



## James F. Monafó

### PARTNER

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### OVERVIEW

Jim is an experienced trial lawyer who primarily represents companies and business owners threatened by business-critical lawsuits, including class actions and mass actions.

Over the past 30 years, Jim has earned the reputation as a go-to attorney for tough cases for both plaintiffs and defendants. His cases often go all the way to verdict, and he has achieved substantial victories for clients in both bench and jury trials, as well as through the arbitration process. In the past five years alone, Jim has secured seven different multimillion-dollar recoveries while representing plaintiffs, including two cases where the client was awarded a substantial sum in attorneys' fees and prejudgment interest.

*"Our opponent was a billion-dollar operation; we're a small business. The average guy usually gets out-lawyered and financially humiliated in these cases. I'm just thankful that Jim and Husch Blackwell came to rescue me; otherwise we're throwing popcorn against a brick wall."*

— Charlie Gitto Jr., Owner, Charlie Gitto's From the Hill

### Industries

Education  
Healthcare  
Manufacturing  
Technology  
Transportation

### Services

Class Action Defense  
Commercial Litigation  
Consumer Fraud Litigation  
Government Contracts  
Healthcare Litigation  
Healthcare Operations  
Higher Education  
Labor & Employment  
Litigation & Alternative Dispute Resolution  
Private Wealth  
Trust, Estate, & Fiduciary Litigation

Jim is known to fight hard for justice, but his strategic decision-making in high-stakes litigation matters is what clients value most. A sampling of recent cases is listed below.

- Currently lead trial counsel for one of the world's largest PBMs in a \$100,000,000.00 lawsuit against a leading discount card provider regarding a fraudulent scheme to extract commissions from our client. A federal judge in Colorado took the unusual step of piercing the attorney-client privilege under the crime/fraud exception. Jim's courtroom presence was a central factor in convincing the court to make this important ruling. *OptumRx PBM of Illinois, Inc. v. National Benefit Builder's Inc, et al.* Case No. 1:23-cv-03020-NYW-NRN (USDC Colorado).
- Won judgment in the amount of \$8,344,573.79 for popular St. Louis restaurant Charlie Gitto's on an insurance claim after three-week jury trial. *SAAC Investments, LLC v. Secura Insurance Company*, 20SL-CC02062 (St. Louis County Circuit Court). The judgment included \$2,000,000.00 in attorneys' fees in one of the largest awards of attorneys' fees ever made by a jury in St. Louis County.
- Won complete dismissal for The Kansas City Southern Railway Company in a mass tort action involving a collision between a freight train and a passenger bus in Mexico. *Jose Luis Rabago v. Kansas City Southern Company, et al.*, Cause Number 16SL-CC00482.
- Won judgment in the amount \$2,934,961.13 in favor of LMI Aerospace on a breach of supplier agreement after a week-long bench trial. Also soundly defeated \$15,000,000 counterclaim asserted by the defendant. The judgment included over \$1,000,000 in attorneys' fees and prejudgment interest awarded by the court, finding that Jim's work was "excellent" in a complex case. *LMI Aerospace, Inc. v. Intelsat Inflight, LLC*, Case No. 209L009002 (Cook County Circuit Court).
- Won multiple defense verdicts after five-week trial on behalf of Career Education Corporation in mass consumer fraud case. *Walters, et al. v. Career Education Corp.*, Case No. 07CY-CV07481.
- Won dismissal of class action against the University of Phoenix alleging the college violated the federal Telephone Consumer Protection Act. *Del-Rio Swink v. The University of Phoenix*, Case No. 4:13-cv-00461-HEA.

- Lead trial lawyer 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 Express Scripts and Walgreen Co. *Express Scripts Inc. v. Walgreen Co.*, American Arbitration Association, Case No. 51-193-Y1144-11.

