



314.446.4322

smurphy@sandbergphoenix.com

SERVICES

Commercial Litigation
Construction Litigation
Consumer Fraud
Insurance Coverage & Bad Faith
Professional Liability
Copyrights & Copyright Litigation

INDUSTRIES

Architects & Engineers
Construction & Development
Insurance Litigation

Stephen Murphy

SHAREHOLDER IN ST. LOUIS, MO

Stephen M. Murphy is a Shareholder of Sandberg Phoenix. He focuses his practice in the area of business litigation, with a particular emphasis in insurance law (coverage and bad faith) and professional liability. Steve's practice encompasses trial and appellate work in State and Federal jurisdictions. He is a member of the firm's Appellate Practice and Complex Litigation Team, Insurance Coverage Team, and Professional Liability Team. He represents a diverse clientele, including large businesses, professionals and individuals.

Prior to law school, Steve was an insurance agent for several years. This experience provides him with a unique perspective for handling coverage matters and bad faith claims, as well as defending insurance brokers or agents.

Steve has handled all phases of litigation, including claim investigation, commencing litigation, discovery, motions for summary judgment, mediation, trial and appeals. Steve frequently authors articles for various publications on a range of topics addressing issues within his practice areas, which keeps him abreast of new developments in the law.

Steve values efficiency. In order to increase his value to clients, he successfully pursued certification by the Claims & Litigation Management Alliance as a Litigation Management Professional.

When he is not spending time with his wife and daughter or practicing law, Steve can be found exhibiting Angus cattle at state and national shows.

SUCSESSES

American Family Mutual Insurance Company v. Vein Centers for Excellence, Inc. and St. Louis Heart Center, Inc., 912 F.3d 1076 (8th Cir. 2019): affirmance of summary judgment in favor of American Family. In addressing an issue of first impression, the Eight Circuit held the district court properly rejected the tort claimants' contention the \$75,000 threshold had not been met because no one claim against the named insured exceeded \$75,000. The proper measure of the amount in controversy consisted of the anticipated costs to defend the Vein Centers and potential amount to indemnify the Vein Centers for all claims asserted by all plaintiffs in the underlying class action lawsuit. The unanimous 8th Circuit also held that testimony about the insurer's custom and practice of mailing notices to its insureds about policy changes established the TCPA exclusion had been timely added to the policy, barring coverage for the TCPA claim asserted in the underlying class action case.

Berry v. Ulrich Hereford Ranch, Inc., et al., 17-2109-JTM, 2017 WL 3130580 (D. Kan. July 24, 2017): dismissal of plaintiff's claims alleging fraud and negligent misrepresentation for lack of personal jurisdiction.

Howard v. Eaton Corp., 16-0055, 2016 WL 6651592 (W. Va. Nov. 10, 2016): affirmance of summary judgment for a manufacturer, in a suit alleging that the manufacturer's product was inherently dangerous, and that the manufacturer breached an implied warranty and a duty to warn.

Stoddard Equip. Co., Inc. v. American Safety Indem. Co., et al., 6:13-cv-03271-JFM, 2013 WL 6255387 (W.D. Mo. Dec. 4, 2013): dismissal of insured's declaratory judgment action seeking a defense and indemnity under a commercial general liability policy.

PROFESSIONAL AFFILIATIONS

Associated General Contractors of Missouri, Member

Claims & Litigation Management Alliance ("CLM")

Federal Bar Association, St. Louis Chapter

Missouri Bar Association

Illinois Bar Association

The Lawyers Association of St. Louis

EDUCATION

J.D., Southern Illinois University School of Law, *magna cum laude*

Member of the *Southern Illinois University Law Journal*. While a member of the Law Journal, Steve served on the Board of Editors and co-authored, Survey of Illinois Law: Civil Procedure, with a practicing attorney.

LICENSURE(S) AND ADMISSION(S)

Missouri

Illinois

The United States District Court for the Eastern District of Missouri

The United States District Court for the Western District of Missouri

The United States District Court for the Southern District of Illinois

The United States District Court for the Northern District of Illinois

The United States District Court of Kansas

PRESENTATIONS

Instructor for CLM Claims College for the School of Professional Lines in 2019, 2020 and 2021

Panel Presenter, "Insurance Law Seminar," Illinois Association of Defense Trial Counsel

"Insurance Coverage Institute: Springfield," Illinois Institute for Continuing Legal Education

"Proving and Defending Claims," National Business Institute's Insurer, Adjuster, Agent and Broker Liability: A-Z Seminar

PUBLICATIONS

Contributor, "Survey of 2021 Insurance Law Cases," The Illinois Association of Defense Trial Counsel, IDC 2021 Survey of Law

Co-Author, "When Substitutions Go Wrong," CLM Magazine (April 2022)

Co-Author, "Majority of Courts Applying Illinois Law Have Not Found Coverage for Claims Arising from COVID-19", The Illinois Association of Defense Trial Counsel's IDC Quarterly, Volume 31, Number 3 (Third Quarter 2021)

Contributor, "Survey of 2020 Insurance Law Cases," The Illinois Association of Defense Trial Counsel, IDC 2020 Survey of Law, Volume 10

Co-author, "Illinois Court Becomes the Latest to Conclude Labor Cannot be Depreciated in Determining Actual Cash Value When Policy is Silent," The Illinois Association of Defense Trial Counsel's IDC Quarterly, Volume 30, Number 4 (November 2020)

Contributor, "Survey of Insurance Law Cases," The Illinois Association of Defense Trial Counsel, IDC 2019 Survey of Law, Volume 9

--Co-author, "Insurance Law Update," The Illinois Association of Defense Trial Counsel's IDC Quarterly, Volume 29, Number 3 (September 2019)

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)

Co-author, "Missouri winds of change? New laws hold promise for insurance companies," Westlaw Practitioners Insight Insurance | Journal Insurance (Thomson Reuters, March 16, 2018)

Co-author, "Bad Faith and Extra-Contractual Liability in Missouri – It's Not Just for Bodily Injury Claims Anymore," CLM Magazine (November 2017)

"Additional Things to Know About Being an Insured Under Another's Liability Policy," The Illinois Association of Defense Trial Counsel, IDC Quarterly, Volume 27, Number 2, (2017)

"Limited Liability Partnerships" – Illinois Institute for Continuing Legal Education, 2013 Limited Liability Companies and S Corporations Practice Handbook, Chapter 11 (2013)

"When Is Exhaustion of Policy Limits Not Really Exhaustion? The Cautionary Tale of Schmitz," Insurance E-News (December 2011)

"An Insurer's Second Bite at the Apple: Challenging Coverage Despite a Failure to Reserve Rights," Insurance E-News (February 2010)

Survey of Illinois Law: Civil Procedure, 28 S.Ill.U.L.J. 683 (2004)