hear the story of what happened and make a decision." ♦

# Make IP Access An In-Office Perk



All your on-site staff will get convenient, instant access to court opinions, opinion digests, verdicts and settlements reports, news archives for research, current legal news and more.

**Request Pricing  
Here**



Talk To Us For More Info: 312-261-2701

**MissouriLawyers**  
EXPERTLY FOCUSED. WIDELY ACCLAIMED. MEDIA

<https://bit.ly/LegalNewsMOLW>

# Michael K. Whitehead

By ERIN ACHENBACH • EACHENBACH@MOLAWYERSMEDIA.COM

Michael K. Whitehead has spent more than four decades building a legal career that includes both small-firm practice and high-profile litigation. Based in Kansas City, Whitehead oversees a general civil practice handling matters ranging from wills and probate to personal injury while also working on First Amendment and religious liberty cases that have reached the U.S. Supreme Court. These cases are often in collaboration with Alliance Defending Freedom, a Christian conservative nonprofit legal group where he serves as an allied attorney and board member.

A University of Missouri graduate, Whitehead earned both his undergraduate and law degrees from Mizzou before serving in the U.S. Army JAG Corps. He later entered private practice, where an early case, *Widmar v. Vincent*, helped shape the trajectory of his work in constitutional law. His career has also included work with the Southern Baptist Convention's public policy and legal efforts in Washington, D.C., focusing on religious liberty issues.

Among the Missouri cases he has worked on is *Trinity Lutheran Church of Columbia v. Comer*, a 2017 decision in which the U.S. Supreme Court held that a state could not exclude a church from a generally available public benefit program based on its religious status. Whitehead was involved in the case alongside his son, Jonathan, describing the experience as one of the most meaningful moments of his career.

Most recently, Whitehead was involved in the U.S. Supreme Court's decision in *Chiles v. Salazar*, a March 2026 ruling that struck down a Colorado law restricting certain counseling conversations with minors, with the Court finding the measure imposed an unconstitutional, viewpoint-based restriction on speech in an 8-1 decision. Judge Ketanji Brown Jackson dissented.

## Tell me about yourself and your legal background

I was born in 1950 in Independence ... grew up in Harry Truman's hometown, and went to Truman High School ... went to Mizzou and did an undergraduate in political science, prelaw, and then went to the law school in Mizzou, '72 to '75 ... I owed Uncle Sam three years, which I did in the JAG Corps (Judge Advocate General's Corps) ... and while I was in the JAG Corps, I met another JAG captain ... his name is Jim Smart ... and he and I started together in a two-man shop in 1978.

## How did you first become involved in U.S. Supreme Court litigation?

From the first day I was in law practice in 1978 ... we were working on First Amendment cases ... and that case (*Widmar v. Vincent*) worked its way to the U.S. Supreme Court ... we argued the case ... and we won that case.

## How did you get involved in the Chiles case?

We knew about a case in Washington state called *Tingley v. Ferguson* ... and there obviously was a pattern and a push by groups around the country that wanted to restrict conversion therapy ... and then we heard about the other ADF case in Colorado that was working its way up ... and



when the Supreme Court granted cert in the *Chiles* case, we were involved in the briefing, coordinating the amicus briefs with the *Chiles* appeal. One of the ADF lawyers actually did the oral argument in the case, but as a board member on ADF, I go to most of the cases that we have before the U.S. Supreme Court.

## What stands out about preparing a case for the U.S. Supreme Court?

Probably the major difference ... is the number of briefs that are filed ... in this case, there were more than a dozen ... maybe 35 to 40 total ... you've got to respond to all of these amicus briefs ... and be prepared for one of the justices to ask some question from footnote 33 on the ACLU's brief.

## How did it feel when the Court issued its decision?

It was a pleasant surprise ... we were just thrilled to see an 8-1 decision. You don't get many of those.

What impact could the Supreme Court's *Chiles* decision have on your Missouri case challenging Kansas City-area counseling ordinances (*Bury, et al. v. Jackson County, et al.*)?

The *Chiles* case was a state statute on licensing and regulation of licensed professional counselors ... we think ... this decision by the court was so clear and so broad ... that it will nullify all of those state statutes ... but ... there are just a few slightly different factual issues ... that will require the court to go ahead and hear some of the facts in the argument.

## What has it been like to maintain a small practice while working on major cases?

My practice is a very general civil practice ... but getting to practice as a kind of solo or small firm practitioner ... has given me the freedom to pick the kinds of cases that I want to work on ... so I still get to be the small practitioner but can work on major cases with top lawyers from around the country.

What do you enjoy outside of your legal work?

My wife and I just celebrated our 50th wedding anniversary (in April) ... we have three children and 11 grandkids ... our greatest joys are our family and spending time with the grandkids as often as we can.

# Final means final: Rule 74.16 and the end of attorney-fee finality confusion

Missouri lawyers and judges long have treated attorney-fee claims as part of the underlying case for purposes of finality. That instinct is now wrong. Nearly four years after the adoption of Supreme Court Rule 74.16, courts are still dismissing appeals because parties continue to apply the old framework. Rule 74.16 changed how attorney fees are litigated, and in doing so altered when a judgment becomes final. This article addresses the confusion the rule has created.

## The Old Rule

Under the previous system, if a party requested attorney fees and the trial court awarded fees but did not determine the amount, the judgment was not final because it did not dispose of all claims between the parties. The case remained open until the fee issue was resolved or abandoned. See, e.g., *Flower Valley, LLC v. Zimmerman*, 575 S.W.3d 497 (Mo. App. W.D. 2019).

That understanding governed how lawyers calendared deadlines and how judges structured their judgments. The practice was to include language awarding fees and to resolve the amount later. Appeals followed after the fee award.

## Rule 74.16 Changed the Framework

Effective July 1, 2022, Rule 74.16 displaced that system. While it is written in plain terms, its consequences seem to have still not fully sunk in.

Rule 74.16 provides that a claim for attorney fees must be made by motion filed after entry of judgment (unless substantive law requires the claimant to prove fees at trial as an element of damages). The motion for attorney fees is an independent action and not an authorized after-trial motion.

The new rule means that as attorney fees are no longer part of the underlying claim for procedural purposes, they no longer affect the finality of the judgment on the merits. A judgment that resolves all issues the court has authority to decide at that time is final, even if a fee claim remains to be litigated. The filing of a fee motion does not extend the trial court's control over the merits judgment, delay finality, or toll the time to appeal.

The practical consequence of this shift is simple but often missed. Finality is determined without regard to post-judgment fee proceedings. Instead, the clock runs from the judgment on the underlying claim. The presence of a fee request, whether pleaded in the petition or raised after trial, does not pause it.

## Enforcement of the New Rule

Recently, Missouri appellate courts have repeatedly reiterated the pitfalls of the new rule.

In *Wiseman v. Dept. of Corrections*, 710 S.W.3d 29 (Mo. App. W.D. 2025), the Court of Appeals explained that Rule 74.16 makes a fee motion an independent action and an unresolved fee claim no longer arrests the finality of the judgment on the merits. The court held that the underlying judgment became final when the trial court failed to rule on timely post-trial motions within the time allowed, and it dismissed the appeal as untimely when the notice of appeal was filed months later.

The Court of Appeals applied the same principle in *Valdivia v. Dept. of Corrections*, 717 S.W.3d 575 (Mo. App. W.D. 2025). There, the trial court entered judgment on a jury verdict and stated that it retained jurisdiction to determine attorney fees. The plaintiff later filed a motion for fees. The Court of Appeals held that the fee motion was an independent

## APPELLATE MATTERS

By JONATHAN STERNBERG



action under Rule 74.16 and did not suspend finality. Instead, the judgment became final thirty days after entry and the notice of appeal filed months later was untimely. The court dismissed the appeal.

The most direct explanation of the change was in *WI 909 Walnut, LLC v. 909 Walnut Tower, LLC*, 717 S.W.3d 775 (Mo. App. W.D. 2025). The Court of Appeals acknowledged that pre-Rule 74.16 decisions had held an unresolved fee claim could prevent a judgment from becoming final. But it explained that now, under Rule 74.16, a motion for attorney fees is an independent action and an unresolved claim for fees no longer arrests the finality of the judgment on the merits, even when the plaintiff pleaded its fee claim in its petition. The court held that the merits judgment became final thirty days after entry and dismissed the appeal as untimely because it was taken from the later fee judgment.

Accordingly, under Rule 74.16, finality is determined without regard to post-judgment fee proceedings. The result of getting this wrong can be dismissal of a whole appeal.

