



Melissa Z. Baris

PARTNER

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OVERVIEW

An accomplished litigator, Melissa leverages her experience in the healthcare industry to achieve business-critical outcomes for her 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 healthcare litigation, insurance coverage, consumer fraud claims, complex contractual disputes and professional service liability claims.

A member of the Healthcare, Life Sciences & Education teams, Melissa has particular experience in defending claims under the Employee Retirement Income Security Act (ERISA). Melissa regularly 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's complex commercial litigation practice also extends to representing clients in the finance and professional services industries. Melissa regularly represents clients in insurance disputes, including advising and defending insurance companies in matters concerning coverage and subrogation rights, as well as assisting her clients to obtain coverage under their insurance policies.

Melissa is an appellate attorney who has successfully briefed and argued cases in state and federal appellate courts, including the

Industry

Healthcare

Services

Appellate

Class Action Defense

Commercial Litigation

Consumer Fraud Litigation

ERISA & Employee Benefits Litigation

Healthcare Litigation

Healthcare Operations

Healthcare Providers

Insurance

Litigation & Alternative Dispute Resolution

Pharmacy

Professional Liability Litigation

U.S. Court of Appeals 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 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 dismissal of 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*, No. 4:08cv702, 2008 U.S. Dist. LEXIS 66100.
- 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).
- 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).

Experience

- Obtained order from U.S. Court of Appeals, Tenth Circuit, dismissing plaintiff's appeal and upholding trial court's order granting summary judgment in favor of client and denying class certification. *Inola v. Express Scripts Inc.*, WL 3033628 (Tenth Circuit 2010).
- 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).
- 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.*
- Represented client in a complex dispute with its primary and excess insurance carriers over the payment of millions of dollars in defense costs and environmental remediation costs at 100 sites across the country. Representation included winning summary judgment and jury trials that involved complex contractual, environmental and factual issues, resulting in multimillion-dollar verdicts for client. *Olin Corp. v. Insurance Company of North America.*
- 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
- Association of Corporate Counsel, Value Champion, 2017
- Washington University Alumni Association Prize

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, Third Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit



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