

APPELLATE



Round Two is every bit as important as trial proceedings. Husch Blackwell knows what it takes to prevail on appeal, and our attorneys bring fresh thinking and concise, intelligent arguments into the courtroom on clients' behalf. Our Appellate law team has successfully handled appeals in virtually all substantive areas of the law in state and federal courts nationwide.

In addition to arguing vigorously in court on behalf of clients, our Appellate law team prepares jury instructions, post-trial motions, transfer applications and writ petitions. We are available to consult with trial attorneys during trial preparation or the trial itself, as decisions made at those stages of a case may determine the outcome on appeal.

Case Studies

CityDeck Landing LLC

What began as a private arbitration regarding a dispute over the construction of an apartment building in Green Bay turned into a case with much larger implications when a subcontractor's insurer filed a separate action in Wisconsin state circuit court seeking a declaration regarding its coverage obligations, as well as a stay of the arbitration until the coverage issues were resolved.

Farmobile LLC

Farmers Edge alleged that Farmobile's co-founders—former employees of a company acquired by Farmers Edge in 2014—had misappropriated purportedly proprietary information in the development of farm data-collection and standardization

The team's expertise in the substantive legal issues, combined with the investment they made to develop a deep knowledge of our business, has made them a uniquely effective litigation partner.

— Carey Bartell,
Vice President,
Chief Counsel —
Legal &
Government
Affairs, Conagra
Brands Inc. —

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technologies. Farmobile turned to Husch Blackwell to defend it in potentially enterprise-threatening litigation.

Commonwealth of the Northern Mariana Islands

The Commonwealth of the Northern Mariana Islands (CNMI) watched with great concern as another U.S. territory (Guam) fought the U.S. Government in court over financial responsibility for a hazardous waste site initially developed and operated by the U.S. Navy. After losing on appeal in the D.C. Circuit, Guam convinced the U.S. Supreme Court to hear its case. Fearing how negative precedent could affect other U.S. states and territories, CNMI's Attorney General approached Husch Blackwell to prepare an *amicus curiae* brief.

Representative Experience

Represented the distributor in a matter in which the court of appeals reversed grant of summary judgment to supplier on distributor's claims for products liability and negligence.

Applying the component parts doctrine, the court of appeals determined that material issues of fact precluded summary judgment.

Obtained a favorable ruling from the U.S. Court of Appeals, Eighth Circuit, that affirmed a lower court order denying remand and class certification in a Class Action Fairness Act (CAFA) lawsuit against Chicago Title Insurance Co.

Represented a national developer of retail shopping centers seeking to acquire property in a development area by eminent domain. Prepared briefs for the Missouri Supreme Court, which reversed and authorized the condemnation to proceed.

Represented a chemical distributor before the court of appeals on claims of product liability and negligence. The court reversed the grant of summary judgment to the supplier, and applying the component parts doctrine, determined that material issues of fact precluded summary judgment.

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.

Won dismissal of lawsuit against HMO in a case involving subrogation of Medicaid recoveries, which was affirmed by the Missouri Court of Appeals.

Defended a challenge regarding the transfer of a large tract of land in a resort community to client, a developer. Plaintiffs argued that the transfer was prohibited by restrictive covenants in the subdivision indenture, but following a bench trial, the court held that the transfer was proper. Judgment was upheld on appeal.

Obtained reversal in appeal to the Texas Supreme Court in favor of the City of Austin while defending a challenge to a significant environmental protection ordinance.

Obtained favorable decision from the Texas Supreme Court in a case dealing with the scope of an arbitrator's authority and the grounds for vacating an arbitrator's decision.

Obtained reversal in the Texas Supreme Court of an adverse judgment in a suit attempting to void a foreclosure sale of a valuable commercial tract of land.

Upheld a judgment of more than \$1 million, including trial court

discovery abuse sanctions of more than \$100,000, in a sexual harassment lawsuit.

Argued a case to the Texas Supreme Court dealing with a significant sovereign immunity issue in the context of breach of contract actions against the state.

Filed an amicus brief in a case before the Texas Supreme Court dealing with the issue of whether electric cooperative corporations have statutory authority to create and own for-profit subsidiaries.

Upheld on appeal a declaratory judgment against a state agency regarding eligibility for the state's Medicaid managed-care program.

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.

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.

Secured a victory before the Missouri Supreme Court in closely watched litigation over the implementation of Amendment 2, a 2020 ballot initiative that Missourians passed and that would expand Medicaid coverage in the state.

Secured a federal appeals court victory for Missouri state representative when the U.S. Court of Appeals for the Eighth Circuit reversed a lower court's decision that the representative violated the plaintiff's rights by blocking him and others from her Twitter account in a closely watched First Amendment case.

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.

Obtained reversal of a circuit court judgment ordering commercial tenant to vacate premises; appellate court held that tenant did not breach multimillion lease and that landlord had no right to seek possession.