## Adapting to the Change

Under Rule 74.16, lawyers and trial courts should treat the judgment on the merits as the point from which all deadlines run. The fact that a party intends to seek attorney fees (or already has filed a motion for fees) is irrelevant to the timing of post-judgment motions and appeals. A notice of appeal must be filed within ten days after the merits judgment becomes final under Rule 81.05. Waiting for a fee award is no longer an option.

Trial courts' statements that they retain jurisdiction to determine attorney fees do not change this analysis. That language may accurately describe the court's authority to hear a fee motion as a separate proceeding, but it does not extend the court's jurisdiction over the merits judgment. Once that judgment becomes final, the trial court is divested of authority over it and any later attempt to modify it is void.

The safest practice is to treat fee proceedings as separate from the merits in every respect. Calendar the deadline for post-judgment motions and the deadline for a notice of appeal based solely on the merits judgment. If there is any uncertainty, file a protective notice of appeal. A later fee ruling will not reopen the time to appeal the underlying judgment.

Rule 74.16 did not change who may recover attorney fees or under what substantive standards, but it changed the procedure for requesting fees and how finality is applied. Rule 74.16 is not complicated, but it is unforgiving.

*Jonathan Sternberg is an appellate lawyer with Jonathan Sternberg, Attorney, P.C., based in Kansas City.*

# Maintain your client's file to protect your client and yourself

It is common for lawyers to focus on practicing law and treat business practices, like record-keeping, as secondary. However, lawyers must maintain their clients' files in an orderly fashion that allows the lawyer to retrieve and copy the client file quickly, with little expense. Maintaining the client file is required by Missouri ethics rules, and it can help protect lawyers from a malpractice claim.

Missouri ethics rule 4-1.22 provides that a lawyer must maintain the client's file for six years after completion or termination of the representation. The lawyer must maintain the file for longer than six years if there is a legal malpractice claim or ethics complaint pending; or if there is any other pending civil or criminal litigation or governmental investigation related to the representation. Items of intrinsic value, like the client's personal items, or original documents, such as a will or trust, should be maintained by the lawyer indefinitely or returned to the client. We recommend lawyers maintain files relating to the representation of, or claim by, a minor until the statute of limitations runs on the minor's claim, even if the claim was already settled. The rules for maintaining trust account records are set forth in Rule 4-1.145 to 4-1.155 and are not affected by Rule 4-1.22.

Rule 4-1.22 also provides that client files, except for items of intrinsic value, may be maintained by electronic media provided that printed copies can be produced, and the records are readily accessible to the lawyer. These days, most lawyers maintain their files electronically.

Under the ethics rules and Missouri case law, the whole file belongs to the client, cover to cover. This includes pleadings, correspondence, discovery materials, expert reports, investigative materials and research memoranda. Lawyers should err on the side of keeping everything related to the representation. Lawyers who adopt a restrictive view of the documents that must be maintained do so at their own peril. This is one situation where being a "pack rat" is a good attribute.

Beyond the ethical rules, there are good reasons to maintain files in a way that can be retrieved easily. If a client asks for their file because they want to change lawyers or make a claim against you, you need to quickly provide the file or potentially face a bar complaint or lawsuit. Even though most lawyers communicate with clients and opponents by email, many lawyers neglect to put those emails in the client file. They just leave the emails in their email box. That can create a nightmare if the file needs to be produced to the client. To produce the emails, the lawyer will have to do a forensic search of the emails to find all emails relating to the client's representation. That can be time-consuming

## AVOIDING MALPRACTICE

BY STEVEN SCHWARTZ



and expensive. If several lawyers worked on the case, all their emails will need to be searched, and it is critical to review the emails before production to make sure nothing is produced related to other clients. It is best to use case management or document management software to maintain your emails along with all other documents related to the representation of the client. By filing all documents related to the representation in a software database, you will be more organized during the representation, and you will save a lot of time if the file must be produced later.

These days, many lawyers communicate with their clients by text message. It is not easy to save text messages in your legal file, but you are required by the ethics rules to do that, and if you get sued by the client, you may need those text messages to defend yourself. If you don't have an easy way to save your text messages to your legal file, you should not use text messages to communicate with your client.

In any event, just putting the documents in a database will not solve all your problems. You must know how to produce the file from that software database upon request. Some software programs require a complicated process to retrieve the entire file, including the emails. Make sure you, or someone in your office, knows how to retrieve that data when needed. If it takes too long to do that, your client, or former client, may become frustrated and file a bar complaint or lawsuit. If your client asks you to provide your file, we recommend that you keep a record of what you provide to the client by bates stamping the documents or through some other method.

Many legal malpractice lawsuits could be avoided by having just one communication confirming your discussion with the client. Keeping a complete file can help avoid lawsuits.

*Steven Schwartz is a certified mediator with Miles Mediation & Arbitration and a principal at Brown & James in St. Louis. He has defended lawyers in legal malpractice cases, malicious prosecution cases and ethics complaints for more than 35 years. He can be reached at [sschwartz@bjpc.com](mailto:sschwartz@bjpc.com). The views expressed in this article are not intended to be taken as legal advice.*

# You've Earned it... now Promote it...



Take the first step today toward building equity in your brand, promoting your excellence and offering your audience more reasons to trust you. Contact EVG, and a member of EVG's content licensing team will be happy to answer your questions and get you started.

Licensing | Awards | Reprints



## EVG MEDIA

Enveritas is the exclusive reprints and logo licensing partner for Missouri Lawyers Media



MissouriLawyers  
EXPERTLY FOCUSED. WIDELY ACCLAIMED. MEDIA



Missouri Lawyers  
EXPERTLY FOCUSED. UNBENTLY UNCLAIMED. MEDIA

# THE POWERLIST

MISSOURI LAWYERS WEEKLY

BUSINESS DEFENSE

MAY 2026

## CONTENTS

Robert T. Adams.....	61	Randy Cowherd.....	64	James C. Morrow.....	66
John C. Aisenbrey.....	61	Keith A. Cutler.....	64	Gerard T. Noce.....	66
Michael R. Baker.....	61	W. James Foland.....	64	Craig S. O'Dear.....	66
Lee M. Baty.....	61	John W. Grimm.....	64	Joseph C. Orlet.....	67
William Bay.....	61	Bradley R. Hansmann.....	64	Braden M. Perry.....	67
Rosemarie Blasé.....	61	Angela B. Kennedy.....	64	Frederick H. Riesmeyer II.....	67
Christopher A. Brackman.....	62	Corey L. Kraushaar.....	65	Women's Justice Awards - C.J. Larkin.....	67
David P. Bub.....	62	James Scott Kreamer.....	65	Cara Rose.....	68
Gerard T. Carmody.....	62	Thomas J. Magee.....	65	Steven A. Schwartz.....	68
Debbie Champion.....	62	Jimmy Martin.....	66	Robert M. Thompson.....	68
Karrie. J.Clinkinbeard.....	62	Lauren Tucker McCubbin.....	66		
Mara Cohara.....	62	Brian E. McGovern.....	66		

## The POWER List in Business Defense

Lawyers who defend businesses in court don't necessarily like to be in the spotlight. The best thing they can do for their clients is to resolve legal issues quickly and quietly. If that doesn't work and the case heads to trial, the defense lawyers' hard-won victory is probably something the client would prefer not to dwell on.

So this latest edition of THE POWER List goes out to the most powerful attorneys who defend businesses and corporations in court. These are practitioners who defend their clients on claims

ranging from products liability to premises liability, contesting plaintiffs' claims at every turn and taking great pride in a verdict form that reads: \$0.

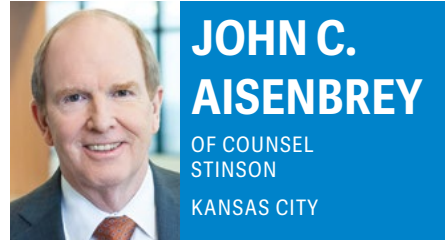
As always, our POWER series is a subjective endeavor. We're confident in our choices, but we expect readers might disagree with who we put in or keep out. Let us know what you think we got right and tell us who else we should have considered. And watch for new versions of THE POWER List throughout 2026.



Rob Adams has dedicated 38 years to trial work across a wide range of case types, including IP, commercial, pharmaceutical, chemical and tort injury cases. He said that across those experiences, “you learn more from the cases you lose than the cases you win,” a perspective that drives him to work harder and smarter.

Adams serves on the Missouri Bar Board of Governors and the Missouri Approved Instruction Committee Civil, where he has been a member since 2004.

