HUSCH BLACKWELL



Glennon P. Fogarty

PARTNER

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OVERVIEW

Glennon is a seasoned and trusted advisor to a broad range of public and private companies.

Glennon routinely partners with clients to identify and implement timely, effective solutions to pressing business and legal challenges—including problems those clients have previously found intractable. He frequently collaborates with leading financial services, manufacturing, and technology companies, drawing on deep business and operational knowledge to provide informed, practical counsel.

Where appropriate, Glennon provides clients with discreet, strategic advice to resolve problems without escalating matters through the overt involvement of outside counsel. When those efforts do not achieve the client's goal or are not suitable, he delivers compelling arguments in state and federal courts at the trial and appellate levels, as well as in administrative, arbitration, and bankruptcy proceedings. Glennon generally represents commercial businesses, but has also represented officers, directors, in-house counsel, and senior executives.

While Glennon possesses a rare breadth of knowledge and subject-matter experience, he also collaborates with his many colleagues at Husch Blackwell to leverage the firm’s collective resources nationwide. He regularly works with client teams and with other leading law firms when needed to best serve clients’ goals. He is admitted to practice in Illinois and Missouri and is also admitted to 14 trial and appellate courts across the country.

Industries

Financial Services & Capital Markets
Manufacturing
Technology
Transportation

Services

Advertising & Marketing
Aviation
Class Action Defense
Commercial Contracting
Commercial Litigation
Construction & Design
Construction Litigation
Consumer Financial Services
Consumer Fraud Litigation
Intellectual Property Litigation
Litigation & Alternative Dispute Resolution
Product Liability
Product Safety
State Attorneys General Practice
White Collar, Internal Investigations, & Compliance

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Class Action Litigation | Glennon focuses his practice on defeating class actions, from opening motions through class certification and, if necessary, at the appellate level. His class action experience includes state and federal proceedings involving advertising, bad faith, billing practices, contract interpretation, marketing, securities, unjust enrichment, and warranty claims, as well as defending numerous lawsuits filed under the Telephone Consumer Protection Act (TCPA), the Missouri Merchandising Practices Act (MMPA), and other state unfair and deceptive trade practice statutes.

Representative clients include Brinks Home Security, Forest Pharmaceuticals, General Electric Company, GE Money Bank, GE Consumer Finance, Inc., General Electric Capital Corporation, Globe Life And Accident Insurance, Heritage Home Group, H&R Block, Hobby Lobby, Match (Tinder), Monsanto, Ralcorp, Synchrony Bank, 3 Day Blinds, and Van's International Foods (subsidiary of Tyson Foods).

Glennon frequently serves as lead counsel in class actions and other complex litigation, but he also collaborates as part of national trial teams in conjunction with other leading U.S. law firms.

Commercial Contracting & Distributor Termination | Following his longstanding representation of clients in commercial disputes, Glennon's practice has evolved to encompass those clients' commercial agreements—informed throughout by his experience seeing contract terms tested in litigation. He leads a client service team of transactional attorneys handling commercial agreements for a global technology company and has negotiated a broad range of agreements, including master, distribution, reseller, technology, service, supply, and related agreements, such as those involving highly sophisticated counterparties like Amazon, Apple, Arcelor, Avnet, BNSF, Cisco, John Deere, Nokia, Norfolk Southern, Samsung, Sikorsky, and Union Pacific, among others. His experience spans complex long-term master agreements to clients' day-to-day terms and conditions, all informed by a thorough command of the gap-filling provisions of the Uniform Commercial Code (UCC). He also advises clients on the termination of distributors and distribution agreements, providing guidance on distribution, franchise, and sales representative statutes across all 50 states.

Representative clients include Bayer, Emerson, Heritage Home Group, Laird Connectivity, Laird Technologies, Monsanto, and Nidec.

Commercial Litigation | Glennon represents a variety of financial services, manufacturing, and technology companies in commercial disputes, including matters adverse to leading companies such as Alcatel-Lucent, Avnet, Boston Scientific, CalAmp, Carrier, Caterpillar, Cisco, Ericsson, Ford Motor Company, Huawei, Qualcomm, Sanmina, Siemens, Sierra Wireless, and Stryker. In such disputes, Glennon works closely with in-house counsel and commercial leads, often discreetly so as not to unnecessarily escalate a dispute or to otherwise preserve the underlying supply chain or other commercial relationship. Most commonly, these disputes involve breach of contract, breach of warranty, indemnity, and level-of-service or performance claims.

