HUSCH BLACKWELL



# Melissa Z. Baris

**PARTNER**

ST. LOUIS, MO
PHONE: 314.480.1901
EMAIL: MELISSA.BARIS@HUSCHBLACKWELL.COM

**OVERVIEW**

## An accomplished litigator, Melissa leverages her experience to achieve business-critical outcomes for corporate clients in lawsuits and arbitrations across the country.

Melissa has extensive experience litigating complex commercial disputes and defending class action lawsuits, including in the areas of insurance litigation, healthcare litigation, complex contractual disputes, and professional service liability claims. Melissa has handled complex litigation in state and federal courts and arbitral tribunals throughout the country.

Melissa is particularly experienced in defending claims under the Employee Retirement Income Security Act (ERISA). Melissa represents employers, welfare plans, plan administrators, and pharmacy benefits managers in ERISA litigation, ranging from defending individual claims for benefits to defense of fiduciary duty claims in national class action litigation. Melissa regularly advises clients on benefits disputes before litigation ensues, helping them avoid litigation and putting them in the best position to prevail if a suit is brought.

Melissa also has a focus on representing insurance carriers and other clients in the finance and professional services industries. Melissa regularly represents insurance carriers in litigation concerning insurance coverage, agent disputes, and bad faith claims, as well as representing insurers in state regulatory proceedings and market conduct exams.

Melissa is an appellate attorney who has successfully briefed and argued cases in numerous state and federal appellate courts, including the U.S. Court of Appeals

## Industry

Financial Services & Capital Markets

## Services

Appellate
Class Action Defense
Commercial Litigation
Consumer Fraud Litigation
ERISA & Employee Benefits Litigation
Healthcare Litigation
Insurance
Litigation & Alternative Dispute Resolution
Pharmacy
Professional Liability Litigation

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for the Eighth Circuit and the Missouri and Illinois Courts of Appeals. As a member of the firm's appellate group, she regularly advises and assists on appellate matters for our clients.

## Experience

- Obtained dismissal of a highly anticipated, putative class-action ERISA lawsuit involving allegations that the use of "outdated" mortality tables violated ERISA and amounts to a breach of fiduciary duty under ERISA. *Landel v. Olin Corporation*, 2026 WL 785044 (E.D. Mo. 2026).
- Obtained dismissal of lawsuit asserting ERISA claims against HMO stemming from coverage dispute, which was affirmed by the U.S. Court of Appeals, Eighth Circuit. *Knieriem v. Group Health Plan Inc.* 434 F.3d 1058 (8th Cir. 2006).
- Won summary judgment in lawsuit against health maintenance organization (HMO) in a case involving subrogation of Medicaid recoveries, which was affirmed by the Missouri Court of Appeals. *Dunevant v. Healthcare USA of Missouri LLC*, 294 S.W.3d 128 (Mo. Ct. App. 2009).
- Obtained order defeating class certification and granting summary judgment in lawsuit against pharmacy benefit manager asserting breach of fiduciary duty claims under ERISA. *In re Express Scripts Inc. PBM Litig.,* MDL No. 1672, WL 2952787 (E.D. Mo. 2008).
- Won summary judgment in favor of employer in consolidated lawsuits asserting claims for retirement benefits under ERISA, including dismissal of appeal. *Keiser v. ConAgra Foods, Inc.*, 57 F. Supp. 3d 399 (M.D. Penn. 2014); *Smith v. ConAgra Foods, Inc.*, 2014 WL 5463872 (M.D. Penn. 2014), appeal dismissed (3rd Cir. 2015).
- Won dismissal of ERISA lawsuit arising out of client's 401(k) employee benefit plan, in which plaintiffs asserted that plan breached fiduciary duty based upon investment of plan assets and recordkeeping fees. Court dismissed the lawsuit without leave to amend. *Riley v. Olin Corporation*, 2023 WL 371872 (E.D. Mo. 2023).
- Defended automobile insurer in litigation alleging bad faith refusal to settle, which resulted in plaintiff dismissing client from the lawsuit without any payment of money.

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## Experience

- Won dismissal of a putative class action lawsuit against health insurance client, in which plaintiffs alleged that insurers are required to pay for the cost of medical marijuana where medical marijuana is legal under state law. *New Mexico Top Organics – Ultra Health, Inc. v. Blue Cross & Blue Shield of New Mexico et al.*, 2025 WL 1179584 (D.N.M. April 23, 2025).
- Successfully defended life insurance company in a class action lawsuit alleging that insurer breached state law in its adjudication of contestable life insurance claims; court granted summary judgment for insurer on the named plaintiff's claim, which was affirmed by the Sixth Circuit Court of Appeals. *Frohn v. Globe Life And Accident Insurance Company*, 99 F.4th 882 (6th Cir. 2024).
- Obtained order in Court of Appeals affirming summary judgment in favor of insurance company in insurance coverage dispute. *Dallas v. American General Life & Acc. Ins. Co.*, 709 F.3d 734 (8th Cir. 2013).
- Secured dismissal in federal district court of a class action lawsuit against AgriBank, the largest of five banks within the national Farm Credit System, in a suit brought by Arkansas land owners to quiet title on mineral rights retained by AgriBank. Federal appeals court affirmed the judgment, upholding AgriBank's right to retain mineral rights on acquired properties sold to private purchasers throughout the central United States. *Nixon v. AgriBank*, FCB, 2011 WL 4529894 (E.D. Ark. 2011); affirmed, 2012 WL 3023492 (8th Cir. 2012).
- Obtained judgment in federal district court in consolidated cases, affirming that federal land bank was entitled to remove lawsuit attacking its mineral rights to federal court on federal officer jurisdiction grounds, and winning motion for judgment on the pleadings protecting federal land bank's holdings of its valuable mineral rights. *Mansfield et al v. Federal Land Bank of Omaha et al*, 2015 WL 4546610 (D. Neb. 2015) and 2016 WL 308789 (D. Neb. 2016).
- Obtained order denying class certification in lawsuit brought by neighboring landowners against client, a manufacturer, alleging claims of nuisance and negligence. *Dixon v. Continental Aluminum Co.*, in the Circuit Court for Wayne County, Michigan.

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## Experience

- Member of team that defended proprietary career college against consumer fraud claims brought by five former students seeking more than $10 million. Drafted the appellate brief in which the Missouri Court of Appeals affirmed the judgment in favor of client. *Diane Walters, et al. v. Career Education Corp., et al.* (Clay County Circuit Court, State of Missouri, Case No. 07CY-CV07481).
- Obtained summary judgment on class action claims asserted against a law firm under the Fair Debt Collection Practices Act.
- Represented accounting firm in defense of alleged malpractice claim, concluding with favorable resolution for client.
- Resolved arbitration of complex disputes arising from risk contracts between managed-care clients and integrated hospital network.

## Recognition

- *The Best Lawyers in America®*
    - Commercial Litigation, 2024-2027
- Association of Corporate Counsel, Value Champion, 2017
- Washington University Alumni Association Prize

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## Education

- J.D., Washington University in St. Louis School of Law
  - Order of the Coif
  - Valedictorian
  - *Washington University Law Quarterly*, Articles Editor
- B.A., Tulane University
  - Political Economy
  - with honors
  - Phi Beta Kappa

## Admissions

- Missouri
- Illinois
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Missouri
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, District of New Mexico
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit

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