He is a Regent and past Missouri State Chair of the American College of Trial Lawyers, a Fellow since 2006, and a Fellow of the International Academy of Trial Lawyers since 2012.



Known for his successful representation of Hallmark Cards, John Aisenbrey has represented the company on both offense and defense, including protecting Hallmark from a New Jersey business’s claims that it owned the trademarks “Hallmark Diamonds” and “Hallmark Rings.”

He also won verdicts for Hallmark in two confidentiality cases. One was a \$31.3 million verdict against an investment firm that Hallmark claimed misappropriated trade secrets. In another case, he won \$860,000 from a former executive accused of breaching a confidentiality agreement after leaving the company.

A former Assistant U.S. Attorney, Aisenbrey has tried more than 60 cases to verdict.



A Missouri native, Mike Baker has practiced at Ford, Parshall & Baker for most of his career. More than 95 percent of his cases involve defending clients from claims ranging from premises liability to motor vehicle collisions and medical negligence.

Baker is a member of the Missouri Association of Trial Attorneys, the Missouri Organization of Defense Lawyers, the Association of Trial Lawyers of America and the Boone County Bar Association.

Representative clients include American Family Insurance Company, Safeco Insurance Company and Geico Insurance Company. He is a recurring faculty member at the Annual Trial Academy sponsored by the Missouri Organization of Defense Lawyers.



Throughout his 40-year career, Lee Baty has left an indelible mark on both the legal profession and his community. After clerking for Judge Ronald Somerville on the Missouri Court of Appeals Western District, Baty joined Field, Gentry, and Benjamin, which evolved to become Baty Otto Scheer.

He is president of his firm while also managing a full caseload, focusing on product liability, trucking, premises liability, construction defect, discrimination and insurance coverage cases. In 2018, he defended a driver in a vehicle collision that settled with the defendant’s employer’s insurers for \$3.5 million. He chairs the board of The Mission Project, a not-for-profit that supports adults with developmental disabilities in the Kansas City area.



Bill Bay recently concluded his term as president of the American Bar Association where he was the first from St. Louis to hold the office in more than four decades.

He was lead counsel for the prevailing party in *ITT Commercial Finance Corp. v. Mid-America Marine Supply Corp.*, likely the most cited case in Missouri, which addressed summary judgment practice and which he argued before the Supreme Court of Missouri.

As a past president of BAMSL, Bay said “it’s the experiences I have had in St. Louis that shaped me.” He anticipates AI, e-discovery and data analytics will reshape commercial litigation, with clients demanding efficiency, proactive risk management and portfolio-based approaches to claims.



Known as a wizard behind the scenes at Dowd Bennett, Mo Blasé assists in all stages of civil litigation, including drafting motions and briefs on behalf of the firm’s corporate and individual clients and submitting them to courts at all levels, including the U.S. Supreme Court.

She is recognized for her ability to analyze complex legal issues and present them in a way that clarifies a point or moves the law.

Blasé honed her craft at the highest court in the land, clerking for Supreme Court Chief Justice William H. Rehnquist. She also clerked for Judge James B. Loken of the Eighth Circuit.



**CHRISTOPHER  
A. BRACKMAN**

ATTORNEY  
FRANKE SCHULTZ &  
MULLEN  
KANSAS CITY

Chris Brackman has built his practice around representing insureds — including individuals and small businesses — who need guidance through an unfamiliar legal process.

In 2015, he secured the third-largest defense verdict in Missouri in a medical malpractice case and obtained a defense verdict for a school administrator wrongfully accused of misconduct at the workplace.

He has served on the Missouri Organization of Defense Lawyers board since 2015 and currently serves as its president for the 2025-2026 term.

Representative clients include Acuity Insurance, Liberty Mutual Insurance, Maverik Inc., MIRMA, Swiss Re and Walmart.



**DAVID P.  
BUB**

PRINCIPAL  
WATTERS WOLF BUB  
HANSMANN  
ST. LOUIS

David Bub has spent his thirty-year career as a trial lawyer in Missouri and Illinois, trying more than 150 civil jury cases to conclusion and handling more than 50 appeals across state and federal courts.

He has served as lead trial counsel in numerous large-exposure matters, securing defense verdicts in cases with eight-figure amounts at stake. In 2022, Bub obtained a defense verdict in a toxic mold case in which the plaintiff sought more than \$20 million — one of the largest defense verdicts in Missouri.

He represents commercial businesses, insurance carriers and individuals across premises liability, construction, products liability, insurance coverage and fraud.



**GERARD T.  
CARMODY**

PRINCIPAL ATTORNEY  
CARMODY MACDONALD  
ST. LOUIS

Gerry Carmody has litigated for 51 years, representing a wide range of clients — including major law firms in professional liability claims — and securing several multi-million-dollar jury verdicts in real estate and commercial litigation.

He said he has always wanted “to be a trial lawyer,” drawn to courtroom advocacy and solving complex problems.

Carmody taught trial practice as an adjunct faculty member at Washington University for 25 years.

Among his notable matters was assembling property in North St. Louis for the National Geospatial-Intelligence Agency’s new headquarters and, with his daughter Ryann, successfully defending a Catholic priest wrongfully accused of sexual abuse.



**DEBBIE S.  
CHAMPION**

PARTNER  
RYNEARSON SUESS  
SCHNURBUSCH & CHAMPION  
MARYLAND HEIGHTS

Debbie Champion has practiced for 37 years as a defense-side trial attorney across a broad variety of case types, building deep expertise in evidence and procedure. She said she considers herself “a trial attorney at heart,” drawn to jury behavior and the human side of disputes.

Champion has served as president of the Missouri Organization of Defense Lawyers, is a fellow of the Claims and Litigation Management Alliance and a member of Litigation Counsel of America and American College of Trial Lawyers.

She anticipates the industry moving toward fewer jury trials, fewer qualified trial lawyers and higher rates for properly trained advocates and sees AI as a useful tool for litigators but not one that will eliminate the practice.



**KARRIE J.  
CLINKINBEARD**

PARTNER  
ARMSTRONG TEASDALE  
KANSAS CITY

Karrie Clinkinbeard has focused her legal career on fire, explosion and electrocution litigation, toxic torts, product liability, personal injury and related catastrophic matters, trying numerous jury cases to verdict in state and federal courts across the Midwest.

As co-lead counsel, she secured the largest defense verdict in Missouri in 2014, defeating a claim of more than \$30 million arising from an industrial gas furnace explosion that severely burned a repairman.

Clinkinbeard’s specialization echoes the careers of her grandfather and father, both of whom served as fire chiefs in Johnson County. The first woman to serve as managing attorney of her firm’s Kansas City office, she held that role for five years, during which the office nearly doubled in size.



**MARA  
COHARA**

PARTNER  
LATHROP GPM  
KANSAS CITY

Mara Cohara concentrates her practice on complex business defense — toxic torts, nuisance, product liability and high-stakes litigation for manufacturers, agribusinesses and religious and educational institutions.

Among her most notable matters was a multi-year collaboration on odor nuisance lawsuits for a leading animal agricultural company that produced two trial victories and relationships enduring nearly two decades.

She noted that “leadership, to me, is about service, trust, and consistency,” a philosophy reflected in her decade-long role as Practice Group Leader for the Tort, Insurance and Environmental practice and her service on the firm’s Executive Committee.

# CONGRATULATIONS!

*Cara Rose and Chris Brackman for being named to the 2026 Missouri Lawyers Media POWER List for Business Defense Attorneys*



*Cara Rose*



*Chris Brackman*

LAW OFFICES OF

**FRANKE SCHULTZ & MULLEN**

A PROFESSIONAL CORPORATION

**Kansas City**

8900 Ward Parkway  
Kansas City, Missouri 64114  
Phone: 816-421-7100  
Fax: 816-421-7915

**Overland Park**

7101 College Boulevard, Ste. 510  
Overland Park, Kansas 66210  
Phone: (816) 421-7100  
Fax: (816) 912-4505

**Springfield**

1919 E. Battlefield, Suite B  
Springfield, Missouri 65804  
Phone: (417) 863-0040  
Fax: (417) 863-6286

**St. Louis**

231 S. Bemiston Ave., Ste. 1200  
St. Louis, Missouri 63105  
Phone: (314) 455-8300  
Fax: (314) 455-8301



**RANDY COWHERD**

ATTORNEY  
COWHERD READE ADAIR  
& LANEY  
SPRINGFIELD

Randy Cowherd has handled over 90 jury trials and appeals — some representing Missouri’s largest defense verdicts.