Construction & Design | Glennon's construction experience spans a variety of commercial, industrial, and municipal projects, including one of the country's largest mass transit systems, the nation's largest cement plant, power plants, and fiber-optic cable relocation. This work encompasses bond, breach of contract, default, defective workmanship, delay, engineering and

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design defect, mechanics' lien, and supply/procurement claims. Recognizing that construction litigation can be particularly disruptive, expensive, and time-consuming even when it produces a favorable ruling, Glennon often works with clients and other project stakeholders to achieve a business or negotiated resolution short of litigation.

Representative clients include Appleton, Combustion Kinetics, Emerson, Fisher Controls, Fisher Regulators, Guarantee Electrical Company, Liebert, Vilter, and Vision Electric.

Financial and Consumer Fraud Litigation | Before returning to private practice, Glennon served as Unit Chief of the Consumer Protection Division of the Missouri Attorney General's St. Louis office, where he directed the investigation and prosecution of advertising, antitrust, consumer, marketing, and unfair practice claims, including multistate investigations coordinated by the National Association of Attorneys General (NAAG) and joint state/federal investigations with representatives of the Federal Trade Commission (FTC). Since returning to private practice, he has continued to review companies' advertising and marketing practices for compliance with state and federal consumer protection statutes. He has also assisted clients with FTC and Attorney General civil investigative demands and related investigations, as well as numerous civil lawsuits asserting unfair and deceptive trade practice claims, including those under the Missouri Merchandising Practices Act. He has addressed a broad array of issues, including advertising review, automobile leasing, counterfeit goods, electronic commerce, health and safety, lending, promotions, and truth-in-lending (TILA) claims, and has handled numerous TCPA and Fair Credit Reporting Act (FCRA) cases.

Intellectual Property & Trade Secret Litigation | Glennon works with client product development and technical leads to address intellectual property and trade secret disputes and litigation. His experience in this area spans a wide range of products and technologies, including patented biotechnology, connectivity and other IoT components, counterfeit and gray-market goods, remote control systems, seed, thermal interface materials, transmitters, and wireless modules. While he frequently assists clients in resolving such disputes prior to litigation, he is counsel of record in more than fifteen reported patent infringement decisions.

Representative clients include Cattron, Laird Connectivity, Laird Technologies, and Monsanto.

Product Liability | Glennon's product liability experience encompasses a wide range of products and technologies, including appliances, biotechnology, boilers, control valves, cryogenic products, electrical equipment, emission controls, fiber-optic cables, ladders, lighting equipment and fixtures, plastic injection molding equipment, manufactured housing, motors, power tools, process control systems, pump systems, remote control systems, scaffolds, signal integrity products, transmitters, valves, and water heaters. These products and technologies serve agricultural, business, commercial, construction, consumer, and industrial applications.
This work frequently involves industry and consensus standards promulgated by the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), CSA, the National Fire Protection Association (NFPA), Underwriters Laboratories (UL), and other standards bodies. Through this work, Glennon has developed significant experience with investigations and lawsuits involving fires, explosions, and fatalities.

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Representative clients include Bayer, Emerson, Laird Connectivity, Laird Technologies, Monsanto, Nidec, Ridge Tool Company, and Robertshaw.

Product Safety | Glennon frequently works with in-house counsel, product safety officers, in-house engineers, and outside consultants when clients face product defect, epidemic failure, and field failure claims, including business-to-business recalls and other corrective actions (i.e., industrial, commercial, and non-consumer products), consumer product recalls and other corrective actions governed by the Consumer Product Safety Commission (CPSC), and safety investigations. This work includes reviews of ANSI, ASTM, CSA, CPSC, Occupational Safety and Health Administration (OSHA), NFPA, Department of Defense (DoD), UL, and other applicable requirements.

