HUSCH BLACKWELL

Christopher A. Smith

PARTNER

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OVERVIEW

Clients count on Chris to handle the legal problems they've been told can't be solved.

An accomplished litigator, he has led teams to victory in dozens of class actions and bet-the-company cases in state and federal trial and appellate courts across the country. His favorite cases are the thorny ones that other attorneys believe can't be won: Chris is passionate about creative solutions, and he loves nothing more than developing an innovative legal strategy or finding a better way to present an argument.

The sort of thinker who simply can't stop until he's fully solved a problem, Chris finds it truly exciting to dive into a new case and learn everything he possibly can about a client's business. He's known for his dedication to delivering the innovation clients seek, and he has been at the forefront of focused Legal Project Management (LPM) initiatives. Chris won national recognition by the Association of Corporate Counsel for an innovative LPM collaboration with client Express Scripts.

Chris's successes include everything from consumer fraud, antitrust, ERISA, TCPA, government disputes and securities class actions to multidistrict litigation and complex commercial disputes. While he works with clients in a variety of industries, he has a special focus on healthcare. With doctors and nurses among his siblings, it's a natural fit, but it's also a field Chris loves: he's

"Chris Smith is very creative and strategic."

— Chambers USA 2026

Industry

Healthcare

Services

Antitrust & Competition
Antitrust Litigation
Appellate
Artificial Intelligence
Bid Protests
Class Action Defense
Commercial Litigation
Consumer Financial Services
Consumer Fraud Litigation
Data Privacy & Cybersecurity
Digital Health
ERISA & Employee Benefits Litigation
Healthcare Litigation
Healthcare Operations
Healthcare Providers
Litigation & Alternative Dispute Resolution
Pharmacy

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excited about the good that healthcare providers do, and he feels privileged to assist with the mission of patient care.

Case Study

Express Scripts, Inc.

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

Experience

- Summary judgment in putative class action brought by health and welfare fund trustees against pharmacy benefit managers for breach of fiduciary duty. *Lynch v. National Prescription Administrators, Inc., et al.*, No. 03-CV-1303-GBD, 2019 WL 761194 (S.D.N.Y. 2019)
- Dismissal with prejudice of antitrust claims brought by pharmacy services administrative organization (PSAO) against pharmacy benefit manager *Wholesale Alliance, LLC v. Express Scripts, Inc.*, No. 4:18-cv-01015-AGF, 2019 WL 423378 (E.D. Mo. 2019)
- Dismissal with prejudice of broad antitrust claims brought against pharmacy benefit manager. *Park Irmat Drug Corp. v. Express Scripts Holding Company*, 310 F.Supp.3d 1002 (E.D. Mo. 2018); aff'd, 911 F.3d 505 (8th Cir. 2018)
- Trial counsel in antitrust and breach of contract litigation brought by one of the largest compound pharmacies against multiple pharmacy benefit managers. Plaintiffs sought over $120M in damages. After defeating plaintiffs' claims, we obtained a judgment on over $20M in counterclaims against plaintiffs. *HM Compounding Services, LLC, et al. v. Express Scripts, Inc.*, 349 F.Supp.3d 781 (E.D. Mo. 2018); see https://www.law360.com/competition/articles/1123083

