HUSCH BLACKWELL



# Matthew D. Knepper

**PARTNER**

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**OVERVIEW**

## Matt is an experienced litigator in the healthcare reimbursement and class action spaces.

Matt divides his practice between representing pharmacies and healthcare providers in disputes related to payment for services or products, representing payors in cases brought against them, and defending against class action suits. He has especially extensive experience with reimbursement litigation in the healthcare industry for both medical and pharmaceutical services, regularly handling disputes regarding reimbursement qualifications and reimbursement levels. Matt works with commercial clients as well as clients who administer Medicaid and Medicare plans. He also has significant experience in the defense of government contracts awarded to healthcare companies for benefit management.

For many clients, Matt oversees large-scale case management for multi-district litigation and similar mass actions. He serves as the Husch Blackwell team lead on these cases, while coordinating and working closely with co-defendants' co-counsel, as well as local counsel across the country and the client's own internal team.

Matt's class action work focuses on privacy issues, including data breaches and the Telephone Consumer Protection Act (TCPA). He has successfully defended both large Fortune 500 companies as well as small, privately-held businesses accused of allegedly sending unsolicited text messages, facsimiles and calls to cellular and residential phones. Matt has also assisted in petitioning the FCC on behalf of his clients, and he regularly advises clients about compliance with other privacy laws and regulations.

## Industry

Healthcare

## Services

Bid Protests
Commercial Litigation
Consumer Fraud Litigation
Healthcare Litigation
Healthcare Operations
Healthcare Providers
Litigation & Alternative Dispute Resolution
Medicaid Reimbursement Strategies
Pharmacy
Product Liability

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With a focus on healthcare for much of his career, Matt truly enjoys the deep dives his cases require into the medical field, the sciences and physician practices. He's passionate about working in an industry that has a major impact on people's lives, and he aims to use his industry knowledge to find the best argument possible in a client's favor. Known as a creative problem solver, Matt is always determined to examine every angle of a case, rather than simply follow a standard litigation template. He knows that each case is unique, and he has a gift for sorting through complex details to uncover a client's best defense.

## Experience

- Successfully recovered improperly withheld Medicare Part D subsidies on behalf of physician group in lawsuit alleging that over $4 million in subsidies were wrongfully withheld by insurance company. *Southside Comprehensive Medical Group v. UnitedHealthcare of the Midwest, Inc.,* Cause No. 16SL-CC02570 (St. Louis County, 2017).
- Obtained summary judgment in nationwide putative class action filed against pharmacy client accused of initiating prerecorded calls to consumers in violation of the TCPA. In the first federal decision to apply the TCPA's emergency purpose exception, the court held that because the calls involved the health and safety of consumers, they were not subject to TCPA penalties. *Roberts v. Medco Health Sols, Inc.*, No. 4:15-cv-13680CDP, 2016 WL 3997071 (E.D. Mo., July 26, 2016).
- Obtained summary judgment for defendant accused of sending unsolicited fax advertisements in violation of the TCPA. The federal court found, as a matter of law, that the healthcare communications at issue did not constitute "advertisements" and therefore did not support a claim under the TCPA. *Sandusky Wellness Center, LLC v. Medco Health Solutions, Inc.,* No. 3:14CV00583, 2014 WL 6775501 (N.D. Ohio, Dec. 2, 2014). The decision was upheld in its entirety in a lengthy opinion by the Sixth Circuit Court of Appeals. Appeal No. 14-4201, 2015 WL 3485900 (6th Cir. June 3, 2015).
- Successfully defended law firm accused of sending unsolicited text messages in violation of the TCPA. The lawsuit, which was filed as a putative class action, was completely dismissed on February 24, 2015. *Ronald Theby, v. Midwest Disability, P.C.*, No. 14SL-CC04176 (St. Louis Cnty Cir. Ct.).

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## Experience

- Obtained summary judgment for large pharmacy benefit manager (PBM) in nationwide putative class action alleging violations of the TCPA. On an issue of first impression in the Eastern District of Missouri, the Court entered summary judgment on PBM'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*, No. 4:12-CV-2141-TIA, 2014 WL 1663406 (E.D. Mo. Apr. 25, 2014)
- Secured dismissal with prejudice on behalf of pharmacy client in a pharmaceutical tort/failure to warn case in federal court involving the drug Reglan/metoclopramide. *Ward et al. v. Wyeth Inc., et al.* No. 4:14-CV-00170 (E.D. Mo. 2014)
- Prosecuted claim for misappropriation of trade secrets against "big four" accounting firm in case stemming from the theft of healthcare client's proprietary business operations documents. After a three-day preliminary injunction hearing, the Court entered broad 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 (St. Louis Cnty Cir. Ct., Dec. 10, 2013)
- Represented mail-order pharmacy in putative class action seeking damages and injunctive relief against client as well as the manufacturer of certain generic pharmaceuticals alleged to contain pieces of glass. After preliminary injunction was denied, all claims against pharmacy defendant were dismissed. *Fenwick v. Ranbaxy Pharmaceuticals, Inc. et al.*, No. 3:12-CV-07354-PGS-DEA (D.N.J. 2013)
- Successfully defended healthcare company in federal court action alleging unfair competition, misappropriation of trade secrets, Lanham Act violations and breach of contract. After hearing, court denied plaintiffs' request for a preliminary injunction. The court later dismissed all claims against our client with prejudice. *Meritain Health Inc.et al. v. Express Scripts, Inc.*, No. 4:12-CV-266-CEJ (E.D. Mo. 2012)

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## Experience

- Represented PBM client in bid protest to defend award of a multi-billion dollar state contract for pharmacy benefit management services to healthcare client. After client was awarded the contract, the incumbent in-state contractor initiated a bid protest to dispute the award on numerous grounds. Following extensive briefing and a two week hearing, the Maryland Board of Contact Appeals affirmed the award in its entirety. In re Appeal Catalyst Rx, Nos. MSBCA 2759, 2762, 2768, 2780, and 2784 (Jan. 2012)
- Won class action status for lawsuit against the Missouri Department of Corrections on behalf of inmates sentenced to life imprisonment as juveniles. Suit alleged that department ignored due diligence for inmates.
- Achieved victory for working mom and military wife in a security deposit case through Husch Blackwell's Pro Bono Legal Intake Clinic. Read more here.

## Recognition

- *The Best Lawyers in America®*
  - Commercial Litigation, 2027
  - Mass Tort Litigation / Class Actions - Defendants, 2025-2027
- *Missouri Lawyers Media*, Legal Champion, 2020
- Association of Corporate Counsel, Value Champion, 2017
- *Missouri & Kansas Super Lawyers*, Civil Litigation: Defense, Rising Star, 2014-2019
- Missouri Bar Pro Bono Wall of Fame, 2012-2014, 2016-2020

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## Education

- J.D., Saint Louis University School of Law
  - *magna cum laude*
  - *Saint Louis University Law Journal*, staff, 2007-2008; Executive Board, 2008-2009
- M.S., Pace University
  - Teaching
- B.A., Washington University in St. Louis
  - English Literature
  - with honors

## Admissions

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

## Community Leadership

Matt is an alumnus of Teach for America and is committed to pro bono work. He regularly partners with St. Louis's MacArthur Justice Center and also oversees associates' pro bono cases. Matt is primarily focused on prisoner litigation, with an emphasis on juveniles.

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