Telephone Consumer Protection Act (TCPA) | Because of the uncapped liability associated with TCPA claims, as well as the statutory damages provisions that require no proof of actual harm, class actions alleging TCPA violations routinely expose companies to judgments in the seven-, eight-, or nine-figure range. These lawsuits can arise in a number of contexts, including artificial voice, facsimile, fax, recorded call, MMS, SMS, and text communications. Glennon and a team of colleagues at Husch Blackwell regularly review SMS and other text communications for TCPA compliance. Glennon has advised more than two dozen clients on TCPA claims and compliance.

Advertising & Marketing | Glennon's practice in advertising and marketing law draws on his extensive experience in both the public and private sectors. During his tenure as Unit Chief with the Missouri Attorney General's Consumer Protection Division, he led numerous advertising reviews and prosecuted dozens of false advertising and unlawful merchandising practices enforcement actions. In that role, he also directed Missouri's participation in a wide range of multi-state and joint state/federal investigations, including NAAG matters involving Regulation M, Regulation Z, the Truth in Lending Act (TILA), and various food and nutrition labeling claims.

Since returning to private practice, Glennon has represented clients in a broad array of false advertising and unlawful merchandising practices matters, including private class actions under the Missouri Merchandising Practices Act (MMPA) and proceedings before the Federal Trade Commission and State Attorneys General across multiple jurisdictions. His clients span a diverse range of industries, including credit rating, digital currency, energy infrastructure, financial analytics, financial services, and telecommunications, as well as charities and other non-profit organizations.

Glennon has successfully guided clients through both public enforcement actions and non-public matters, including pre-litigation civil investigative demands from state attorneys general and the FTC. He regularly serves as lead counsel and frequently collaborates with clients' primary outside counsel as local Missouri counsel.

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Experience

- Many of Glennon's cases involve well known class counsel, plaintiff's counsel or other opposing counsel. Click here for a list of other prominent firms involved.
- Obtained summary judgments and/or dismissals for a variety of clients, including manufacturing and technology companies and service providers, in more than two dozen cases with no settlement payment.
- Secured the dismissal of eight class action cases without any settlement payment.
- Recovered more than $3.1 million for creditor/client, notwithstanding the filing of three separate bankruptcies, two by judgment debtors and a third by a partner in one of the debtors.
- Obtained an order compelling the imaging and inspection of a plaintiff's computers and electronic storage devices, requiring plaintiff to answer expedited discovery and providing other relief, all before the Rule 16 Scheduling Conference or the issuance of a case management order. The order also dismissed 20 counts filed against the client and all claims against the client's president. Subsequently, all remaining claims were dismissed and the defendant/client was awarded over $350,000 in fees and costs.
- Compelled arbitration and enforced plaintiffs' contractual class waivers for timeshare client when consumers sought class action alleging fraud and violation of Missouri Merchandising Practices Act (MMPA).
- Successfully defended putative $11,000,000 class action against retail client under Missouri Merchandising Practices Act (MMPA) with removal to federal court and Class Action Fairness Act (CAFA). Case was voluntarily dismissed by plaintiff with no payment by our client.

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Experience

- Glennon has more than 35 reported decisions, including the following:

  - *Thomas Klutho, et al. v. Jim Butler Imports, LLC*, --- F.Supp.3d ----, 2021 WL 2222688 (E.D.Mo. June 02, 2021) (dismissing putative class action alleging violations of the Telephone Consumer Protection Act)
  - *W. Silver Recycling v. Nidec Motor Corporation*, 509 F. Supp.3d 1106 (E.D.Mo. 2020) (granting motion to dismiss breach of contract claims where manufacturer quit using recycler when contract did not contain exclusivity provision)
  - *Parker-Hannifin Corp. v. Laird Technologies, Inc.*, 2020 WL 2405432 (May 12, 2020 (N.D. Ohio May 12, 2020) (rejecting challenges to clients' experts in patent infringement litigation)
  - *Vinny Troia, et al v. Tinder, Inc., Match Group*, 2020 WL 619855 (E.D. Mo. February 10, 2020) (dismissing putative class action alleging violations of the Missouri Merchandising Practices Act, unfair practices, and unconscionability)
  - *Dale Craggs, et al. v. Fast Lane Car Wash & Lube, LLC*, 402 F.Supp.3d 605 (W.D. Mo. 2019) (dismissing breach of contract claim and proposed impermissible fail safe putative class definition)
  - *McLelland v. Ridge Tool Company and Emerson Electric Co.*, 350 F.Supp.3d 773 (W.D. Ark. 2018) (awarding costs to client after prevailing on the merits in tort action)
  - *McLelland v. Ridge Tool Company and Emerson Electric Co.*, 342 F.Supp.3d 851 (W.D. Ark. 2018) (granting summary judgment on plaintiff's failure to warn, manufacturing defect, and design defect claims)
  - *McLelland v. Ridge Tool Company and Emerson Electric Co.*, 340 F.Supp.3d 802 (W.D. Ark. 2018) (excluding plaintiff's mechanical engineering expert witness)

