HUSCH BLACKWELL



Kyle P. Seelbach

PARTNER

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OVERVIEW

Kyle leads the firm's commercial litigation group. He strives to develop and assemble teams that can tackle clients' thorniest disputes, with an ability to distill complex issues into a clear, compelling story for judges, juries, and arbitrators.

Clients value his energy and creativity in getting to the factual bedrock in each case and using that to develop a persuasive narrative that puts them in the best position.

Kyle represents clients in courts and arbitration proceedings across the country—both as plaintiffs and defendants—in complex commercial litigation and class action disputes. He focuses heavily on major contract disputes, business torts, consumer fraud claims, and claims involving fiduciary duties and professional negligence.

He devotes a substantial part of his practice to representing healthcare clients and educational institutions in a range of matters, including class action cases and claims brought under the False Claims Act. Pro bono work is also an essential part of Kyle's practice.

Industries

Education
Healthcare
Life Sciences

Services

340B Drug Pricing Program
Class Action Defense
Commercial Litigation
Consumer Fraud Litigation
ERISA & Employee Benefits Litigation
False Claims Act
Healthcare Litigation
Healthcare Operations
Healthcare Providers
Higher Education
Litigation & Alternative Dispute Resolution

Featured Experience

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Jury Returns Complete Defense Verdict on Breach of Contract Action for $20 Million in Damages

Kyle represented Express Scripts in a breach of contract action brought by a large compounding pharmacy that was part of Express Scripts' provider network. This was one of a slew of cases brought by compounding pharmacies challenging the way Express Scripts managed its relationships with network pharmacies to hold healthcare costs down for Express Scripts' clients and their members.

In this case, the pharmacy claimed Express Scripts wrongfully terminated the parties' contractual relationship, essentially putting the pharmacy out of business almost overnight. Kyle defeated the plaintiff's request for a preliminary injunction to halt the termination. At a trial on the merits, the pharmacy then sought more than $20 million in damages. However, after the trial team demonstrated the widespread misconduct and pattern of abuses by the pharmacy, the jury returned a complete defense verdict after less than one and a half hour of deliberation.

Experience

EDUCATIONAL INSTITUTIONS

- Won complete dismissal of a putative class action alleging that a University breached contracts with students and was unjustly enriched by not providing refunds after moving to fully virtual learning based on the COVID-19 pandemic. Delisle v. McKendree University, 2021 WL 4402474 (S.D. Ill. Sept. 27, 2021).
- Defended a culinary school and its corporate parent in a consumer fraud class action and a series of related arbitrations in Portland, Oregon.
- Won complete victory for private-sector career college and its corporate parent in a groundbreaking False Claims Act suit in federal district court in Milwaukee, Wisconsin. Relator sought damages of over $100 million. After significantly reducing the scope of the case on jurisdictional grounds, *United States ex rel. Nelson v. Sanford-Brown, Ltd.*, 27 F. Supp. 3d 940 (E.D. Wis. March 17, 2014), obtained summary judgment on all remaining claims. (30 F. Supp. 3d 806 E.D. Wis. June 13, 2014). Affirmed on appeal. 788 F.3d 696.

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Experience

- Defeated class certification in consumer fraud case against national postsecondary education provider. Case was pending in Madison County, Illinois, and involved claims that our client violated Illinois Consumer Fraud Act and Private Business and Vocational Schools Act by failing to provide accurate information to prospective students over seven-year period. Plaintiffs demanded $20 million to settle. State appeals court held that class certification was improper. Case was then dismissed.
- Obtained complete defense award in arbitration brought against private sector college client for claims of fraud and breach of contract. Shortly thereafter, obtained dismissal of similar claim pending in different arbitration proceeding on eve of scheduled hearing. Outcomes led to favorable settlements of over a dozen additional claims in arbitrations that were set for hearings over the following six-week period.
- Defended private sector college against consumer fraud claims in five-week trial in Clay County, Missouri. Plaintiffs, five former students of client's school, sought more than $10 million in damages and $3 million in attorneys' fees. After less than one full day of deliberation, jury returned complete defense verdict on four plaintiffs and awarded the fifth plaintiff damages of under $8,000. Trial court denied plaintiffs' counsel's request for fees. Result was affirmed on appeal.
- Served as lead defense counsel for private sector college in an arbitration involving allegations of disability discrimination and fraud. Claimant sought several million dollars. Arbitrator returned a complete defense award.