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Experience

- Case terminating sanctions against putative class plaintiffs in pharmacy litigation against pharmacy benefit managers. *Jerry Beeman & Pharmacy Services, Inc., et al. v. Caremark, Inc., et al.*, 322 F.Supp.3d 1027 (C.D. Cal. 2018)
- $14M summary judgment against physicians in contract disputes over prescription medication. *Priority Healthcare Distribution, Inc. v. Choksi, et al.* (Mo. Cir. Ct. 2018)
- Dismissal with prejudice of putative class action against university and its Board of Trustees for alleged breach of fiduciary duty and violations of ERISA relating to retirement investments. *Davis v. Washington University in St. Louis, et al.*, No. 4:17-cv-1785, 2018 WL 4684244 (E.D. Mo. 2018)
- Precedent setting ruling on power of arbitrators to compel non-party production of documents and records. *CVS Health Corp. v. Vividus, LLC*, No. MC-15-00093-PHX, 2016 WL 3227160 (D. Ariz. 2016); aff'd, 878 F.3d. 703 (9th Cir. 2017)
- Class certification denied in putative pharmacy fee study class action. *Beeman, et al. v. TDI Managed Care Services, Inc., et al.*, No. 5:02-cv-01327-VAP-KK (C.D. Cal. Nov. 10, 2016)
- Summary judgment for defendant on all claims in putative nationwide Telephone Consumer Protection Act (TCPA) class action. *Roberts v. Medco Health Solutions, et al.*, No. 4:15-cv-1368-CDP (E.D. Mo. July 26, 2016)
- Dismissal of putative antitrust claims seeking over $1B in alleged damages relating to termination of compound pharmacy. *Sorkins Rx. v. Express Scripts, Inc.* (E.D. Mo. 2016); see https://www.bizjournals.com/stlouis/blog/health-care/2015/01/express-scripts-facing-antitrust-contract.html
- Class certification denied in putative multidistrict class action alleging violations of ERISA, breach of fiduciary duty, and consumer fraud, against a Fortune 100 pharmacy benefits management company. *In re Express Scripts, Inc., PBM Litigation*, No. 4:05-mdl-01672-HEA, 2015 WL 128073 (E.D. Mo., Jan. 8, 2015)

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Experience

- Summary judgment for defendant on all claims in putative class action for alleged violations of the Telephone Consumer Protection Act (TCPA). *Sandusky Wellness Center, LLC v. Medco Health Solutions, Inc.*, No. 3:14cv00583, 2014 WL 6775501 (N.D. Ohio, Dec. 2, 2014)
- Summary judgment in putative nationwide class action alleging violations of the Telephone Consumer Protection Act (TCPA). On an issue of first impression in the Eastern District of Missouri, the Court entered summary judgment on Defendant's "express consent" defense and held as a matter of law that by providing her number in conjunction with the health benefits she received, Plaintiff had expressly consented to be called about those services. *Elkins v. Medco Health Solutions, Inc.*, No. 4:12-cv-2141-TIA, 2014 WL 1663406 (E.D. Mo. Apr. 25, 2014)
- Summary judgment in favor of client, a Fortune 100 pharmacy benefits management company, in putative consumer fraud class actions and multi-district litigation. *In re Express Scripts, Inc., PBM Litigation*, No. 4:05-mdl-1672-HEA (E.D. Mo. March 31, 2014)
- Trial counsel in prosecution of claim for misappropriation of trade secrets against "big four" accounting firm. After a three-day preliminary injunction hearing, the Court entered broad injunctive relief prohibiting the internal and external dissemination of any information obtained from client's computer systems. *Express Scripts, Inc. et al. v. Ernst & Young LLP, et al.*, No. 13SL-CC00537 (Mo. Cir. Ct., Dec. 10, 2013)
- Summary judgment in favor of client in putative class action alleging unauthorized practice of law and consumer fraud. *Klingel v. DAS Acquisition Co., LLC d/b/a USA Mortgage*, No. 4:12cv1194-JCH, 2013 WL 490963 (E.D. Mo. Feb. 8, 2013)
- Trial counsel for Express Scripts, Inc. in confidential arbitration proceeding before the American Arbitration Association (AAA). The case was related to the high-profile business dispute between Walgreen Co. and Express Scripts. *Express Scripts Inc. v. Walgreen Co.*, American Arbitration Association, Case No. 51-193-Y1144-11