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Experience

- *Marilyn Margulis, et al. v. Generation Life Ins. Co.*, 91 F.Supp.3d 1165 (E.D.Mo. 2015) (Plaintiff's vague allegations failed to state a claim under the Telephone Consumer Protection Act)
- *St. Louis Heart Center, Inc. v. Forest Pharmaceuticals*, 2013 WL 3988671, 2013 U.S. Dist. 109807 (E.D.Mo.) (July 17, 2013)
- *Harvey v. General Electric Company*, 2012 WL 3733582 (clarified in favor of defendants by Dkt. No. 92) (E.D.Mo. 2012)
- *Heller v. HRB Tax Group, Inc.*, 287 F.R.D. 483 (E.D.Mo. 2012)
- *Heller v. HRB Tax Group Inc.*, 2011 WL 4834260 (E.D.Mo.) (October 11, 2011)
- *Trotter v. Mitchell, Maax Spas and Emerson Electric Co.*, 446 F. Supp. 2d 967 (W.D.Ar. 2006)
- *Arnold v. Louisville Ladder Group LLC*, 2004 WL 5572033 (C.D.Ill.) (February 9, 2004)
- *Haynes v. Louisville Ladder Group LLC*, 341 F. Supp. 2d 1064 (E.D.Ar. 2004)
- *Monsanto Co. v. Scruggs*, 342 F. Supp. 2d 568 (N.D.Ms. 2004)
- *Monsanto Co. v. Scruggs*, 342 F. Supp. 2d 584 (N.D.Ms. 2004)
- *Monsanto Co. v. Scruggs*, 342 F. Supp. 2d 602 (N.D.Ms. 2004)
- *Monsanto Co. v. S.B.D. Inc.*, 2004 WL 4965468, 2004 Bankr. LEXIS 2468 (Bkrtcy.E.D.Mo.) (July 6, 2004)
- *Monsanto Co. v. Swann*, 308 F. Supp. 2d 937 (E.D.Mo. 2003)
- *Monsanto Co. v. Scruggs*, 249 F. Supp. 2d 746 (N.D.Ms. 2001)
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Recognition

- *The Best Lawyers in America®*
  - Advertising Law, 2026 and 2027
  - Commercial Litigation, 2027
  - Mass Tort Litigation / Class Actions - Defendants, 2027
- *Missouri Lawyers Media*
  - POWER List for Construction, 2023, 2024, 2026
- *St. Louis Small Business Monthly*
  - Best Attorneys, 2021
- Martindale-Hubbell AV Preeminent

Education

- J.D., Saint Louis University School of Law
  - *magna cum laude*
  - Order of the Woolsack
  - American Jurisprudence Award, Torts
  - Dean Vincent C. Immel Scholarship
  - Judge V. James Ruddy Scholarship
  - *Saint Louis University Law Journal*, Managing Editor, Volume 36; Staff Editor, Volume 35
- B.S.B.A., Saint Louis University
  - Economics
  - *summa cum laude*

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Admissions

- Missouri
- Illinois
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, Central District of Illinois
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Southern District of Indiana
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Missouri
- U.S. District Court, Eastern District of Tennessee
- U.S. District Court, Western District of Tennessee

Community Leadership

- Saint Patrick's Day Parade Committee

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