



## **ROBERT D. BLITZ**

Member - St. Louis

### **PRACTICE AREAS**

Business Litigation  
Employment Contracts  
Entertainment Litigation  
Class Actions & Securities  
Personal Injury & Products Liability

### **EDUCATION**

J.D., University of Missouri, Columbia, 1973  
B.A., Drake University, 1969

### **ADMISSIONS**

The Missouri Bar  
United States District Court for the Eastern District of Missouri  
United States District Court for the Western District of Missouri  
United States Court of Appeals, Eighth Circuit  
United States Tax Court  
United States Supreme Court

### **BIOGRAPHY**

Robert Blitz is a founding member of the firm. His practice focuses on the areas of trials and appeals. Bob's continued success across the nation has earned him his reputation as a well-known and respected member of the trial bar. He has had great success in both defending and prosecuting business and commercial disputes, with his verdict and settlement

numbers exceeding \$300,000,000, including breaches of contracts, real estate, securities, first amendment, entertainment, employment and other business-related cases.

Bob has also successfully represented clients, individual and corporate, in construction, restrictive covenants, and Title VII cases and contract, discrimination, trade secrets, business torts, land use, entertainment, and other complex civil business litigation. He has represented more than 100 cases, which he has tried to verdict or judgment and many more in which favorable settlements were received for clients.

Bob holds many awards including Best Lawyers in America, Super Lawyers, Best Lawyers in St. Louis, Attorney of the Year by Lawyers Weekly and Largest Verdicts and Settlements in the State of Missouri.

### **HONORS**

Master Member in the Theodore McMillian Inn of Court, the St. Louis Chapter of the American Inns of Court  
2014, 2013 Missouri/Kansas Super Lawyers Selection  
2014 Missouri/Kansas Super Lawyers – St. Louis Top 50  
Selected for Best Lawyers in America, Commercial Litigation  
Recipient, 2011 Missouri Lawyer's Weekly Award for Largest Plaintiff Win

Attorney of the Year for 2010 as reported by Missouri Lawyer's Weekly  
Largest Plaintiff win for 2010 as reported by Missouri Lawyer's Weekly  
Member Dist. 10 Lawyer Disciplinary Committee., 2006 - present  
Lawyer for the St. Louis Regional Convention and Sports Complex Authority, 2010-present  
Member, St. Louis Regional Convention and Sports Complex Authority, 2004

## REPRESENTATIVE EXPERIENCE

### CLASS ACTIONS AND SECURITIES

Bob headed up two Missouri state securities class actions resulting in \$187.5 million total settlements. The plaintiff class in both cases stated claims related to the practice of “revenue sharing” on mutual funds, money received by brokerage houses based on the total amounts of their clients’ holdings in mutual funds. Following substantial litigation in both state and federal court and, ultimately, mediation, the matters settled. One of the two cases was removed from state to federal court three times, appealed to the state appellate and Supreme Court and the federal Court of Appeals. As lead counsel, Bob was successful in having the case remanded to state court each time and, ultimately, the class was certified.

Bob defended a class action filed against a national title insurance company alleging violation of notary statutes and the Missouri Merchandising Practices Act. Initially the case was dismissed, as the title company requested, on summary judgment. After an appeal through the Court of Appeals and the Missouri Supreme Court, Bob negotiated a settlement pursuant to which only a single claim was made and the entire payment made to purported class members was less than ten dollars.

### CONTRACTS AND BUSINESS TORTS

Bob filed suit on plaintiff insurance agency’s behalf for breach of an exclusive dealer contract and breach of a right of first refusal. The case was tried and judgment was entered for the firm’s client in excess of \$2,500,000.00 and upheld through the Court of Appeals and Supreme Court.

Bob represented a national construction company that initiated arbitration for breach of contract and failure to pay sums due for construction of the shell and the core of a large office and residential development. The defendant filed a Counterclaim in arbitration totaling 30 million dollars alleging breach of fiduciary duty and breach of contract. In addition, the construction company commenced litigation against the same defendant relating to the construction of tenant improvements, which also resulted in counterclaims by the defendant. This matter was submitted to the arbitration panel, which awarded Bob’s client a net verdict of \$9,000,000.00 and decided all of the client’s affirmative claims in its favor. In addition, nearly all of the other parties’ claims were also decided in favor of Bob’s client.

Bob defended a technology company in the U.S. District Court for the Eastern District of Missouri on a multi-million dollar claim for anti-trust and other business torts. Following three days of trial, the plaintiff settled, agreeing to pay Bob’s client \$1,000,000.00 on its counterclaim.

