



**LASHLY & BAER, P.C.**  
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**W. Jeffrey Muskopf**

Attorney at Law

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Jeff Muskopf focuses his practice on complex civil trial and appellate work in a variety of substantive areas, with an emphasis on product liability, toxic torts, the defense of financial institutions, consumer fraud, commercial litigation, insurance coverage, class actions and personal injury cases. He has tried cases to jury verdict in state and federal courts in Illinois and Missouri.

Jeff earned his J.D. from Southern Methodist University Dedman School of Law in Dallas, Texas and a Bachelor of Arts degree from Westminster College in Fulton, Missouri.

**Primary Practice Areas**

- Litigation
- Personal Injury
- Health Care

**Bar Admissions**

- United States Court of Appeals for the Seventh Circuit, 2010
- United States Court of Appeals for the Eighth Circuit, 2010
- United States Court of Appeals for the Fifth Circuit, 1993
- United States District Court, Eastern District of Missouri, 2000
- United States District Court, Southern District of Illinois, 1998
- United States District Court, Northern District of Texas, 1993
- United States District Court, Eastern District of Texas, 1993
- United States District Court, Western District of Texas, 1994
- Supreme Court of Missouri, 1997
- Supreme Court of Illinois, 1998
- Supreme Court of Texas, 1993

**Education & Academic Honors**

- J.D., Southern Methodist University Dedman School of Law, 1992
- B.A., Political Science, Westminster College, 1989
- Alpha Chi National College Honorary Society
- Phi Sigma Tau National Honorary Society in Philosophy

**Professional Associations**

- American Bar Association
- American Industrial Hygiene Association
- Bar Association of Metropolitan St. Louis

- Defense Research Institute (DRI)
- Illinois Association of Defense Trial Counsel
- Illinois State Bar Association
- Litigation Counsel of America
- The Missouri Bar
- St. Clair County Bar Association
- State Bar of Texas

### **Representative Cases or Transactions**

- Defending a nursing home against claims of negligence, Jeff won a significant victory for his client in the case of *Carter v. SSC Odin Operating Co., LLC*, 237 Ill.2d 30, --- N.E.2d ---, 2010 WL 1493626 (2010). After the trial court and the intermediate appellate court denied the nursing home's motion to compel arbitration, the Supreme Court of Illinois reversed the decisions of the lower court. The decision affirms the rights of individuals and businesses to agree to resolve their disputes in arbitration, rather than by litigation in the court system.
- Jeff extinguished a potential \$20 million liability faced by his client, Union Planters Bank, N.A. in a case in which a number of trust beneficiaries claimed that Union Planters breached fiduciary duties owed to them after structured settlement funds were misappropriated by a third party. Jeff successfully argued a motion to dismiss in the trial court (*Topsakalyan, et al v. James Gibson, et al*, Circuit Court of Cook County, Illinois, Cause No. 00-L-11030) and drafted the appellate court briefs which resulted in an order from the Appellate Court, First District (Cause No. 03-0359), affirming the trial court's decision.
- The case of *Davis, et al v. American Optical Corp., et al*, reported at 899 N.E.2d 506 (5th Dist. 2008), was brought by a number of coal miners who claimed that they had black lung disease and that the companies who made respiratory protection devices they allegedly used were responsible for their alleged injuries. The willingness of the plaintiffs and several defendants to settle was frustrated by the workers' compensation liens held by the employers and by the unwillingness of one defendant to settle. Jeff, as lead counsel for one of the defendants, found a way to resolve the liens and bring the cases to a conclusion. Over the objection of the non-settling defendant, the trial and appellate courts found that the settlements Jeff designed were proper and in good faith.
- In the case of *Pierson v. J & J Concrete Pumping* filed in Sangamon County, Illinois (Cause No. 04-L-354), Jeff served as lead counsel for Schwing America, Inc., the manufacturer of a concrete boom pump truck that allegedly caused the plaintiff's injuries on a construction site. Schwing was sued as a third-party defendant, but after litigation and depositions, Jeff secured a voluntary dismissal of all claims against his client without any payment.
- In a medical malpractice case styled *Trentman v. Kappel* and reported at 775 N.E.2d 1041 (5th Dist. 2002), Jeff drafted the appellate brief on behalf of his physician client. The jury trial resulted in a defense verdict in favor of the doctor, and the Appellate Court affirmed the lower court's decision, holding that the plaintiff's failure to comply with post-judgment appellate procedure deprived the Appellate Court of jurisdiction to hear the appeal.

- Jeff was instrumental in the prosecution and jury trial of a legal malpractice case on behalf of his client, The Home Insurance Company, against the Chicago law firm of Williams & Montgomery and its partner Barry L. Kroll. This jury trial resulted in a verdict in favor of Jeff's client in the amount of \$6.8 million (St. Clair County, Illinois, Cause No. 97-L-1101A).
- In addition, Jeff is presently representing clients in business dissolution disputes, retaliatory discharge claims, claims for the recovery of operating expenses from commercial tenants, patient-nursing home litigation, administrative decisions adversely affecting a physician's license to practice medicine, and many other matters. He is directly responsible for managing the lawsuits brought by over 250 plaintiffs against his clients in toxic tort cases in both Illinois and Missouri.

### **Employment History**

- Lashly & Baer, P.C.  
Member, 2007-Present
- Freeark, Harvey, Mendillo, Dennis, Wuller, Cain & Murphy, P.C.  
Associate, 1997-2007