### Experience

- Lead Counsel for The Kansas City Southern Railway Company (KCSR) in a case where KCSR sought millions of dollars in damages from a large international steel company for property damage sustained in a train derailment. The steel company filed a counterclaim seeking millions in property damage to its cargo, alleging that KCSR was at fault for the derailment. After a two-day evidentiary hearing, the steel company dismissed its counterclaim and the case settled shortly thereafter on favorable terms for KCSR. *The Kansas City Southern Railway Company v. Evraz Inc.*, d/b/a Oregon Steel Co., Case No. 2:08-CV- 00054-ERW
- Successfully prosecuted professional negligence case on behalf of The Kansas City Southern Railway Company against the designer of certain concrete railway bridge girders which were installed on KCSR's railway line in Texas. *The Kansas City Southern Railway Company v. Design Nine, Inc.*, Case No. 44,824 (Wharton County, Texas Circuit Court).
- Successfully defended Monsanto (now Bayer) in a class action filed by a farmer claiming certain improprieties occurred in the execution of their license agreements with Monsanto. After Monsanto rejected plaintiffs' eight-figure settlement demand, the court granted Monsanto's motion to deny class certification. *Eugene Stratemeyer v. Monsanto Co.*, Case No. 4:99-cv-04197- WDS-GBC (U.S. District Court for the Southern District of Illinois).

## Experience

- Represented Suddenlink Communications in a case against its arch competitor FiberNet LLC after FiberNet sued Suddenlink for tortious interference in connection with five former employees who left FiberNet and went to work for Suddenlink. Suddenlink filed a counterclaim, alleging that FiberNet defrauded Suddenlink in connection with certain representations it made to gain the West Virginia Public Service Commission's approval of its merger with nTelos. After a court hearing on FiberNet's motion to dismiss Suddenlink's counterclaim for fraud, the case was settled on favorable terms. *FiberNet, now as part of nTelos v. Suddenlink Communications, et al.*, Case No. 11-C-388 (Kanawha County Circuit Court, State of West Virginia).
- Defeated motion to certify nationwide class of consumers who alleged that their automobile was wrongfully repossessed in violation of the UCC. *General Credit Acceptance Company v. David Deaver*; Case Number 11SL-CC2888-02 (St. Louis County Circuit Court).
- Currently defending trustees in an undue influence case. *Pauline Jackson v. James Mannion, et al.*; Case No. 16SL- PR03703, (St. Louis County Circuit Court)
- Defeated motion for class certification in putative class action in which plaintiffs alleged they were misled about their post-graduation employment prospects and the quality of their education. *Spencer v. Vatterott Educational Centers Inc.*, Case No. 6:12-CV-00116 (E.D. Okla.)
- Defeated class action where former students alleged they were deceived during the enrollment process with respect to placement rates and transferability of credits. *Jeffers v. Vatterott Education Centers, Inc.*, Case No. 11BU-CV00252 (Cir. Ct. Buchanan County, Mo.)

## Experience

- Defeated motion to certify class for Career Education Corporation and Sanford-Brown College in a student consumer fraud case filed in Madison County, Illinois, one of the most friendly plaintiff venues in the country. Students alleged that they were deceived regarding the schools placement rates. *Lilley, et al. v. Career Education Corp., et al.*, Case No. 08-L-113 (Cir. Ct. Madison County, Ill.)
- Currently representing one of the world's largest institutional pharmacies in a breach of contract action brought by the State of Missouri. *State of Missouri, Office of Administration, Division of Purchasing and Materials Management and the Missouri Veterans Commission v. PharMerica Corporation*, Case Number 15AC-CC00275 (Cole County Missouri Circuit Court)
- Obtained summary judgment on all claims asserted against client in the mortgage banking industry in complex statewide class action regarding non-judicial foreclosures, Case No. 16RY-CV00249 (Circuit Court of Ray County, MO).

## Recognition

- *Benchmark Litigation*, Local Litigation Star, 2015-2026
- *The Best Lawyers in America*®, Commercial Litigation, 2021-2026
- *Chambers USA*, Litigation: General Commercial, 2022-2025
- Missouri & Kansas Super Lawyers, Business Litigation, 2011-2017
- *Client Choice Award*, Excellence in Client Service, 2014

## Education

- J.D., Saint Louis University School of Law
  - *magna cum laude*
  - Order of the Woolsack
  - American Judisprudence Award, Contracts, Bankruptcy and Property
- B.A., Washington University in St. Louis
  - Psychology

## Admissions

- Missouri
- Illinois
- U.S. District Court, District of Colorado

## Community Leadership

- Action for Autism, Board of Directors and Executive Committee
- Missouri High School Mock Trial Competition, Coach of Nerinx Hall (college-preparatory school for young women in the St. Louis area)



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