

COMMERCIAL LITIGATION



Husch Blackwell's Commercial Litigation team brings together over 200 professionals with one goal – to achieve our clients' business objectives using the litigation process. We represent clients in a wide range of corporate and business disputes, providing creative, passionate, and skilled advocacy in and out of the courtroom.

We collaborate with our clients to develop comprehensive solutions to address their litigation needs, whether that entails swift and efficient resolution of a dispute or an aggressive, long-term litigation strategy to defend a client's business model across multiple practices and jurisdictions. We work hard to provide clients with clarity amid the uncertainties that litigation presents by accurately scoping the risks, benefits, and costs associated with litigation. Our trial teams are skilled at developing alternative fee structures to help clients better integrate litigation into their budgets.

Our team is also skilled at the long game. We understand how to position each litigation to achieve optimal results at every stage of litigation, and we routinely represent clients in state and federal appellate courts, often laying the groundwork for successful appeals at the trial court level.

Ultimately, our clients define success. Our team always keeps client goals top of mind and develops litigation strategies to achieve those goals in the most efficient manner.

Case Study

CoxHealth

In August 2020, the plaintiff filed a defamation suit against

"The lawyers at HB came in and helped us at a very scary time. Our business was threatened with a lawsuit. But their counsel helped us through that. Now, they are assisting us again with answers to employment and hiring questions. And its just in time, too, because we are growing with new hires!"

— Dr. Masuma
Reed, Licensed
Clinical
Professional
Counselor and
Founder,
Mindful Life
Counseling —

Contact Information

Michael S. Hargens
816.283.4636
michael.hargens@
huschblackwell.com

CoxHealth and an executive after the executive posted a message on Twitter to clear up any confusion regarding a promotion the hospital system was offering—free telehealth appointments for virtual COVID-19 testing for uninsured individuals, who used the promocode “COVID.” The hospital decided that individuals who were seeking online care during the pandemic were not billed for telehealth services, regardless of the diagnosis. CoxHealth approached Husch Blackwell to defend it in the dispute.

Representative Experience

Prevailed for The Ryan Foundation when the Nebraska Supreme Court affirmed a trial court’s 2019 decision in a closely-watched stock valuation dispute. The decision assigned a value of \$893 million to Streck, Inc.—over \$300 million more than the Board of Directors’ competing valuation—and affirmed the additional award of over \$250 million in interest.

Prevailed before the U.S. Court of Appeals on behalf of Farmobile LLC in trade secret litigation initiated by a competitor. Previously, Farmobile had secured a complete summary judgment victory in federal district court.

Defended client against breach-of-contract allegations related to a software development project in a five-day arbitration hearing where we received a complete victory.

Defending HVAC equipment manufacturer in litigation filed by former distributor alleging that the termination of its distributor agreement violated the Minnesota Franchise Act and was a breach of contract. Successfully defended against motion for preliminary injunction in the United States District Court for the

District of Minnesota.

Representing landlord in a complex landlord-tenant dispute as a result of a very sophisticated lease with various payment streams and a guaranty that was issued as a result of a previous bankruptcy by an affiliate of the tenant. The lawsuit brings claims for breach of the lease and breach of the guarantee.

Represented developer in Missouri state court in a lawsuit against a Missouri municipality to obtain approval of plans for development of a 250-unit residential subdivision. We secured a preliminary injunction and, ultimately, an order of summary judgment granting a writ of mandamus requiring the city to acknowledge approval of the site plan and to allow client to move forward with the development.

Defending a pharmacy benefit manager in arbitration against a discount coupon provider asserting claims for breach of contract and fraud in connection with a service agreement.

Defended major specialty retailer in a use-tax case where the plaintiffs alleged our client charged excess use taxes on products purchased through “remote sales channels” and shipped to addresses in Missouri from out-of-state facilities. The Court ruled plaintiffs had not established to a legal certainty that the claims are for less than the jurisdictional amount, and their motion to remand was denied. In addition, the Court ruled plaintiffs’ alternative motion to stay ruling on the remand motion and order jurisdictional discovery were also denied.