In 2024, he was on a team representing physicians defending a \$4.5 million medical malpractice lawsuit alleging a patient died from melanoma due to delay of care. A jury found in favor of the defendants.

And in 2022, a jury sided with Cowherd’s client, CoxHealth in a wrongful death suit in which a father claimed the hospital failed to properly care for his adult son who died after his hospitalization for a perforated colon. It was Missouri’s third-largest defense win that year.



**KEITH A. CUTLER**

PARTNER  
JAMES W. TIPPIN &  
ASSOCIATES  
KANSAS CITY

Keith Cutler is known in the legal community as a former president of the Kansas City Metropolitan Bar Association and as co-host of the daytime courtroom show “Cutlers Court” and the two-time Emmy-nominated “Couples Court with the Cutlers.”

Cutler said he chose defense litigation because it suits his calm, reserved and even-keeled personality. His most notable matter was accepted for transfer by the Missouri Supreme Court, which resolved a widespread inconsistency in the application of a statute of limitations in his client’s favor.

He said he is known as “a man of my word and a straight shooter.” A member of MODL, Cutler represents insurance companies, charter schools and school districts.



**W. JAMES FOLAND**

PRINCIPAL WATTERS  
WOLF BUB HANSMANN  
KANSAS CITY

Jim Foland is a nationally recognized trial lawyer who has tried more than 250 jury trials and 100 non-jury trials to conclusion in state and federal courts across the country, concentrating in complex business litigation, insurance coverage and bad faith, catastrophic personal injury, wrongful death and defective products.

Foland secured a \$12.5 million plaintiff’s verdict for an advertising agency after a 30-day breach of contract trial in which the opposing party’s fraud counterclaim was defeated.

For 20 years he served on the Supreme Court of Missouri’s Instruction Committee, editing two volumes of Missouri Approved Instructions. Foland has taught trial practice in law school and at lawyer training programs and argued before the 8th and 10th Circuits.



**JOHN W. GRIMM**

ATTORNEY  
THE LIMBAUGH FIRM  
CAPE GIRARDEAU

John Grimm clerked for U.S. District Judge Stephen N. Limbaugh Sr. in the Eastern District of Missouri before entering private practice in 1989, then served as a circuit judge for the 32nd Judicial Circuit from 1993 to 2003, winning election to two consecutive six-year terms before returning to private practice.

Grimm maintains an active trial practice in personal injury, wrongful death, insurance coverage and defense, business, real estate and employment litigation. He has mediated more than 300 cases in state and federal courts and serves on American Arbitration Association panels.

Grimm has served on the ADR Advisory Committee for the Eastern District of Missouri and as president of The Missouri Bar, a role he held from 2021 to 2022.



**BRADLEY R. HANSMANN**

PRINCIPAL, WATTERS  
WOLF BUB HANSMANN  
ST. LOUIS

Brad Hansmann has spent his career as a trial lawyer, trying more than 75 jury trials to conclusion — many involving millions in exposure — on behalf of individuals, corporations and insurance carriers throughout Missouri and Illinois. He concentrates in premises liability, motor carrier accidents, products liability, contract disputes and cases involving injuries resulting from criminal acts on business premises.

Hansmann also represents boat manufacturers and other corporations in maritime and products liability litigation across the country, handling cases in more than a dozen states in both state and federal courts, from early pre-suit investigations through trial. Among his recent results, he secured a defense verdict for clients facing a claim of more than \$150 million in a Boone County business fraud case.



**ANGELA B. KENNEDY**

PARTNER  
ARMSTRONG TEASDALE  
ST. LOUIS

Angela Kennedy has spent 10 years in commercial litigation, a path rooted in her parents’ family business. That experience drives her dedication to helping companies navigate legal and business challenges. Kennedy is known for detailed analysis, novel arguments, default judgments, jury instructions and appellate consultation at trial, an area she anticipates will grow as nuclear verdicts rise.

She volunteers with Volunteer Lawyers and Accountants for the Arts, helping artists and nonprofits with brand protection and contracts. Kennedy serves as president of the Federal Bar Association’s St. Louis Chapter and is a member of the Missouri Bar’s Appellate Committee and the Eighth Circuit Bar Association.

She is committed to making “the practice of law as collegial as possible,” she said.



## COREY L. KRAUSHAAR

MEMBER  
STRANCH, JENNINGS &  
GARVEY  
ST. LOUIS

Corey Kraushaar has earned a reputation for working collaboratively with opposing counsel — an approach he said makes trials run more smoothly for judges, juries and court staff alike. Kraushaar is drawn to clients' unique business models and focuses on presenting the human side of a business in ways that resonate with juries.

Among his most formative experiences was a federal jury trial early in his career that lasted over two months, which he described as learning "to ride the bike" by watching jury proceedings day in and day out. He regularly mentors new attorneys and brings them onto trial teams and routinely presents in-house CLE ethics programming.

Representative clients include Plaza Motors and Lou Fusz.



## JAMES SCOTT KREAMER

MANAGING MEMBER  
BAKER STERCHI COWDEN  
& RICE  
KANSAS CITY

Scott Kreamer has practiced his entire career as a trial attorney in high-stakes civil litigation, representing both plaintiffs and defendants in jury and bench trials across state and federal courts. His practice spans commercial litigation, construction, financial services, insurance, surety and fidelity, personal injury defense, products liability and toxic tort.

Kreamer maintains an active appellate practice, having argued before the 8th and 10th Circuit Courts of Appeals, including work securing favorable rulings on the economic loss doctrine.

He serves as the 2025–2026 president of Lawyers for Civil Justice and previously served as president and chairman of the board of the Federation of Defense & Corporate Counsel. He is a frequent speaker and author on litigation and trial practice.



## THOMAS J. MAGEE

PARTNER  
HEPLERBROOM  
ST. LOUIS

Tom Magee has served as lead attorney in more than 180 jury trials to verdict in the Eastern and Western Districts of Missouri, 14 Missouri counties and Illinois state courts. He focuses on products liability, professional liability, commercial litigation, personal injury, trucking and automobile matters. He is a certified mediator in federal and Missouri state courts.

In 2005, Magee secured a verdict that reduced a \$7 million award to a net recovery of \$150,000 for the plaintiff in a school bus case.

In 2024, a St. Louis County jury rejected a \$1.2 million legal malpractice claim against his law firm client. He has represented plaintiffs, obtaining a \$10.6 million verdict in a 2002 drunk-driving and defective car seat case.

# DOWD BENNETT LLP

## CONGRATULATIONS TO PARTNERS

### ROSEMARIE BLASE AND JAMES B. MARTIN

#### FOR BEING PART OF *MISSOURI LAWYERS MEDIA'S* POWER LIST FOR TOP BUSINESS DEFENSE ATTORNEYS



- JUDICIAL CLERK TO THE HON. WILLIAM H. REHNQUIST, CHIEF JUSTICE OF THE UNITED STATES
- JUDICIAL CLERK TO THE HON. JAMES B. LOKEN, U.S. COURT OF APPEALS, EIGHTH CIRCUIT
- J.D., *SUMMA CUM LAUDE*, NOTRE DAME LAW SCHOOL



- EXTENSIVE JURY TRIAL, BENCH TRIAL AND ARBITRATION EXPERIENCE
- J.D., *SUMMA CUM LAUDE* AND VALEDICTORIAN, ST. LOUIS UNIVERSITY SCHOOL OF LAW
- B.A., YALE UNIVERSITY

7676 FORSYTH BOULEVARD, SUITE 1900  
ST. LOUIS, MISSOURI 63105  
[WWW.DOWDBENNETT.COM](http://WWW.DOWDBENNETT.COM)



**JIMMY MARTIN**

PARTNER  
DOWD BENNETT  
ST. LOUIS

Jimmy Martin has practiced as an aggressive, tenacious and skilled commercial litigator for 10 years. Before law school, he captained the Yale men's hockey team and played three years of professional hockey — experiences he said continue to significantly shape his approach to litigation.

Martin was part of the team representing St. Louis plaintiffs against the NFL and St. Louis Rams, a matter that resulted in a \$790 million settlement. He also served on the trial team in a Southern District of Texas federal jury trial where the opposing party's \$10 million demand was rejected.

Representative clients include Ronnoco Coffee LLC, Emerson Electric Co., Edward Jones and Watlow Electric Manufacturing Company.



