HUSCH BLACKWELL

Jason Husgen

SENIOR COUNSEL

ST. LOUIS, MO
PHONE: 314.480.1921
EMAIL: JASON.HUSGEN@HUSCHBLACKWELL.COM

OVERVIEW

Sharp, thorough, and deeply knowledgeable, Jason tackles complex commercial disputes as part of a well-oiled litigation team.

Jason thrives on the intricacies of hard-fought advocacy, regularly representing large companies in federal and state courts at both the trial and appellate levels. His nationwide practice spans individual and class action disputes, focusing heavily on contract litigation, business torts, and other significant commercial issues—including antitrust, consumer fraud, trade secret misappropriation, and false advertising. Beyond the courtroom, he frequently advises businesses on pricing policies, e-commerce issues, and distribution and supply chain management.

Jason's ability to build lasting relationships often makes him the first phone call for clients facing difficult legal problems. He provides practical answers on everything from antitrust compliance to the finer points of civil procedure. A true collaborator, Jason pairs litigation team leadership with hands-on precision. He guides sophisticated case strategy, conducts rigorous legal analysis, and crafts critical briefs, bringing clear judgment and effective solutions to demanding, high-stakes litigation.

Industry

Healthcare

Services

Antitrust & Competition
Antitrust Counseling & Compliance
Antitrust Litigation
Appellate
Class Action Defense
Commercial Litigation
Financial Services Litigation
Healthcare Litigation
Intellectual Property Litigation
Litigation & Alternative Dispute Resolution
Pharmacy
Securities & Corporate Governance
Trade Secrets & Business Information Protection

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Case Study

Express Scripts, Inc.

ESI prevailed against antitrust allegations, and then turned its counterclaims into a $20 million judgment.

Experience

ANTITRUST LITIGATION

- Won judgment for pharmacy benefit manager in antitrust dispute over termination of network pharmacy agreement. Successfully transferred action from New York to Missouri; persuaded Missouri court that core of dispute was parties' contract, not pharmacy's antitrust and business tort claims; and demonstrated on summary judgment that pharmacy's breaches gave client right to terminate pharmacy.
- Secured dismissal of group boycott claim against regional health system, alleging that health system conspired with orthopedist groups to exclude podiatrists from providing certain services within health system.
- Obtained early dismissal of antitrust dispute brought by healthcare provider, alleging that pharmacy benefit manager conspired with competitor-owned mail-order pharmacies, and leveraged own market power, to exclude independent mail-order pharmacies from provider network. Secured affirmance of dismissal before Eighth Circuit Court of Appeals.
- Achieved favorable settlement of price discrimination claims against seller of genetically engineered agricultural products.
- Represent pork processor in antitrust class action seeking treble damages for alleged conspiracy to raise pork prices by reducing supply and exchanging competitively sensitive information among pork processors.

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Experience

APPELLATE LITIGATION

- Prevailed on appeal in antitrust-connected subpoena enforcement action involving separate proceedings against competing pharmacy benefit managers. The Ninth Circuit Court of Appeals held, on matter of first impression, that Federal Arbitration Act (FAA) does not grant arbitrators the power to compel production of documents from nonparties outside the context of a hearing.
- Secured judgment on appeal in favor of developer and operator of publicly funded transportation project. The Missouri Court of Appeals held that plaintiffs unreasonably delayed in bringing their legal challenge to the project.
- Obtained appellate victory in lawsuit against multinational drug company, as to Alien Tort Statute (ATS) claims brought by Nigerian children and their guardians. The Second Circuit Court of Appeals held that allegations that experimental antibiotic testing, without consent or knowledge, stated an ATS claim, because such testing violated universally accepted norms of customary international law.

CLASS ACTION LITIGATION

- Achieved dismissal of 15-year-old putative class action against multiple pharmacy benefit managers, because plaintiffs destroyed evidence during course of litigation that was material to their substantive claims. Successfully defended dismissal on appeal before the Ninth Circuit Court of Appeals, where plaintiffs attempted to revive the suit by challenging a decade-old summary judgment order in the case.
- Defeated class action against life insurance company by winning summary judgment on named plaintiff's individual claim, establishing that misrepresentations on plaintiff's policy application barred recovery. Successfully defended grant of summary judgment before Sixth Circuit Court of Appeals.

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Experience

- Secured victory on motion to compel individual arbitration of putative consumer fraud class action, brought by user of online dating application. Application's hybridwrap (or sign-up wrap) interface method for obtaining online consent to terms and conditions created valid agreement, obligating user to individually arbitrate his claims.
- Won summary judgment for healthcare client in putative class action brought under Telephone Consumer Protection Act (TCPA), concerning informational employee benefits faxes. Successfully defended judgment on appeal before the Sixth Circuit Court of Appeals.
- Represented former board member of leading insurance company in companion shareholder derivative and securities fraud class action lawsuits, where plaintiffs alleged that company misstated its financial performance in order to mislead investors about its financial condition.

FINANCIAL LITIGATION

- Defended software company executive in Securities and Exchange Commission (SEC) enforcement action, involving alleged accounting irregularities and improper revenue recognition practices by company and certain of its executives.
- Successfully litigated dispute arising out of cross-border joint venture before the London Court of International Arbitration (LCIA), and later in federal court, where recognition and enforcement of the LCIA's arbitration award in favor of client were sought.

HEALTHCARE LITIGATION

- Won complete defense verdict for healthcare client in contract dispute, where plaintiff sought more than $20 million in damages for alleged wrongful termination of parties' agreement.
- Secured dismissal of multimillion-dollar suit by healthcare provider against pharmacy benefit manager, arising out of claims pharmacy benefit manager administered on behalf of U.S. Department of Defense (DOD). Federal district court held that provider's claims were barred by its failure to first pursue and exhaust administrative remedies before DOD.

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Experience

- Defeated pharmacy's request for injunction seeking to stop client, a pharmacy benefit manager, from terminating pharmacy from client's provider network for multiple contractual violations.

INTELLECTUAL PROPERTY LITIGATION

- Defeated motion for preliminary injunction sought by plaintiff building products distributor against its competitor and certain of plaintiff's former executives who had joined competitor. Plaintiff failed to demonstrate likelihood of success on merits of its trade secret misappropriation and breach of employment agreement claims.
- Successfully defended leading manufacturer and marketer of sporting goods in license agreement dispute with developer of baseball gear technology.

PRO BONO

- Prosecuted multiple appeals on behalf of indigent criminal defendants.
- Achieved successful outcomes, including withholding of removal and dismissal of removal proceedings, for individuals and families seeking asylum in United States.

Recognition

- American Bar Foundation, Fellow
- Association of Corporate Counsel, Value Champion, 2017
- Missouri Bar, Pro Bono Wall of Fame, 2014-2019

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Education

- J.D., New York University School of Law
- A.B., Stanford University
    - Psychology
    - Departmental Honors

Admissions

- Missouri
- New York
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit

Clerkship

The Hon. Jean C. Hamilton, U.S. District Court, Eastern District of Missouri

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Community Leadership

Jason frequently works on asylum cases and is involved with the Migrant and Immigrant Community Action (MICA) Project in St. Louis. He focuses on linking local public interest organizations and their clients with pro bono attorneys, as a board member of The Bar Association of Metropolitan St. Louis. Jason recognizes the value pro bono work provides, not only for his community but for young associates working on career development. Jason is a go-to source for connecting new attorneys with the numerous pro bono initiatives the firm offers.

Husgen Named Fellow of
American Bar Foundation

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