Represent heavy equipment manufacturer in litigation involving a series of construction equipment dealer agreements between executed and performed over the last several decades.

Represented a financial institution in a breach-of-contract case where the plaintiff alleged our client negligently allowed co-defendant employee to steal money from plaintiff's bank account and failed to reimburse the plaintiff for the losses. We prevailed on summary judgment and the claims asserted were dismissed with prejudice.

Represented a professional athlete and former Heisman Trophy winner in a fee dispute with one of his former agents. We prevailed on summary judgment as the plaintiff failed to show that he was the real party in interest to the contract before the assignment of rights.

Secured victory for TruPharma, LLC in federal court litigation brought by a competitor alleging false advertising and unjust enrichment, among other counts, in connection with the manufacture and sale of a medical cream. Complaint dismissed with prejudice and affirmed on appeal.

Successfully prosecuted claims of breach of contract, tortious interference, and trade secret misappropriation for supply chain management company after defendants implemented a multi-year conspiracy to solicit employees and misappropriate trade secrets.

Prevailed for pharmacy benefit manager in massive multi-district litigation, obtaining both a dismissal with prejudice and an important decision defending the use of mail-order pharmacies to deliver medications.

Represented a water technology provider in a case where a construction rental company failed to pay its bill. The

construction rental company went on the offensive attempting to bring down the amount it owed, but the Husch Blackwell team removed the case to federal court, where it was dismissed.

Represented commercial landlord in \$2.9 million state court lawsuit for breach of contract and breach of guaranty claims against a spinal surgeon who vacated space, defaulted on the lease prior to its completion, and then filed Chapter 7 bankruptcy a few days prior to the start of the trial.

Represented bank client in a lawsuit against an entity and personal guarantors for breach of contract and breach of their personal guaranty agreements.

Represented equipment leasing client in lawsuits against its former customers and the customers' personal guarantors for breaches of contract and the personal guaranty agreements.

Successfully obtained a defense award for a physician practice in arbitration by defending the client against the practice's former employees alleging

Routinely represent clients in payor-provider disputes involving payment disputes over health insurance claims, breach of contract, violations of the Texas Insurance Code, and the Texas Prompt Payment Act.

Represented a franchisor client in a contractual/tort lawsuit against a franchisee for contract and tort claims.

Defended insurance company in multiple class actions across the country alleging coverage for business interruption losses allegedly arising from the COVID-19 pandemic.

Secured two victories for loan servicing company before the

Wisconsin Court of Appeals in two appeals in foreclosure actions contested by borrowers in the trial court and on appeal, obtaining affirmance of judgments awarding foreclosure and rejected the borrowers' counterclaims and defenses.

Secured a victory on appeal on behalf of a lender affirming a dismissal of a consumer's claims on summary judgment in a case challenging the lender's repossession and service of the required notices prior to repossession and appealing an award of sanctions in favor of our client against the opposing lawyer for pursuing a frivolous claim.

Represented physician-owned hospitalist practice in a suit for breach of contract, tortious interference with existing contracts, and conspiracy to tortiously interfere with existing contracts.

Represented client Farmobile as a competitor alleged misappropriation of trade secrets and various other state and federal claims. A summary judgment was entered in client's favor on all counts. Later, the 8th Circuit Court of Appeals ruled for our client, affirming on all counts.

Represented home builder through four-year lawsuit against municipality to secure approval of plans for development of residential subdivision. Obtained a \$75,000 sanctions award against the opposing counsel based upon that counsel's bad faith conduct during the proceedings, which award was affirmed on appeal.

Represented former directors and officers in claims against them for negligence and breach of fiduciary duty, securing an early and advantageous settlement to avoid personal exposure.

