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Todd H. Bartels

Shareholder

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Areas of Focus

- Financial and Fiduciary Litigation
- Litigation and Dispute Resolution
- Bankruptcy Litigation
- Class Action Litigation
- Commercial Litigation
- Mergers and Acquisitions Litigation

Education

- J.D., University of Missouri-Columbia School of Law, 1996
- B.A., University of Missouri-Columbia, 1992, Accountancy

Bar Jurisdictions

- Missouri, 1996
- Kansas, 1996

Court Admissions

- U.S. District Court, Western District of Missouri
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, District of Kansas
- U.S. Court of Appeals, Eighth Circuit

“Day-in and day-out I strive to follow the two best pieces of advice that I received as a young attorney. First, genuinely attempt to understand your clients’ needs. Second, practice law in such a way that brings honor to you and the profession, all the while zealously representing your clients’ interests. Your reputation is your most valuable asset.”

Overview

Todd’s extensive trial and litigation experience in complex disputes, coupled with his understanding of his clients’ goals, has made him a very successful trial attorney and litigator and one who is sought after by clients. He not only strives to gain a complete understanding of his clients’ businesses but also truly listens to them in order to appreciate their particular goals and the potential impact of the dispute on their businesses.

He has significant experience in:

- Complex Litigation, including Breach of Contract, Commercial Fraud, and Shareholder Disputes
- Prosecution of Litigation Claims on behalf of Bankruptcy Trustees, Liquidating Trustees, and Receivers, including on a Contingency Fee Basis
- Intellectual Property and Technology Litigation
- Appeals Litigation
- Defense of Toxic Tort Actions
- Wireless and Broadband Industries
- Transportation Industry
- Multi-Level Marketing Industry

Distinctions

- *Benchmark Litigation*: Future Litigation Star (2009-2012); Local Litigation Star (2013-2015)
- Missouri Lawyers Weekly: Up and Coming Lawyer, 2008
- Federal Practice Committee, U.S. District Court, Western District of Missouri, former court-appointed member
- Former Law Clerk to the Hon. Gary A. Fenner, U.S. District Court, Western District of Missouri

Key Matters

- Serving as lead trial counsel in the prosecution of breach of fiduciary duty, fraudulent transfer, and breach of contract claims on behalf of the Liquidating Trustee of Ultimate Escapes in Delaware Bankruptcy Court.
- Serving as lead counsel in the prosecution of breach of contract claims against national transportation carrier in U.S. District Court for the Eastern District of Missouri and U.S. Court of Appeals for the Eighth Circuit.
- Lead trial counsel in the prosecution of claims on behalf of the Chapter 7 Trustee of Open Range Communications, a wireless broadband network provider in two separate actions in Delaware Bankruptcy Court against its lender, the United States Department of Agriculture, Rural Utilities Service, and the Federal Communications Commission, and against its primary equity holder, One Equity Partners III, L.P. Cases were successfully resolved.
- Represented the Creditors Committee and its successor, the Crossroads Wireless Liquidating Trust, in an adversary proceeding in the United States Bankruptcy Court for the Western District of Oklahoma, which sought in excess of \$70 million in damages, arising from fraudulent transfers, triangular preferences, breaches of fiduciary duties, and breaches of contract. Case was successfully resolved subject to confidentiality.
- Served as lead defense counsel on behalf of clients in 13 mass tort actions in a Missouri state court and two related class actions in the United States District Court for the Western District of Missouri filed in 2009 and 2010. Plaintiffs' trial team included celebrity activist, Erin Brockovich, who held a number of town hall meetings contributing to the high-profile nature of the disputes. The plaintiffs sought hundreds of millions of dollars in damages and alleged that the defendants distributed a tanning by-product called "sludge" to farmers as fertilizer, which allegedly contained hexavalent chromium resulting in numerous personal injuries, including brain tumors and other forms of cancer, in individuals throughout Northern and Western Missouri. Cases were successfully resolved.
- Appointed as Special Master by Missouri State Court for the purpose of determining the enforceability of a contract and to conduct a valuation of a number of related businesses in Missouri and Colorado.
- Obtained a defense verdict for municipality as lead counsel in a wrongful death action arising from decapitation of a 16-year-old girl in lengthy jury trial involving allegations of improper highway design and maintenance.
- Represented Community Health Plan, a St. Joseph-based HMO and a subsidiary of Heartland Health. As part of a three attorney trial team, secured a \$14.5 million jury verdict against Missouri Consolidated Healthcare Plan, a quasi-state agency responsible for the healthcare coverage of state employees following a two-a-half-week jury trial in Jefferson City, Mo.
- Represented 36 grocery retailers located throughout Missouri, Kansas, and Arizona as part of a mass action litigation and trial team. Pursued three cases in federal court prosecuting claims in excess of \$250 million for product overcharges and racketeering against the grocery wholesaler, a Fortune 500 company. The cases became part of a federal multi-district litigation assigned to the United States District Court for the Western District of Missouri and were settled the day of trial subject to confidentiality.
- Successfully defended the principal of defunct truck stops located throughout Kansas, Missouri and Oklahoma who was the target of fraud and breach of contract claims brought by various fuel suppliers. Claims were settled favorably subject to confidentiality.
- Represented several prominent distributors engaged or formerly engaged in Amway/Quixtar-related independently produced business support materials industry, seeking to recover millions of dollars in four large commercial litigation cases in Missouri and Washington, D.C.
- Represented a minority shareholder of a lumber company and forced a favorable buy-out of minority interest as part of the settlement in a case brought for breach of fiduciary duties against a majority shareholder.