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## SERVICES

Appellate & Complex Litigation

Commercial Litigation

Insurance Coverage & Bad Faith

Professional Liability

Construction Litigation

## INDUSTRIES

Insurance Litigation

Accounting

Architects & Engineers

Lawyers & Law Firms

Insurance Agents & Brokers

Construction & Development

# Katrina Smeltzer

SHAREHOLDER IN KANSAS CITY, MO

Katrina Smeltzer is part of the Business Litigation practice group, focusing her practice on representing professionals and representing and assisting insurance carriers.

Katrina is an experienced litigator, representing clients from many different industries on varied matters. She handles matters from the pre-suit investigative stage through trial. She also has significant writing experience and is a part of the firm's Appellate team.

Katrina chairs the Professional Liability team at Sandberg Phoenix. She represents insurance professionals, design and construction professionals, accountants, attorneys and real estate professionals when facing disputes and claims. She also counsels clients on a variety of pre-suit matters, with an eye toward minimizing risk and avoiding litigation.

Katrina additionally represents insurance carriers in insurance and bad faith cases, both in litigation and pre-suit. She assists clients with analysis of complex factual and legal coverage disputes involving various lines of commercial insurance.

In her time away from the office, Katrina raises three small children and enjoys cooking and reading. She is a devoted Creighton Bluejays fan.

## SUCCESSES

Katrina obtained complete defense verdict following trial in Missouri state court for insurer in equitable garnishment/bad faith lawsuit. Plaintiffs and insured were seeking over \$10 million in damages and interest for a judgment relating to a fatal motor vehicle accident.

Katrina obtained summary judgment for an insurance carrier in the U.S. District Court, Western District of Missouri in a coverage dispute involving a builder's risk policy.

Katrina obtained summary judgment in favor of her client in a case pending in the District Court of Lane County, Kansas involving the interpretation of a trust document prepared in the 1970s. The judge agreed with the interpretation advocated by Katrina, and ordered judgment in favor of her client and other defendants.

Katrina assisted in defending a specialty insurance broker in a case where the insured claimed millions of dollars in property damage and that the broker procured the wrong limits of insurance. Katrina assisted in performing pointed and effective discovery that helped achieve a favorable resolution at mediation.

Katrina assisted in obtaining dismissal of a case brought against our insurance company client in federal district court in which coverage for repair costs following a fire were in dispute. The case was dismissed by the insured following preliminary discovery.

Katrina assisted in obtaining a favorable outcome for our insurance company client in a federal district court case in which claims for bad faith failure to settle and vexatious refusal were asserted. The case involved several issues of unresolved Missouri law in the areas of bad faith and vexatious refusal against an insurer, and resolved before trial.

## PROFESSIONAL AFFILIATIONS

Associated General Contractors of Missouri

Association for Women Lawyers of Greater Kansas City

Defense Research Institute (DRI)

Federal Bar Association

Johnson County Bar Association

Kansas Bar Association

Kansas City Metropolitan Bar Association

Missouri Bar Association

Missouri Organization for Defense Lawyers

Trial Network's WIN Society, Steering Committee

## EDUCATION

J.D. with a Certificate of Concentration in Litigation, Creighton University School of Law, *magna cum laude*

During law school, Katrina was also an associate staff member of the *Creighton Law Review* with a published article.

B.A., Creighton University, *magna cum laude*

## LICENSURE(S) AND ADMISSION(S)

Illinois

Iowa

Kansas

Missouri

Nebraska

## CIVIC ACTIVITIES

The Regnier Family Wonderscope Children's Museum of Kansas City, Board Member

## PRESENTATIONS

Co-Presenter, "Whose Fiduciary am I and What Duties Do I Owe?" DRI - Professional Liability Annual Seminar

Co-Presenter, "A Refresher on Jury Instructions," Missouri Bar

Co-Presenter, "Insurance Coverage: Applying the Concurrent Proximate Cause Rule to Losses Due to Excluded Acts," Stafford Webinars

Co-Presenter, "Advanced Evidence Guide: Email, Texts, Smartphone and Social Media," National Business Institute – National Webinar

Co-presenter, "Uninsured and Underinsured Motorist Law – Made Simple" National Business Institute

Co-presenter, "Annual Business Litigation Seminar," presentation on conversion, Kansas City Metro Bar Association

Moderator, "Annual Business Litigation Seminar," Kansas City Metro Bar Association

## PUBLICATIONS

Co-author, The Verses of a Professional Liability Policy, DRI's *The Brief Case: DRI Committee News* (September 2022)

Co-author, "A Complicated Case: Key Points of the Concurrent Proximate Cause Rule," DRI's *The Voice*, Volume 19, Issue 50 (December 2020)

Co-Author, "An Accountant's Liability to Non-Client, Third Parties," DRI's *The Voice* (August 19, 2020)

Co-author, "Consumer Protection Acts and Professional Liability," DRI's *The Voice* (August 14, 2019)

Co-author, "Expanded Duties: What an Insurance Professional Should Know Before Making Promises," *Insurance Journal* (November 19, 2018)

"Interrogatories and Requests for Production in a Personal Injury Case: Who and What," *Minnesota State Bar Association Hearsay*, Volume XIV, Issue 3 (June, 2012)

Co-Author, "Construction Contracts: Risk-Shifting Devices," *Missouri Construction Law* (Mo.Bar Supp., 2009)

"Adapt of Philadelphia v. Philadelphia Housing Authority: The Third Circuit Correctly Determined Prematurely Appealed Discovery Orders Could Not Later Ripen with Subsequent Entry of Final Judgment But Failed to Examine the Validity of the Criticized Cape May Greene Rule," *40 Creighton Law Review* 807 (2007)

## RECOGNITION

2022  
JOHNSON COUNTY BAR ASSOCIATION  
Community Service Award