

Todd H. Bartels

SHAREHOLDER

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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
- Bankruptcy and Distressed Business Litigation
- Mergers and Acquisitions Litigation
- Intellectual Property and Technology Litigation
- Appeals Litigation
- Wireless and Broadband Industries
- Transportation Industry
- Multi-Level Marketing Industry

Education

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

Bar Admissions

- Missouri, 1996
- Kansas, 1996

Court Admissions

- U.S. District Court, Western District of Missouri
- U.S. District Court, Eastern District of Missouri

Capabilities

- Bankruptcy & Restructuring
- Bankruptcy & Distressed Litigation
- Class Action & Multidistrict Litigation
- Commercial Litigation
- Litigation
- Mergers & Acquisitions Litigation
- Real Estate Litigation
- Finance
- Financial Services Litigation

- U.S. District Court, District of Kansas
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Third Circuit

Memberships

- American Bar Association
- American Bankruptcy Institute
- The Missouri Bar
- Kansas City Metropolitan Bar Association
- St. Joseph Bar Association
- Research Foundation, Treasurer and Board Member

Recognition

- Awarded "Top Plaintiffs' Win" in 2019 by *Missouri Lawyers Weekly* for \$93.5 million jury verdict as lead counsel for Chapter 7 Bankruptcy Trustee
- Named "Local Litigation Star" by *Benchmark Litigation*, 2013-2026
- General Commercial and Intellectual Property Star recognition by *Benchmark Litigation*, 2019
- Selected for inclusion in *Missouri Super Lawyers*, Business Litigation, 2015-2016
- Future Litigation Star recognition by *Benchmark Litigation*, 2009-2012
- Named "Up and Coming Lawyer" by *Missouri Lawyers Weekly*, 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

Matters

- Obtained a \$93.5 million jury verdict in breach of fiduciary duty case against a controlling shareholder and related parties on behalf of Chapter 7 Trustee in the United States District Court for the Western District of Missouri.
- Successfully defended seller of e-commerce business accused of breaching representations and warranties in buy-sell agreement and recovered wrongfully withheld sale proceeds for seller.
- Pursued claims on behalf of major investor arising from misrepresentations and omissions by seller respecting the output capacity of biodiesel refinery.
- Served 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.
- 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.
- Obtained a \$1.5 million jury verdict as lead trial counsel in the Circuit Court of Jackson County, Missouri at Kansas City, in a business dispute involving claims for breach of contract, breach of confidentiality, and breach of the covenant of good faith and fair dealing.
- 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.

Publications

Assessing COVID-19s Long-Term Impact: Unique Legal Issues Facing Business
Speaker, Financial Executives International (FEI)

October 4, 2018

Preparing for Trial in Bankruptcy Court: Tips and Best Practices
Speaker, The 2018 Bankruptcy Institute, Minneapolis, MN

April 3, 2018

Shareholder Todd H. Bartels Co-Authors Quick Evidence Handbook for the American Bankruptcy Institute

October 2, 2017

Ex-Basho CEO Tells Of Frayed Relations With Large Investor
Referenced, Law360

October 27, 2016

M&A Litigation Series: Claims By or Against (Former) Officers and Employees

June 28, 2016

M&A Litigation Series: Claims and Related Issues Arising out of Bankruptcy or Receivership

June 10, 2016

Fiduciaries Gone Wild
Panelist; 33rd Annual Bankruptcy – Restructuring Conference Association of Insolvency – Restructuring Advisors, San Diego, CA

March 16, 2016

Fiduciary Duties Owed by Boards of Directors to Both Solvent and Insolvent Companies

October 6, 2014

The Missouri Supreme Court Removes Caps on Punitive Damages - What is the Impact on Business?

September 8, 2014

Part Three: Catching Judge Sontchi's "Flurry of Opinions"

September 4, 2014

Part Two: Catching Judge Sontchi's "Flurry of Opinions"

September 2, 2014

Part One: Catching Judge Sontchi's "Flurry of Opinions"

July 14, 2014

Supreme Court Closes Gap on Stern Claims

June 12, 2014

Anna Nicole Smith Revisited: Supreme Court Closes Gap on "Stern Claims"; Declines to Clarify Jurisdiction for Certain Bankruptcy Litigation Claims

April 2014

Measuring the Value of Goods Under § 503(b)(9)
Bankruptcy Litigation, An ABI Committee Newsletter; Volume 11, Number 1

MoBar 2012

Missouri Damages, Chapter 19 Punitive Damages