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Experience

HEALTHCARE

- Trial counsel for Express Scripts in a breach of contract claim brought by a large compounding pharmacy, challenging Express Scripts' right to terminate its contractual relationship with the pharmacy. Defeated plaintiff's request for a preliminary injunction to halt the termination. *Alternative Medicine and Pharmacy, Inc. v. Express Scripts, Inc.*, 2014 WL 4988199 (E.D. Mo. Oct. 7, 2014). At a week-long trial on the merits, pharmacy sought more than $20 million in damages. Jury returned a complete defense verdict after less than an hour and a half of deliberations.
- Successfully defended Air Evac EMS – an air medical transport company – in a putative class action alleging that the Air Evac's membership program, an essential part of the company's business, violated the Illinois Consumer Fraud and Deceptive Business Practices Act. Case was pending in the U.S. District Court for the Southern District of Illinois, where the plaintiff's lawyer had recently stepped down as the Chief District Judge. Obtained summary judgment near the outset of the case on federal preemption grounds, prior to any class certification activity and with minimal discovery. *Concovich v. Air Evac EMS, Inc.*, 2016 WL 843276 (S.D. Ill. March 4, 2016).
- Lead counsel for Air Evac EMS in a putative nationwide class action alleging that Air Evac had systematically breached contracts and misled consumers in its marketing materials. Obtained summary judgment prior to class certification on 6 out of 8 counts (including all of the fraud-related claims), with the Court ruling that the named plaintiff could only seek nominal damages for the remaining counts. *Pratt v. Air Evac Lifeteam*, 329 F. Supp. 3d 722 (W.D. Mo. July 16, 2018). Case then settled prior to any motion for class certification.
- Successfully defended pharmaceutical manufacturer in U.S. International Trade Commission (ITC) against competitor's claim that generic drug was marketed unfairly.

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Experience

PROFESSIONAL LIABILITY AND FIDUCIARY DUTY CLAIMS

- Successfully defended major professional services firm in a series of related accounting malpractice actions. Plaintiffs initiated suits in 2011 and sought millions of dollars in damages. After substantial discovery revealed that plaintiffs' owners and officers had made multiple misrepresentations, both in the course of the client's work for the plaintiffs and during the lawsuit, the plaintiffs voluntarily dismissed the lawsuits in 2015 with prejudice.
- Currently representing closely held business and its owner in litigation against former officers and directors, claiming that the officers and directors breached fiduciary duties and defrauded the owner.

PRO BONO

- Lead trial counsel for a 19–year-old man who faced 12 criminal counts and a possible prison term of 15 years to life. Jury returned a verdict of not guilty on all counts.
- Represented disabled individual and his legal guardians in effort to obtain assisted living and therapy benefits under the Medicaid waiver program. After filing administrative action and aggressively pursuing discovery against the State of Missouri, the matter settled with the client receiving complete requested benefits under the program.

Recognition

- *Benchmark Litigation,* Local Litigation Star, 2026
- Association of Corporate Counsel, Value Champion, 2017
- Missouri & Kansas Super Lawyers, Rising Star, 2014

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Education

- J.D., University of Illinois College of Law
  - *summa cum laude*
  - Order of the Coif
  - *University of Illinois Law Review*, notes and comments editor
- B.A., University of Illinois
  - *cum laude*
  - Political Science

Admissions

- Missouri
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Illinois
- Illinois
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Missouri
- U.S. District Court, Eastern District of Wisconsin

Clerkship

The Hon. Marvin E. Aspen, U.S. District Court, Northern District of Illinois, 2004-2005

Community Leadership

- St. Joseph Institute for the Deaf, Board Member

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2026 Benchmark Litigation - Litigation Star

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