Bob defended a construction company against a \$4.6 million dollar claim by a property owner based on foundation damage. An arbitration panel found in favor of the construction company and awarded Bob’s client \$50,000.00.

### EMPLOYMENT COVENANTS & EMPLOYMENT ISSUES

Bob represented a defendant who was sued on a covenant not to compete and for damages. After trial court found for defendant on all counts, the judgment was upheld on appeal. The case was the first to recognize the “unclean hands” defense to a restrictive employment covenant.

Bob represented various defendants, including a national construction company, against claims of tortious interference, civil conspiracy and misappropriation of trade secrets resulting from the movement of employees from plaintiff’s business to defendant’s company. After the court refused to grant temporary injunctive relief prohibiting the employees from working for defendant, the plaintiff dismissed its claims against all of Bob’s clients and released them.

Bob represented a corporate defendant in Missouri federal court against claims for several million dollars by a female former Vice President of the company. Her claims were based on six counts of sexual discrimination in pay, hostile environment, and the Family Medical Leave Act. The jury found in favor of Bob’s client on five of the six counts and awarded \$25,000.00 on the Family Medical Leave Act claim.

In an action before the U.S. District Court Chicago Arbitration Panel, Bob filed suit for pay discrimination. Following 12 days of arbitration, Bob’s client was awarded \$500,000.00 and \$500,000.00 in attorneys’ fees.

### BUSINESS DISPUTES

Bob defended a developer against claims by plaintiff of ownership in multi-million dollar development in Alabama. Following a jury trial, the jury returned a verdict in favor of Bob’s client on all counts.

Bob defended two different construction companies against banks that foreclosed on property on which construction was occurring. In both instances Bob was able to obtain a preference of his client’s mechanic’s lien over the bank’s loans.

### INSURANCE

An insurance company sued Bob’s client, asking the court to declare that the insurance company did not have to indemnify or defend the client and claiming that the client breached the provisions of the insurance policy. On behalf of his client, Bob filed counterclaims against the insurance company. While a motion for summary judgment against the insurance company was pending before the court, the declaratory judgment claims were dismissed and coverage for Bob’s client was affirmed.

### TITLE INSURANCE

Bob represented the defendant title company against a former underwriter. The underwriter alleged that defendant owed \$600,000.00 in commissions, which the defendant admitted owing. The defendant, however, counterclaimed for breach of an exclusive territorial agreement against both the underwriter and its parent company. After trial, Bob’s client was awarded \$2,800,000.00 against both counterclaim defendants. The judgment was upheld on appeal and was the first case upheld that pierced the corporate veil in the context of a parent/subsidiary relationship.

### CONSTITUTIONAL LAW

Bob served as lead counsel for the plaintiff in a case concerning the breach of plaintiff’s right of publicity for the use of plaintiff’s name in a comic book without permission. The case was initially tried to a verdict of \$24,000,000.00 for plaintiff. Following judgment notwithstanding the verdict entered by the trial court and a reversal of that judgment notwithstanding the verdict by the Missouri Supreme Court, which created new law in Missouri concerning the right of publicity cause of action, the case was retried resulting in a \$15,000,000.00 verdict for Bob’s client. That verdict was affirmed on appeal.

### WRONGFUL DEATH AND PRODUCTS LIABILITY

Bob represented the father of an athlete that died during a summer strength and conditioning session of a University football team. The pleadings stated multiple causes of action against University trainers, coaches, and officials and involved affirmative defenses of several different immunities. Following substantial discovery, including depositions of the principals and experts and review of tens of thousands of pages of strength and conditioning treatises, the case settled for \$2,250,000.00.

Bob’s client, an auto dealership, sued the defendants on a product liability claim. The litigation resulted in a settlement and in a significant reported decision adopting the firm’s position concerning the enforceability of arbitration provisions when torts are not expressly mentioned in the arbitration agreement.

### ENTERTAINMENT LAW

Bob defended the civic organization that brought the Rams football team to St. Louis against Fran Murray, who claimed he owned the rights to the lease of the Stadium in which the Rams were to play. Bob obtained judgment for his client.

A competing marketing company hired all employees of Bob’s client and took with them millions of dollars of business from college promotional tours. Bob obtained an immediate and final injunction against the competing marketing company.

Just prior to opening a new outdoor amphitheater a large competing ticket seller sued to prevent the new venue from selling its tickets. Bob defended against the proposed injunction and tickets were allowed to be sold and the decision was affirmed on appeal.

Bob sued performers for causing a riot at an outdoor amphitheater for property damage and loss of business. The case was settled confidentially the week before trial.