**LAUREN TUCKER MCCUBBIN**

VICE CHAIR OF  
COMMERCIAL LITIGATION  
POLSINELLI  
KANSAS CITY

Lauren Tucker McCubbin focuses her practice on insurance coverage litigation and counseling and complex commercial litigation. She said each case presents fresh facts, new legal issues and insight into the business motivations driving a dispute — a practice that suits her love of complex legal matters and winning, whether on a motion, judgment or appeal.

She has developed broad experience across nearly every kind of policy and risk management arrangement, an area she noted is "either mind-numbing or infuriating to the majority of my colleagues." Her most memorable matters are often those resolved quietly, sparing clients the stress of prolonged litigation.

Representative clients include the Kansas City Chiefs Football Club and the University of Kansas Hospital Authority.



**BRIAN E. MCGOVERN**

EQUITY PARTNER  
MCCARTHY LEONARD &  
KAEMMERER  
CHESTERFIELD

Brian McGovern leads his firm's litigation practice, concentrating in complex business, employment, construction and class action matters. He has tried more than 150 cases to conclusion — 50 before a jury — and has handled more than 50 appeals in state and federal courts across the country.

Over the course of his career, McGovern developed expertise in representing automobile dealers, including as lead defense counsel in *Perry v. Lovegreen* — one of the largest class actions ever certified in Missouri, encompassing every automobile and power sports dealer in the state and carrying potential exposure in the billions. The class was decertified in 2010.

He counsels clients on avoiding disputes before lawsuits are filed.



**JAMES C. MORROW**

MEMBER  
MORROW WILLNAUER  
CHURCH  
KANSAS CITY

Jim Morrow has tried more than 75 jury trials and regularly serves as an arbitrator and mediator. His practice spans business and commercial litigation, class action, construction, employment, insurance coverage, premises liability, products liability, professional liability and trucking.

Morrow served as local counsel in the Whip-It! wrongful death case, which yielded a \$745 million verdict in 2023 and settled in April 2024 — \$5 million for United Brands and a confidential amount for Coughing Cardinal.

In a separate matter, he established that a commercial truck was not involved in a Kansas crash, blocking introduction of federal motor carrier safety laws and securing a settlement of \$250,000 — half the plaintiff's demand.



**GERARD T. NOCE**

OF COUNSEL  
REICHARDT NOCE &  
YOUNG  
KIRKWOOD

Jerry Noce has spent 47 years as a civil defense attorney, representing a wide range of clients — including manufacturers, school districts, religious institutions, lawyers and insurance companies — across complex civil litigation. His career has long been shaped by a deep enjoyment of trial work, a commitment reflected in a record of approximately 140 cases taken to verdict.

Among his most notable matters over that span are the Cliff Cave drowning cases, years of sustained representation of chemical companies and sexual misconduct trials.

Noce has since transitioned his focus exclusively to mediations and arbitrations, the direction he anticipates his practice will take in the coming year and also serves as Trial Academy Director for the Missouri Organization of Defense Lawyers.



**CRAIG S. O'DEAR**

FOUNDING PARTNER  
CSO LAW  
KANSAS CITY

Craig O'Dear has practiced complex, high-stakes business litigation for 43 years, noting he loves "the competition and challenge presented by the litigation practice."

Among his most notable matters was the defense of World Wrestling Entertainment in the accidental death of Owen Hart, including a subsequent four-week trial against British manufacturer Lewmar on a contribution claim.

O'Dear's representative clients have included Tyson Foods, Sprint, H&R Block, Mercy Health, UMB Financial Corp. and the Hyatt Skywalk defendants, among others.

He has also identified increasing client demand for experienced counsel and the growing role of AI legal tools as defining shifts in the year ahead.



**JOSEPH C. ORLET**  
OF COUNSEL  
HUSCH BLACKWELL  
ST. LOUIS

Joe Orlet has devoted more than three decades to serving as lead trial counsel in toxic tort, product liability, mass tort, patent infringement and class action cases for Fortune 100 companies in challenging venues across the country. He has served as national coordinating counsel and lead trial counsel for multiple-defendant joint defense groups across chemical, oil and gas, agricultural, pharmaceutical, biotech and consumer products industries.

Among his notable results, Orlet secured a judgment exceeding \$15 million after a jury found willful patent infringement on behalf of an agricultural products manufacturer in a Mississippi federal court. He also has served as lead trial lawyer for global manufacturer Emerson for more than 30 years, securing five seven-figure verdicts for corporate clients.



**BRADEN M. PERRY**  
PARTNER  
KENNYHERTZ PERRY  
KANSAS CITY

Braden Perry practices at the intersection of white-collar defense, financial regulatory enforcement and commodities and derivatives law.

He began his career at Husch Blackwell before joining the CFTC as a senior trial attorney, then served as SVP and CCO at Mariner Holdings before co-founding his firm.

His expert witness engagements include the decade-long *New Hampshire Insurance Co. v. MF Global* case, a \$141 million insurance coverage dispute involving unauthorized wheat futures trades.

Perry chairs the National Introducing Brokers Association Advisory Group, serves as both a FINRA and NFA arbitrator and is a former chair of the Kansas State Board of Indigents' Defense Services.



**FREDERICK H. RIESMEYER II**  
SENIOR COUNSEL  
SIEGFREID BINGHAM  
KANSAS CITY

Fritz Riesmeyer tried his first jury trial within a year of being admitted to the Bar in 1977 and has been trying cases in state and federal courts for more than 40 years. His practice spans business litigation, unfair competition, shareholder disputes, employment, intellectual property, breach of fiduciary duty, RICO and construction.

He developed expertise in extraordinary remedies through his early representation of Carl Icahn in the TWA takeover. Riesmeyer has defended the Kansas City Chiefs in a premises liability claim and a radio station in a false light case arising from a morning show broadcast.

He has also served as a NITA faculty member and is a founder of the Ross T. Roberts Inn of Court.

WOMEN'S JUSTICE AWARDS

MENTOR



**CAROL JO LARKIN**  
Mediator/Arbitrator  
Miles Mediation  
St. Louis

C.J. Larkin has more than 30 years of mediation experience spanning family, education, employment and civil disputes. She has shaped alternative dispute resolution education as a professor of practice at the University of Denver Sturm College of Law and as senior lecturer and administrative director of the Negotiation & Dispute Resolution Program at Washington University School of Law.

In 2010, Larkin co-led a two-year U.S. Department of Justice Community Relations Service mediation process following the Kirkwood City Hall shooting. She also co-created the Ethnic Mediation Council, providing dispute-resolution training to immigrant and refugee communities in metropolitan St. Louis, and traveled annually to Nepal over three years through a U.S. State Department grant to train community mediators.

Larkin was selected as a senior Fulbright Specialist to train practitioners in Utrecht, the Netherlands, and has presented on mediation and conflict resolution in Nepal, Istanbul, Tbilisi and Verona.

HEALTH | SCIENCE | TECHNOLOGY  
Critical in a crisis, creative in court.  
SHB.COM

Shook congratulates our colleague and friend

**Rob Adams**  
Partner

recognized by *Missouri Lawyers Media* on its **Power List of Top Business Defense Attorneys**

SHOOK  
HARDY & BACON

ATLANTA | BOSTON | CHICAGO | DENVER | HARTFORD | HOUSTON  
JERSEY CITY | KANSAS CITY | LOS ANGELES | MIAMI | NEW YORK  
ORANGE COUNTY | PHILADELPHIA | SAN FRANCISCO | SEATTLE  
ST. LOUIS | TAMPA | WASHINGTON, D.C.

THE CHOICE OF A LAWYER IS AN IMPORTANT DECISION AND SHOULD NOT BE BASED SOLELY UPON ADVERTISING.



**CARA ROSE**

PARTNER  
FRANKE SCHULTZ &  
MULLEN  
SPRINGFIELD

Cara Rose has tried more than 20 jury trials since becoming an attorney in 2006, representing individuals and companies in personal injury defense, malpractice, motor vehicle accidents, premises liability, products liability, construction, real estate, employment and harassment matters. She has argued at trial and appellate levels throughout Missouri.

In 2022, Rose won trial and appellate verdicts for an insurer in an uninsured motorist case arising from a bicyclist struck by a golf cart at an RV resort, with the court determining the collision occurred on a private road.

She is the only member of the Federation of Defense & Corporate Counsel who practices in southwest Missouri and serves as president of Sporting Springfield.



**STEVEN H. SCHWARTZ**

PRINCIPAL  
BROWN & JAMES  
ST. LOUIS

Steve Schwartz represents professionals — including lawyers, accountants and real estate professionals — alongside business litigation, employment defense and copyright, trademark, trade secret and technology disputes.