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Experience

- Dismissal with prejudice of putative securities fraud class action against financial institution and its officers. *Scott v. Enterprise Financial Services Corp.*, et al., 947 F. Supp. 2d 1021 (E.D. Mo. 2013)
- Dismissal of all claims in putative consumer fraud class action for alleged improper and deceptive fees. *Flath v. Barnes-Jewish Hospital et al.*, (No. 1222-CC0128001, Mo. Cir. Ct. 2013)
- Summary judgment in favor of lender on all claims in putative consumer fraud class action for alleged improper billing. *Hargis v. JLB Corp.*,(No. 09-CC00676-01, Mo. Cir. Ct. 2013)
- Trial counsel in successful defense healthcare company in federal court actions alleging unfair competition, misappropriation of trade secrets, Lanham Act violations, and breach of contract. After denying plaintiffs' request for injunctive relief, all claims against our client were dismissed with prejudice. *Meritain Health, Inc., et al. v. Express Scripts, Inc.*, No. 4:12-cv-266-CEJ (E.D. Mo. 2012)
- Summary judgment on all claims in putative class action lawsuit alleging consumer fraud and unauthorized practice of law against a national mortgage lender. *Westerfeld v. Independent Processing LLC and Provident Funding Associates LP*, No. 4:09-CV-01674-JAR, 2012 WL 1684500 (E.D. Mo. 2012)
- Class certification denied and summary judgment in favor of clients on all claims. *City of Paterson, et al. v. BeneCard Services, et al.* (No. L-005908-02, N.J. Super. Ct.)
- Dismissal of putative class action lawsuits asserting broad consumer fraud claims. *Pharmacy Benefit Managers Cases* (California Judicial Coordination Proceeding No. 4307)
- Summary judgment in favor of client, a Fortune 100 pharmacy benefits management company, in multi-million dollar contract dispute. *Fidelity Insurance Co., et al. v. Express Scripts, Inc. et al.*, No. 4:03-cv-1521-HEA, 2011 WL 2669323 (E.D. Mo. July 7, 2011)

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Experience

- Dismissal of putative plaintiff and defendant class action case alleging improper medical billing practices and consumer fraud. *Powell v. Washington University*, No. 1122-CC0050 (Mo. Cir. Ct. 2011)
- Summary judgment on broad contract and consumer fraud claims in a putative class action lawsuit purporting to represent more than 50,000 pharmacies. *Pearson's Pharmacy, et al. v. Express Scripts Inc.*, 2009 WL 3623395 (M.D. Ala. 2009); aff'd, 2010 WL 1841877 (11th Cir. 2010)
- Class certification denied and summary judgment entered in favor of clients on claims for violation of New Jersey Consumer Fraud Act. *International Association of Firefighters Local 22, et al. v. National Prescription Administrators et al.* (No. L-03216-02, N.J. Super. Ct.)
- Summary judgment in favor of client, a Fortune 100 pharmacy benefits management company, and class certification denied in broad putative class action case. *Inola Drug v. Express Scripts Inc.*, 2009 WL 801838 (N.D. Okla. 2009); 2010 WL 3033628 (10th Cir. Aug. 4, 2010)
- Dismissal of a series of consolidated securities class action lawsuits on behalf of Fortune 100 pharmacy benefits client. In re *Express Scripts Inc. Securities Litigation*, 2010 WL 2671456 (E.D. Mo. 2010)
- Class certification denied and summary judgment granted in favor of client, a Fortune 100 pharmacy benefits management company, on key Employee Retirement Income Security Act (ERISA) claims. In re *Express Scripts Inc. PBM Litigation*, 2008 WL 2952787 (E.D. Mo. 2008)
- Dismissal of putative class action case on the pleadings and obtained favorable outcome on appeal for healthcare management company. *Bradley v. First Health Services Corp.* No. B185672, 2007 Cal. App. LEXIS 1625 and 2007 Cal. LEXIS 6365 (Cal. Ct. App. 2007)

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Experience

- Secured victory in the U.S. Court of Appeals for the Seventh Circuit on behalf of Group Health Cooperative of South Central Wisconsin in a matter originally filed as a class action in the U.S. District Court for the Western District of Wisconsin involving allegations of violations of the federal and Wisconsin Mental Health Parity and Addiction Equity Act and the Employee Retirement Income Security Act (ERISA).

Recognition

- *Benchmark Litigation*
  - Local Litigation Star, 2021-2026
  - Future Star, 2015-2020
  - Under 40 Hot List, 2016-2017
- *The Best Lawyers in America*®, Litigation - Antitrust, 2025-2027
- *Chambers USA*, Healthcare, 2023-2026
- Association of Corporate Counsel, Value Champion, 2017
- Missouri & Kansas Super Lawyers, Business Litigation, Rising Star, 2012-2015
- Martindale-Hubbell AV Preeminent

Education

- J.D., University of Texas School of Law
  - *Texas Review of Law & Politics*, editor
- B.A., University of Tulsa
  - *magna cum laude*
  - Philosophy
  - Phi Beta Kappa

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Admissions

- Missouri
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Northern District of Illinois
- 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
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Eleventh Circuit

Community Leadership

- SSM Health Cardinal Glennon Children's Foundation, Board of Governors
- University City Historic Preservation Counsel

2026 Benchmark Litigation - Litigation Star

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