HUSCH BLACKWELL

Michael J. Tolles

SENIOR COUNSEL

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OVERVIEW

Mike represents clients from municipalities and State districts to major corporations, successfully defending their business goals and safeguarding them from claims in State and Federal courtrooms.

As a commercial litigator in the firm's Real Estate, Development and Construction industry sector, Mike regularly handles commercial contract and real estate litigation matters involving condemnation, nuisance properties, breach of contract, municipal regulations, and other issues. He is a skilled negotiator and strategic litigator, experienced in the nuances of complex courtroom cases involving both governmental and corporate stakeholders. Recent achievements include:

- Defending a Missouri municipality in two related section 1983 cases in the United States District Court for the Eastern District of Missouri. Mike was principally responsible for litigation strategy, pleadings, motions and discovery and personally authored all briefing submitted on behalf of the defense. One of the two cases was dismissed with prejudice after extensive briefing. In the other case, all of the individually-named defendants were dismissed from the case on the Defendant's motion, while approximately half of the claims against the defendant municipality were also dismissed. A settlement in

Industry

Real Estate, Development, & Construction

Services

Commercial Litigation

Construction Litigation

Litigation & Alternative Dispute Resolution

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principle was recently reached regarding the remaining claims, after mediation and approximately 16 months of litigation.

- Successfully defended a national telecommunications company sued for allegedly assessing improper tax charges. Mike was principally responsible for defense strategy and authored and argued a motion for summary judgment on the basis that the plaintiff had failed to comply with the requirements of the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 116, et seq., as well as Missouri's state statute on challenges to mobile telecommunication tax assessment. The motion for summary judgment was granted and upheld on appeal.

Mike has successfully resolved matters through contested courtroom and hearing litigation, mediation, and negotiated settlements. He is experienced in representing clients in a variety of federal cases involving patent, trade dress, trademark, and related commercial contract issues in United States Federal District Court located in Missouri, Illinois and multiple other states, and before the United States Trademark Trial and Appeal Board.

Experience

- Defending a Missouri municipality in two related section 1983 cases in the United States District Court for the Eastern District of Missouri. Mike was principally responsible for litigation strategy, pleadings, motions and discovery and personally authored all briefing submitted on behalf of the defense. One of the two cases was dismissed with prejudice after extensive briefing. In the other case, all of the individually-named defendants were dismissed from the case on the Defendant's motion, while approximately half of the claims against the defendant municipality were also dismissed. A settlement in principle was recently reached regarding the remaining claims, after mediation and approximately 16 months of litigation.
- Successfully defended a national telecommunications company sued for allegedly assessing improper tax charges. Mike was principally responsible for defense strategy and authored and argued a motion for summary judgment on the basis that the plaintiff had failed to comply with the requirements of the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 116, et seq., as well as Missouri's state statute on challenges to mobile telecommunication tax assessment. The motion for summary judgment was granted and upheld on appeal.

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Experience

- Participated as part of a successful team effort in defending against two purported class-action lawsuits in federal court against a government contractor operating in two Missouri municipalities. The lawsuit alleged that the government contractor had improperly received motorist fines and was engaged in the unauthorized practice of law and/or had improperly assumed government functions. As part of the litigation team, I drafted the motions for these cases and conducted all of the research. The client received a judgment on the pleadings in both cases resulting in complete dismissals.
- Served as co-counsel for a water supply management and operations company against a government special water district in commercial contract litigation. The parties, longtime collaborators, entered into litigation regarding the terms of their commercial operating agreement. Responsible for all briefing and preparation and delivery of oral argument at the parties' motion for judgment on the pleadings/contract. The case settled on favorable terms shortly thereafter.
- Regularly assisting with the representation of local levee, drainage, and flood control districts organized under Missouri and Illinois statutes in court proceedings for condemnation, property acquisition and regulatory matters. Representing several levee districts, as part of a team, in responding to allegations arising out of the federal Rivers and Harbors Appropriation Act, 33 U.S.C. § 408.
- Represented a liquor supplier as co-counsel in a federal breach of contract action against another major liquor supplier in the United States District Court for the Northern District of Illinois. Was responsible for all of the discovery and motion practice in the case and along with one other attorney responsible for all aspects of witness and trial preparation, culminated in a three-day bench trial in Chicago.

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Recognition

- *The Best Lawyers in America®*
  - Commercial Litigation, 2024-2027
  - Litigation - Real Estate, 2025-2027
- Missouri Bar Pro Bono Wall of Fame, 2012, 2016-2019

Education

- J.D., Washington University in St. Louis School of Law
  - *Global Studies Law Review*, Associate Editor
- B.A., Washington University in St. Louis
  - History

Admissions

- Missouri
- Illinois

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