He said representing lawyers across all practice areas continuously exposes him to new disciplines, from family law and probate to maritime and estate planning. He has earned strong trial results for professionals whose reputations were on the line.

Schwartz writes articles and presents CLEs on legal malpractice avoidance strategies, serves as a mediator with Miles Mediation, is active with ALFA International and attends the ABA semiannual legal malpractice seminar. Representative clients include Watco, Life Time Inc. and Blueprint Coffee.



**ROBERT M. THOMPSON**

PARTNER  
BCLP  
KANSAS CITY

In his 36 years practicing complex business litigation, Bob Thompson has earned a reputation as “a tenacious but honest opponent.”

He represented a component parts manufacturer in a two-week arbitration against a major aircraft manufacturer, resulting in an award of over \$28 million, and represented an executive in a compensation dispute that recovered more than \$7 million after an employer refused to honor an oral promise of an ownership stake.

Thompson served as managing partner of his firm’s Kansas City office and has been an active supporter of the Kansas City Metropolitan Bar Association. Representative clients include National Beef Packing Company and National Cattlemen’s Beef Association.

**BEHIND**  
*The* **DEAL**

**Closed a deal? Share it!**  
Feature your M&A, IPO, or  
financing deals in print & online.



Submit Your  
Announcement

*Charges apply for these announcements and can be processed via our online submission form.*

MissouriLawyers  
WEEKLY

▶ AWARD

**Rachael Leadbetter**

*Cook, Barkett, Ponder and Wolz*  
Cape Girardeau



Rachael Leadbetter was named the 2025 Crisp Experience MVP. This is the highest individual honor awarded by Crisp, the nation's leading law firm growth company. Selected from hundreds of professionals, she revolutionized firm operations, cut settlement timelines from an average of 6 months to 30 days, and elevated client experience with measurable results.

▶ NEW HIRE

**Shane Haley**

*Carmody MacDonald*  
St. Louis



Carmody MacDonald is pleased to welcome Shane Haley to the firm's corporate/transactional group. At Carmody MacDonald, he will primarily assist clients with banking matters, in addition to other corporate and transactional work. Shane brings valuable experience from his previous role at another St. Louis law firm, where he focused on real estate transactions and disputes, banking and finance matters, as well as a broad range of corporate transactions. Shane holds a J.D. from Saint Louis University School of Law, a master's degree from the University of Missouri – Kansas City, and an undergraduate degree from Lindenwood University – St. Louis.

# YOUR COMMUNITY'S VOICE, EVERY WEEK

Stay informed about the decisions shaping your community. Public notices in this publication provide insights into local, county, and state matters.

**MissouriLawyers**  
EXPERTLY FOCUSED. WIDELY ACCLAIMED. MEDIA



Scan QR Code  
for more details.

or visit [www.molawyersmedia.com/public-notice](http://www.molawyersmedia.com/public-notice)



# We can help with client retention

**Get customized client newsletters that are tailored to specific practice areas.**

Quarterly newsletters are available in 4 formats - print, PDF, text file and link - and include your logo and information.

Available practice areas:

**Elder Law**  
**Estate Planning**  
**General Practice**  
**Personal Injury**



# Legal Matters®

For examples and more information, visit [Legalmattersnewsletters.com](http://Legalmattersnewsletters.com) today!

# A judge walked into a bar. He should have ducked.

I've had a few bad experiences with judges. That is to be expected for a trial lawyer. We are to be zealous advocates for our clients and zeal can lead to emotional involvement. My complaints have only been voiced in private and probably came off as sour grapes. When emotions subside I can rationalize what happened and move on. Or file an appeal.

The old joke goes, "What do you call a lawyer who graduated at the bottom of their class in law school? Your honor." Lawyer jokes are bad for two reasons: lawyers don't think they are funny and the laypeople don't think they are jokes. I appreciate funny jokes, even if I am the butt of them and I often am. (Full disclosure, I didn't graduate at the top of my class and the only robe I have is a terry-cloth one borrowed from a Motel 6. I know I am doing life wrong.)

When it comes to judges, the standard is different and jokes have been replaced with blatant lies and slurs. They can't defend themselves in public because of the very position being attacked. Only a bully attacks the defenseless. As I have said in these pages in the past, lawyers should step up to defend judges not just because we can, but because we must. I am renewing that call to action now.

The attacks on judges, even Article 3 judges, has increased. Recently a U.S. Senator called for impeachment of a judge whose opinions he didn't like. That this senator is a lawyer makes the attack all the more despicable. The real goal is not only to intimidate the Bench but to undermine the rule of law as a whole.

Some criticism of judges stems from public ignorance of what judges do. I recently wrote a letter to the editor of my local paper after another reader attacked a judge for paroling a criminal who committed murder while he was free. I hope the person who wrote the letter was ignorant and didn't know that judges don't have a role in parole decisions. The judge in question certainly didn't in that case. I am not sure if my letter changed his mind, but it did inject facts into the conversation.

Writing letters and speaking out in defense of the judicial system is a lawyer's duty. From a cynical point of view, it protects the whole profession by preserving the public's faith in the rule of law. I try to limit my cynicism to television drug ads, and defending our legal system is critical, not cynical. Until legal ads require "may cause blindness or stomach discomfort" disclaimers, we are ahead of the drug companies at least. There are lawyers who have upset my stomach, but a warning would not have saved me.

I believe attacks on judges are trendy, not because they are warranted but because undermining the rule of law benefits those whose actions are the most suspect. Petty

## WITH ALL DUE RESPECT

BY SPENCER FARRIS



thugs don't go on social media to insult judges, thugs who sit in the halls of power do. At best, lawyers who are complacent when this happens should be ashamed, if shame is still a thing. At worst, they are accomplices.

Albert Einstein said, "The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing." I understand that Mr. Einstein didn't graduate at the top of his class either but he seems like a pretty bright fellow and lawyers would do well to listen to him.

©2026 *With All Due Respect*. Spencer Farris is the founding partner of The S.E. Farris Law Firm in St Louis, Missouri. He blames video games for his law school ranking. Comments or criticisms about this column may be sent c/o this publication or directly to him via email at [farris@farrislaw.net](mailto:farris@farrislaw.net).



Depositphotos

# CLASSIFIED ADVERTISEMENTS

Search Help Wanted ads online at [www.classifieds.molawyersmedia.com](http://www.classifieds.molawyersmedia.com)  
For Classifieds Sales Call 314.558.3202 or email [classifieds@molawyersmedia.com](mailto:classifieds@molawyersmedia.com)

## HELP WANTED

### NOTICE REGARDING TREATMENT COURT COMMISSIONER VACANCY - TO ALL ATTORNEYS RESIDING IN ST. LOUIS COUNTY, MISSOURI

The Circuit Court of St. Louis County, Missouri, announces that it is soliciting candidates for the position of **Treatment Court Commissioner** of the Circuit Court of St. Louis County.

A majority of the Circuit and Associate Circuit Judges will make the appointment for a term of (4) years, at an annual salary of an associate circuit judge, payable by the State of Missouri, pursuant to RSMo §478.003.

Missouri law requires the Treatment Court Commissioner(s) to possess the same qualifications as an associate circuit judge, including those set forth in the Missouri Constitution, Article V, Section 21, to wit, they must be qualified voters of the state, residents of St. Louis County, Missouri, at least twenty-five years old, licensed to practice law in Missouri; and possess all other qualifications as required by law. (See RSMo Chapter 478).

Questionnaires and Candidate Instructions may be obtained by sending a resume and cover letter to St. Louis County Circuit Court, ATTN: Human Resources, 105 S. Central Avenue, Clayton, Missouri, 63105, or via email to [SLCCourtJobs@courts.mo.gov](mailto:SLCCourtJobs@courts.mo.gov).

Completed questionnaires must be submitted in writing to St. Louis County Circuit Court, ATTN: Human Resources, 105 S. Central Avenue, Clayton, Missouri 63105, or via email to [SLCCourtJobs@courts.mo.gov](mailto:SLCCourtJobs@courts.mo.gov) on or before **May 18, 2026**.

The appointment is scheduled to take place upon a vote of the majority of the Circuit and Associate Judges en banc on or about June 10, 2026. EOE. Please contact the Human Resources Department at 615-4471 (voice) or RelayMo 711 or 800-735-2966 if you need any accommodations in the application process, or if you would like this posting in an alternative form.

