

Andy is a shareholder with Sandberg Phoenix & von Gontard. He served as leader of the firm's product liability department for eight years from 2008 to 2016 and is currently a Recruiting Committee member. Andy has more than 20 years' experience with litigation throughout the country defending manufacturers of various products, to include drugs and medical devices, industrial equipment, and potentially toxic chemicals. Additionally, he represents clients in the railroad, transportation, and construction industries.



Andy's goal in representing large, publicly traded companies is to help minimize any negative impact on their image, brand, stock price, distributors, and salespeople by trying and winning cases. At the same time, he recognizes from experience how litigation can impact a company financially. Andy works closely with clients at the beginning of every case to provide an up-front evaluation that informs them of their chances of success, potential and probable exposure, and anticipated costs so they know the risks involved. He also provides recommendations at the end of a case based on lessons learned during the lawsuit on steps a company can take to avoid future litigation.

Several examples of the types of product liability cases on which Andy has worked include helping an artificial knee manufacturer protect itself from paying millions of dollars in punitive damages that would have impacted share price and potentially the goodwill of doctors and sales representatives who might have had some of the damaged knees on their shelves. Part of Andy's analysis included developing methods to ensure other potentially problematic implants could be pulled from hospital shelves. The victory was recognized by the company's international CEO.

More recently, Andy was one of three attorneys heading a team of 13 lawyers and 11 paralegals responsible for defending a lead manufacturer in a lawsuit following return of a nine-figure verdict against the manufacturer in a prior similar lawsuit. In another case, Andy won a dismissal for a donated human tissue processor after convincing a judge that the recipient of allegedly infected tissue did not have a claim for emotional distress. A final example of Andy's work involved a matter where he defended a company that manufactured harnesses people use to connect to trees while hunting. In that case, Andy was able to obtain a settlement that was more than \$1 million less than the amount the plaintiffs were expected to blackboard at trial and was also an 88% reduction from plaintiffs' original demand at a mediation that was held just three days before the matter was resolved. Other products Andy has defended include automobiles, helicopters, mining trucks, and sporting goods equipment. He also has experience with construction safety standards, highway construction standards, and building codes, and regularly defends clients in construction accident and construction defect litigation in matters involving construction equipment and machinery, boom lifts, digger derricks, and cranes.

Andy has received the Martindale Hubbell® AV Preeminent® Peer Review Rating™ from attorneys who have worked with and against him. This rating reflects Andy's commitment to high ethical standards and his broad knowledge and experience. Andy has also been selected by his peers for inclusion in The Best Lawyers in America 2016, 2017, 2018, and 2019 in the field of Product Liability Litigation – Defendants.

### **Civic Activities**

Andy is actively involved with Glendale Lutheran Church as its President and has served on the congregation's Leadership Council since July 2012. He is also a member of the Friends of the St. Louis Symphony.

### **Professional Activities**

Andy is licensed to practice in Missouri, Illinois, Kansas, the United States District Courts for the Eastern and Western Districts of Missouri, the United States District Court for the Southern District of Illinois and the United States District Court for the District of Kansas. He is a member of the Missouri Bar Association, the Product Liability Advisory Council, the National Association of Railroad Trial Counsel, and the Treestand Manufacturers Association. Additionally, Andy serves as a member of Mackrell International, one of the world's premier networks of independent legal firms. Andy is also a Fellow with the Litigation Counsel of America, an invitation-only trial lawyer honorary society with membership limited to less than one-half of one percent of North American lawyers, judges and scholars.

### **Education**

Andy earned his Juris Doctor in May 1996 from the University of Missouri-Kansas City School of Law, where he served as Articles Editor for The Urban Lawyer quarterly journal on local government law and urban legal affairs. Prior to law school, Andy received his B.S. in Business Administration from the University of Missouri-Columbia in May 1993.

### **Representative Cases**

*Yeargain v. Summit Treestands, LLC*, 2012 WL 1033649 (E.D.Mo. Mar. 27, 2012)

*Wetzler v. Barnes-Jewish Hosp.*, No. ED94034 (Mo.App. Aug. 17, 2010)

*Long Motor Corp. v. SM&P Util. Res., Inc.*, No. 100,336 (Kan.App. Aug. 21, 2009)

*Baltzell v. R&R Trucking Co.*, 554 F.3d 1124 (7th Cir. 2009)

*Clark's Res., Inc. v. Ireland*, 142 S.W.3d 769 (Mo.App. 2004)

*Keisker v. Farmer*, 90 S.W.3d 71 (Mo. banc 2002)

### **Publications**

*The Explosion in E-Cigarette Battery Explosion Litigation: Tips and Tactics for Manufacturers, Distributors, & Retailers*, V SMOKE & VAPE BUS. SOLUTIONS 18 (Jan/Feb 2018)

### **Speaking Engagements**

Insurance Law 2012, The Latest in Subrogation and Liens and Ethical Considerations for the Attorney in the Tripartite Insurance Relationship - Who is the Client?, National Business Institute, St. Louis, Missouri (June 27, 2012)

Chief Litigation Officer Summit, How to Reduce Litigation Costs Using Experts, marcus evans summits, Las Vegas, Nevada (Sept. 16, 2011)

Managing Liens and Subrogation in Auto Accident Litigation, Liens and Subrogation in Auto Accident Litigation and Litigation Ethics, National Business Institute, St. Louis, Missouri (August 30, 2011)

Insurance Law 2011, Current Case Law, Market Trends and Legal Updates, National Business Institute, St. Louis, Missouri (June 29, 2011)

PLRB/LIRB 2010 Central Regional Adjusters Conference, Products Liability: From Beginning to End, PLRB/LIRB, Columbus, Ohio (Sept. 14-15, 2010)

Managing Liens and Subrogation in Auto Accident Litigation, Subrogation Liens in Detail, National Business Institute, St. Louis, Missouri (Aug. 13, 2010)

Insurance Law 2010, Ethical Considerations for the Attorney in the Tripartite Insurance Relationship - Who is the Client? National Business Institute, St. Louis, Missouri (June 18, 2010)

Insurance Law from A to Z, Insurance Law Legislative Update and Ethical Considerations for the Attorney in the Tripartite Insurance Relationship - Who is the Client? National Business Institute, St. Louis, Missouri (May 16, 2008)