

Mark A. Olthoff

SHAREHOLDER

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Mark is an experienced commercial litigator with a national practice focused on complex business disputes and class action litigation. He has extensive experience representing clients in consumer protection, data privacy and privacy-related class actions, as well as high-stakes business litigation matters.

Mark regularly litigates disputes involving breach of contract, breach of fiduciary duty, corporate veil and alter ego claims, business divorces, and officer and director liability. His practice includes matters arising under numerous federal and state statutes, including the Biometric Information Privacy Act (BIPA), Telephone Consumer Protection Act (TCPA), Missouri Merchandising Practices Act (MMPA), Kansas Consumer Protection Act (KCPA), Racketeer Influenced and Corrupt Organizations Act (RICO), Fair Debt Collection Practices Act (FDCPA) and Fair Credit Reporting Act (FCRA).

In addition to his litigation practice, Mark is an author and frequent speaker on data breach and privacy litigation, class actions, corporate veil piercing, business litigation strategy and legal ethics. He served as co-editor of the Kansas City Metropolitan Bar Association's *Business Litigation Handbook* and authored the chapter on piercing the corporate veil.

Education

- University of Iowa (J.D., 1988)
 - with distinction; Journal of Corporation Law, Articles Co-Editor; Phi Delta Phi
- Iowa State University (B.B.A., 1985)
 - with distinction; Phi Kappa Phi

Bar Admissions

- Missouri, 1988
- Kansas, 2019

Court Admissions

- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Missouri

Capabilities

- Biometric Privacy Law
- Class Action & Multidistrict Litigation
- Privacy Litigation
- Commercial Litigation
- Financial Services Litigation
- Litigation
- FinTech & Blockchain Technology
- Telephone Consumer Protection Act Litigation (TCPA)

- U.S. District Court, Western District of Missouri
- U.S. District Court, District of Kansas
- U.S. Court of Appeals, Tenth Circuit
- U.S. Tax Court

Memberships

- Missouri Institute for Justice and Justice Institute of Missouri
 - Vice President, 2014-2025
- American Bar Association
 - Litigation Section, Class Actions and Derivative Suits Committee
- DRI Commercial Litigation Committee
 - Financial Services Litigation Special Litigation Group
 - Chair, 2016-2021
 - Vice Chair, 2015
 - Publications Chair, 2015
- The Missouri Bar
- Missouri Organization of Defense Lawyers
- Kansas City Metropolitan Bar Association
 - Federal Court Advocates Section
 - Business Torts Committee, Chair 2000, Editor, Business Torts Handbook, 1998, 2010, 2017
- Missouri Supreme Court, Region IV
 - Disciplinary Committee, 2008-2016

Recognition

- Ranked in Chambers USA: America's Leading Lawyers for Business, Litigation: General Commercial, Missouri: Kansas City & Surrounds, 2023-2025
- Selected for inclusion in Best Lawyers in America® for the following:
 - Commercial Litigation, 2022-2026
 - Mass Tort Litigation / Class Actions – Defendants, 2023

Matters

Class Actions – Consumer

- Represented dental management company in class action asserting consumer protection and fraud claims in Missouri and Kansas.
- Represented large health care company in class action asserting TCPA violations. Settled favorably.
- Represented non-profit retirement fund in class action asserting improper fee collections. Settled favorably.
- Represented health care staffing company in class action litigation asserting TCPA violations. Settled favorably.
- Represented large health care company in class action asserting improper sales tax collection. Settled favorably.
- Represented franchisor in class action asserting TCPA violations. Settled favorably.
- Represented national non-profit organization in class action alleging violation of TCPA. Case dismissed.

- Represented payment processor in claims alleging TCPA violations. Case settled favorably and dismissed.
- Represented health club organization in defense of class actions alleging violation of state consumer protection law. Settled favorably.
- Represented large national bank in class action claims arising under FCRA. Settled favorably.
- Represented orthodontic supply company in class action asserting violations of TCPA and common law claims. Settled favorably.
- Represented limited liability companies, owners and officers in class actions seeking actual and statutory damages under FDCPA, RICO and state law claims in numerous federal court venues. Settled favorably.
- Represent financial institutions in class action claim alleging violation of Missouri consumer protection act.
- Represented developer of low-income housing in class action alleging violations of consumer protection laws. Settled favorably.
- Represented telephone carrier in class action alleging violation of TCPA. Case dismissed.
- Represented telecommunications company in claims asserting state and federal violations of debt collection laws.
- Represented retailer in class action alleging violation of Florida Telephone Consumer Protection Act. Settled favorably.
- Represented large insurance carrier in class action alleging TCPA violations.
- Represent loan servicer in class action alleging TCPA violations.
- Represented health care system in class action alleging TCPA violations

Class Actions – Privacy

- Represent numerous health care providers in class actions asserting violations of privacy laws in California, Florida, Iowa, Illinois, Kansas, Missouri, New Hampshire, New York, Vermont, and other states.
- Represent educational institutions in class actions in California, New York and Missouri asserting violations of privacy laws.
- Represent accounting firm in class action asserting violations of privacy laws in Mississippi. Case was dismissed.
- Represent credit unions in class actions asserting violations of privacy laws in Illinois, Nebraska and Florida.
- Represent bank in class action alleging violations of privacy laws in Arizona.
- Represent financial services company in class action asserting violations of privacy laws.
- Represented national recreational vehicle retailer in class actions alleging violations of privacy laws.
- Represented franchisee in class action asserting violations of biometric privacy laws. Settled favorably.
- Represented national bank and payments processor in class action alleging violation of privacy laws. Settled favorably.
- Represented vendor of patient portal services in class action alleging violation of privacy laws in Tennessee. Case dismissed.
- Represent software vendor in defense of class action alleging violation of Illinois BIPA.
- Represent senior living facilities in class actions asserting violation of privacy laws in California and Illinois.
- Represent data management company in class actions asserting violation of biometric privacy laws in Illinois.
- Represent waste management company in class action alleging violations of privacy laws in California.

- Represent law firm in class action alleging violations of privacy laws in California.
- Represent health care providers in individual claims alleging violations of privacy laws in Kansas and Missouri.
- Represent home health care provider in class action alleging violations of privacy laws in Illinois.
- Represent insurance broker in class action alleging violations of privacy laws in Illinois.

Commercial Litigation Defense

- Represented former employees and officers of limited liability company in lawsuit alleging RICO and breach of fiduciary duty claims. Case dismissed.
- Represented building manager in class action alleging RICO violations. Settled favorably.
- Represented clothing manufacturer in defense of claims alleging breach of contract and tort claims. Settled favorably.
- Represented engineering company in defense of claims arising from failed purchase agreement. Settled favorably.
- Represented former officer of insurance company against allegations of negligence and breach of fiduciary duty. Settled favorably.
- Represented technology company in claims alleging conversion of stock ownership of former officer. Case dismissed.
- Represented flood certification company defending negligence and other state law claims.
- Represented investment firm in claims of breach of contract and breach of fiduciary duty. Defeated multi-million dollar claims for actual and punitive damages in arbitration.
- Represented law firm in defense of legal malpractice claims. Defeated multi-million dollar claim in arbitration.
- Represented real estate developer in suit claiming breach of equipment leases asset breach of contracts and corporate guarantees. Bench trial and defense judgment. Affirmed on appeal.
- Represented renewable energy company in claims by landowners alleging nuisance.

Other

- Represent taxpayers in Missouri Administrative Hearing Commission appeals of sales, use and income tax assessments and refund denials. On behalf of professional sports team, obtained reversal from Missouri Supreme Court of adverse sales and use tax decision by Administrative Hearing Commission.