**Wolfram & Associates P.C.** in St. Louis' Central West End, is a four-member Plaintiff's personal injury trial practice, looking for a new or lateral hire. We offer competitive wages and benefits including a base salary, performance bonus and fee sharing opportunities representing new and existing clients. The only requirement is a desire to represent clients from intake to defended jury verdict. Practice includes all practice areas from workers' compensation to medical malpractice. This is a great opportunity to have control over your professional destiny by joining a respected firm that has been around for more than 25 years. Please submit resume and cover letter to the confidential email of Kurt Wolfram at [kw@wolframlaw.com](mailto:kw@wolframlaw.com) or by calling the direct line, 314-880-2041.

## PUBLIC NOTICE

### Business

#### Corporation Notices

#### NOTICE TO CREDITORS AND CLAIMANTS OF

##### SUNTRUP GENESIS, INC.

Effective as of April 1, 2026, Suntrup Genesis, Inc., a Missouri corporation (the "Company") with its principal office located at 6000 S. Lindbergh Blvd., Saint Louis, MO 63123, was voluntarily dissolved in accordance with the General and Business Corporation Law of Missouri.

All claims against the Company should be presented in accordance with this notice. Claims should be in writing and sent to the Company at this mailing address:

Suntrup Genesis, Inc.

Attn: Mr. Donald J. Suntrup, Jr.  
6000 S. Lindbergh Blvd.  
Saint Louis, MO 63123

The claim must contain the following: (1) name, address, and telephone number of the claimants; (2) amount of the claim or other relief demanded; (3) basis of the claim and any documents related to the claim; and (4) date(s) as of which the event(s) occurred on which the claim is based.

In accordance with Section 351.482 of the Revised Statutes of Missouri, any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

4151338 MOLW May 13, 2026

#### **Blackbird Advisors VI LLC, a Missouri limited liability company**

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST Blackbird Advisors VI LLC, a Missouri limited liability company (the "Company").

On April 1, 2026, the Company filed notice of winding up with the Missouri Secretary of State.

The Company requests that all persons with

## LAWYER TO LAWYER



**Simon Law**  
Your Trusted Litigation Partner

**Our Services**

- Negligent Security
- Intellectual Property Litigation
- Qui Tam Whistleblower
- Business Litigation
- Class Action
- Medical Malpractice
- Catastrophic Injury
- Product Liability
- Sexual Assault
- Mass Torts

**John G. Simon**  
jsimon@simonlawpc.com  
(314) 241-2929

MISSOURI & KANSAS  
**TOP 10**  
RATED BY  
Super Lawyers

7  
YEARS OF  
EXCELLENCE

© 2026 Simon Law PC. All Rights Reserved. The choice of a lawyer is an important decision and should not be based solely upon advertisements.

claims against any Company present them immediately by letter to the Company at Summers Compton Wells LLC, 903 S. Lindbergh Blvd., Suite 200, St. Louis, Missouri 63131.

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) and event(s) on which the claim is based.

NOTICE: Because of the dissolution of the Company, any claims against the Company will be barred unless a proceeding to enforce the claim commences within three years after publication of this notice.

Authorized Representative: James Mannebach

4152633 MOLW May 13, 2026

**AMS Automotive LLC, a Missouri limited liability company**

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST AMS Automotive LLC, a Missouri limited liability company (the "Company").

On April 1, 2026, the Company filed notice of winding up with the Missouri Secretary of State.

The Company requests that all persons with claims against any Company present them immediately by letter to the Company at Summers Compton Wells LLC, 903 S. Lindbergh Blvd., Suite 200, St. Louis, Missouri 63131.

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) and event(s) on which the claim is based.

NOTICE: Because of the dissolution of the Company, any claims against the Company will be barred unless a proceeding to enforce the claim commences within three years after publication of this notice.

Authorized Representative: James Mannebach

4152635 MOLW May 13, 2026

**AMS Investment Group LP, a Missouri limited partnership**

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST AMS Investment Group LP, a Missouri limited partnership (the "Company").

On April 1, 2026, the Company filed a Certificate of Cancellation with the Missouri Secretary of State.

The Company requests that all persons with claims against any Company present them immediately by letter to the Company at Summers Compton Wells LLC, 903 S. Lindbergh Blvd., Suite 200, St. Louis, Missouri 63131.

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) and event(s) on which the claim is based.

NOTICE: Because of the dissolution of the Company, any claims against the Company will be barred unless a proceeding to enforce the claim commences within three years after publication of this notice.

Authorized Representative: James Mannebach

4152636 MOLW May 13, 2026

**NOTICE OF WINDING UP AND DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST KACALIEFF INVESTMENTS, LP**

On April 6, 2026, Kacalief Investments, LP, a Missouri limited partnership, filed its Certificate of Cancellation of Limited Partnership with the Missouri Secretary of State. The effective date was April 6, 2026.

You are hereby notified that if you believe you have a claim against Kacalief Investments, LP, you must submit a summary of your claim in writing to Beckemeier LeMoine Law, 13421 Manchester Rd., Suite 103, St. Louis, MO 63131.

All claims must include: the name, address and telephone number of the claimant; the amount claimed; the basis of the claim; the date(s) on which the events occurred which provided the basis for the claim; and copies of any other supporting data.

All claims against Kacalief Investments, LP will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

4152637 MOLW May 13, 2026

**NOTICE OF WINDING UP AND DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST KACALIEFF REAL ESTATE, LP**

On April 6, 2026, Kacalief Real Estate, LP, a Missouri limited partnership, filed its Certificate of Cancellation of Limited Partnership with the Missouri Secretary of State. The effective date was April 6, 2026.

You are hereby notified that if you believe you have a claim against Kacalief Real Estate, LP, you must submit a summary of your claim in writing to Beckemeier LeMoine Law, 13421 Manchester Rd., Suite 103, St. Louis, MO 63131.

All claims must include: the name, address and telephone number of the claimant; the amount claimed; the basis of the claim; the date(s) on which the events occurred which provided the basis for the claim; and copies of any other supporting data.

All claims against Kacalief Real Estate, LP will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

4152638 MOLW May 13, 2026

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST**

**GAMMILL REAL ESTATE, L.L.C.**

On April 3, 2026, Gammill Real Estate, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Esq., Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

Date of Publication of this Notice: May 13, 2026

4152639 MOLW May 13, 2026

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST**

**GAMMILL RENTAL, L.L.C.**

On April 3, 2026, Gammill Rental, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Esq., Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

Date of Publication of this Notice: May 13, 2026

4152640 MOLW May 13, 2026

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST**

**SPORTS AND LUXURY AUTO, LLC**

On April 9, 2026, Sports and Luxury Auto, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. Notice is hereby given that the Company is dissolved and has commenced the process of winding up its affairs.

Submission of Claims: Any person or entity having a claim against the Company is requested to present such claim in writing to the Company at the following address:

Conroy Baran, LLC  
Attn: Matthew Woolf  
1316 Saint Louis Ave., 2nd Floor  
Kansas City, MO 64101

Required Information for Claims:  
All claims submitted must include:

1. The name, address, and telephone number of the claimant.
2. The amount of the claim.
3. The basis for the claim (e.g., description of the debt, services rendered, or contract).
4. The date the claim arose.
5. Documentation supporting the claim.

Bar Date for Claims: Pursuant to Section 347.141, RSMo, any claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

4154545 MOLW May 13, 2026

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST**

**INDUSTRIAL PARTS MANUFACTURING, LLC**

On April 9, 2026, Industrial Parts Manufacturing, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. Notice is hereby given that the Company is dissolved and has commenced the process of winding up its affairs.

Submission of Claims: Any person or entity having a claim against

the Company is requested to present such claim in writing to the Company at the following address:

Conroy Baran, LLC  
Attn: Matthew Woolf  
1316 Saint Louis Ave., 2nd Floor  
Kansas City, MO 64101

Required Information for Claims:  
All claims submitted must include:

1. The name, address, and telephone number of the claimant.
2. The amount of the claim.
3. The basis for the claim (e.g., description of the debt, services rendered, or contract).
4. The date the claim arose.
5. Documentation supporting the claim.

Bar Date for Claims: Pursuant to Section 347.141, RSMo, any claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

4154547 MOLW May 13, 2026

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND ALL CLAIMANTS AGAINST FRANK WOOD PROPERTIES, LLC**

The name of the limited liability company is Frank Wood Properties, LLC.

The Articles of Organization for Frank Wood Properties, LLC were filed with the Missouri Secretary of State on October 2, 2014.

On April 15, 2026, Frank Wood Properties, LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.

Persons with claims against Frank Wood Properties, LLC should present them in accordance with the following procedure:

- (a) In order to file a claim with Frank Wood Properties, LLC, you must furnish the following:
  - (i) Amount of the claim
  - (ii) Basis for the claim
  - (iii) Documentation of the claim
- (b) The claim must be mailed to:  
Betty J. Wood  
12127 McKelvey Place  
Bridgeton, Missouri 63044

A claim against Frank Wood Properties, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

4154539 MOLW May 13, 2026

**NOTICE OF CORPORATION DISSOLUTION**

To: All creditors of and claimants against WOOD WALLCOVERING, INC.

On April 7, 2026, WOOD WALLCOVERING, INC., a Missouri corporation, Charter Number 00649580, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

All persons or organizations having claims against WOOD WALLCOVERING, INC., are required to present them immediately in writing to:

Gayle Evans, Attorney at Law  
CHINNERY EVANS & NAIL, P.C.  
800 NE Vanderbilt Lane  
Lee's Summit, MO 64064

Each claim must contain the following information:

1. Name and current address of the claimant.
2. A clear and concise statement of the facts supporting the claim.
3. The date the claim was incurred.
4. The amount of money or alternate relief

demanded.

NOTE: CLAIMS AGAINST WOOD WALLCOVERING, INC., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION OF THIS NOTICE.

4154548 MOLW May 13, 2026

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST**

**KACALIEFF MANAGEMENT, LLC**

On April 13, 2026, Kacalieff Management, LLC, a Missouri limited liability company, filed its Notice of Winding Up with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against Kacalieff Management, LLC, you must submit a summary in writing of the circumstances surrounding your claim to--

Kacalieff Management, LLC

Beckemeier LeMoine Law

13421 Manchester Road, Suite 103

St. Louis, MO 63131

The summary of your claim must include the following information:

1. The name, address, and telephone number of the claimant;
2. The amount of the claim;
3. The date on which the event on which the claim is based occurred; and
4. A brief description of the nature of the debt or the basis for the claim.

All claims against Kacalieff Management, LLC will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this Notice.

4155771 MOLW May 13, 2026

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST**

**BLUE BEAR APOTHECARY LLC**

On April 21, 2026, BLUE BEAR APOTHECARY LLC, a Missouri limited liability company, Charter Number LC014506347 (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective as of the filing date.

All persons or organizations having claims against the Company are required to present them immediately in writing to: Kembell

Woods & Martinsen LLP, Attn: Alice M. Haseltine, 5901 College Blvd., Overland Park, Kansas 66211.

Each claim must include: (1) claimant's name and current address; (2) the amount claimed; (3) the date the claim was incurred; and (4) a clear and concise statement of the facts supporting the claim.

NOTE: CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

Date of Publication: May 13, 2026

4156650 MOLW May 13, 2026

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST DYNAMIC LIQUIDATING CORP., INC.**

On April 22, 2026, Dynamic Liquidating Corp., Inc., a Missouri nonprofit corporation ("Corporation"), filed its Articles of Dissolution with the Missouri Secretary of State, effective on the filing date.

All persons and organizations with claims against the corporation must submit a written summary of the claim to Corporation, c/o Frank C. Carnahan, Esq., Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804-4043, including: 1) claimant's name, address and telephone number; 2) claim amount; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the last publication of the two (one each statewide and county) notices authorized by statute.

Date of Publication of this Notice: May 13, 2026

4157701 MOLW May 13, 2026

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST**

**WEBBER PHARMACY, INC.**

On April 6, 2026, Webber Pharmacy, Inc., a Missouri corporation (the "Corporation"), filed its Articles of Dissolution with the Missouri

Secretary of State, effective as of the date of filing by the Secretary of State.

You are hereby notified that if you believe you have a claim against the Corporation, you must submit a summary in writing of the circumstances surrounding your claim to the Corporation at Webber Pharmacy, Inc., c/o Brendan Webber, 1101 W. Monroe St., Ste. 103, Mexico, Missouri 65265. The summary of your claim must include the following information: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; (3) the date of the event on which the claim is based; and (4) a brief description of the nature of the debt or the basis for the claim.

All claims against the Corporation will be barred unless the proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

Date of Publication: May 13, 2026

4159074 MOLW May 13, 2026

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST**

**THE SANCTUARY HOLDINGS LLC**

On April 29, 2026, The Sanctuary Holdings LLC, a Missouri limited liability company, filed its Notice of Winding Up with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against The Sanctuary Holdings LLC, you must submit a summary in writing of the circumstances surrounding your claim to:

Summers Compton Wells LLC  
903 S. Lindbergh Blvd., Suite 200  
St. Louis, MO 63131

The summary of your claim must include the following information:

- 1) The name, address, and telephone number of the claimant;
- 2) The amount of the claim;
- 3) The date on which the event on which the claim is based occurred; and
- 4) A brief description of the nature of the debt or the basis for the claim.

All claims against The Sanctuary Holdings LLC will be barred unless the proceeding to enforce the claim is commenced within 3 years after the publication of this Notice.

4159086 MOLW May 13, 2026

**NOTICE OF COMPANY DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST**

**WOOKIT MEDIA, LLC**

On March 3, 2026, Wookit Media, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State.

All claims against the Company should be submitted in writing to Lori Hubbard, 112 Pendrith St., Toronto, ON M6G 1R7 Canada.

All claims must include: (1) the name and address of the claimant; (2) the amount claimed; (3) the date on which the claim arose; (4) the basis for the claim; and (5) documentation in support of the claim.

All claims against Wookit Media, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

4159093 MOLW May 13, 2026

**NOTICE TO CREDITORS - DISSOLVED LIMITED LIABILITY COMPANY**

**OCOCO DEVELOPMENT VI, LLC**

OCOCO DEVELOPMENT VI, LLC

Missouri Secretary of State Charter:  
LC014338667

Principal Office Address: 9761 Cayton Rd., St. Louis, MO 63101

Notice is hereby given that OCOCO Development VI, LLC (the "Company") filed its Notice of Winding up on March 24, 2026 with the Missouri Secretary of State. The Company is now in the process of winding up its affairs.

All persons or entities having claims against the Company must present them in accordance with the Notice of Winding Up, in writing to the following address:

Lacey R. Searfoss  
Thompson Coburn LLP  
505 N. 7th St., Suite 2700  
St. Louis, MO 63101

Each claim must include: the amount of the claim, the basis for the claim, and documentation of the claim. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

4159102 MOLW May 13, 2026



# Follow the Leaders

Don't just be good at what you do, be great.  
A subscription to Missouri Lawyers Weekly is  
the essential tool you need to help you rise to  
the top.

**Subscribe today and receive 25% off  
the annual subscription price.**

[bit.ly/MOLeaders25](http://bit.ly/MOLeaders25)



**MissouriLawyers**  
EXPERTLY FOCUSED. WIDELY ACCLAIMED. MEDIA  
Offer good for new subscribers only.



# In-House Counsel

MissouriLawyers  
EXACTLY FOCUSED. WIDELY RECLAIMED.  
MEDIA

A Quarterly supplement to  
Missouri Lawyers Weekly



## PATENT LAW, EUROPE IS FINALLY LEARNING FROM THE U.S.

A huge advantage of patenting in the United States was finally eroded. Beginning in 2017, Europe will require patentees to file a "Unified Patent Court" (UPC) with the European Patent Office (EPO) to obtain a patent that can be enforced in all 28 European countries. The UPC will be a single court for all 28 countries, and will be the first time that a single court will have jurisdiction over all 28 countries. The UPC will be a single court for all 28 countries, and will be the first time that a single court will have jurisdiction over all 28 countries. The UPC will be a single court for all 28 countries, and will be the first time that a single court will have jurisdiction over all 28 countries.



By [Author Name]

## WESTERN DISTRICT REVERSES DEFENDANT VERDICT WIN OVER JURY INSTRUCTION

The Western District of Missouri reversed a jury verdict in favor of a defendant in a civil case. The court found that the jury instruction was flawed and that the verdict was not supported by the evidence. The court will now hold a new trial.

## ESTATE PLANNING SOLUTIONS FOR YEAR-END 2022 AND BEYOND

As the year ends, estate planners are looking for ways to take advantage of opportunities in the pending enactment of the Inflation Reduction Act. This article discusses strategies for maximizing tax benefits and minimizing estate taxes.



## Get Yours Today!

For more information, contact Johnny Aguirre at 314-558-3257 or [jaguirre@molawyersmedia.com](mailto:jaguirre@molawyersmedia.com)