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Patrick E. Foppe

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Patrick E. Foppe practices in civil litigation and represents businesses and insurance companies throughout Illinois and Missouri in both state and federal court. Patrick has successfully tried numerous cases and favorably resolved hundreds of matters. He frequently handles wrongful death and negligence claims involving: complex commercial motor vehicle accidents; negligent hiring, training and supervision; negligent entrustment; contribution and indemnity; punitive damages; class-actions; spoliation; premises/retail liability; products liability; excessive force; personal injury; uninsured and underinsured motorist; subrogation; toxic torts involving asbestos, benzene, and welding fumes. Also, he advises insurance companies on a wide variety of insurance coverage issues and handles declaratory judgment and bad faith actions. In addition, he advises transportation companies regarding compliance with the Federal Motor Carrier Safety Regulations. He frequently handles cargo disputes and transportation-related contract disputes.

Further, he conducts immediate response to serious accidents as part of Lashly & Baer's Rapid Response Team, which helps to achieve early evaluation of serious accidents and ensure the preservation of evidence. He keeps apprised of the fast changing technology involved in vehicular accidents and advises how to properly secure and collect this important data.

Patrick currently serves on the Defense Research Institute, Inc.'s (DRI) Trucking Committee's Steering Committee, is Chair of Publications, and the Chair of Regulatory/Governmental SLG. He also serves as Co-Chair of the Transportation Lawyers Association's (TLA) Membership and Recruiting Committee. In addition, he is an active member of the Transportation & Logistics Group and Retail Practice Group of USLAW Network, Inc., which is an international organization, composed of over 180 independent, defense-based law firms.

Patrick is AV Preeminent[®] Martindale-Hubbell[®] Peer Review Rated[™]. Each year since 2010, Patrick has been selected through peer recognition and professional achievements for inclusion in the Missouri & Kansas Super Lawyers list, as published by *Super Lawyers* magazine. He was honored by *Missouri Lawyers Weekly* with its Up & Coming Award for 2013. He has been recognized by the Missouri Bar for his pro bono work in the community numerous times. Patrick is also a regular author on transportation and retail industry issues and is an invited speaker by many industry groups. Patrick and his wife Kate have seven children.



Primary Practice Areas

- Transportation
- Insurance Coverage
- Retail and Premises
- Litigation

Bar Admissions

- United States District Court, Western District of Missouri, 2009
- United States District Court, Eastern District of Missouri, 2005
- United States District Court, Southern District of Illinois, 2004
- United States District Court, Central District of Illinois, 2018
- Supreme Court Missouri, 2005
- Supreme Court Illinois, 2004

Representative Clients

- Canal Insurance Company
- Daily Express, Inc.
- Mayflower Transit, LLC
- National Transportation Association, Inc.
- Quality Distribution, Inc.
- RLI Insurance Company
- Roehl Transport, Inc.
- Trans Advantage, Inc.
- UniGroup, Inc.
- United Van Lines, LLC
- Vanliner Insurance Company
- National Interstate Insurance Company
- Western Express

Representative Cases or Transactions

- *Hogan Logistics, Inc. v. Davis Transfer Company, Inc.*, 4:16-cv-01541-CAS (Eastern District of Missouri, 2019) (trial)
- *Walters v. Schwan's Food Services, Inc.*, 17CG-CC00014 (Cape Girardeau County, Missouri) (summary judgment on issue of punitive damages)
- *Haley v. Westfreight Systems, Inc., et al.*, 15-cv-01161-JPG-SCW, 2016 WL 5394389 (U.S. Southern Dist. IL 2016) (motion to strike punitive damages granted)
- *Harbison v. Rich Gullet & Sons, Inc., et al.*, 4:13-CV-1138-SPM, 2015 WL 1602611 (U.S. Eastern Dist. Mo. 2015) (motion to dismiss granted)
- *Harbison v. Rich Gullet & Sons, Inc., et al.*, 4:13-CV-1138-SPM, 2014 WL 5483569 (U.S. Eastern Dist. Mo. 2015) (motion for application of foreign law granted)
- *Hudson v. Wheeler, et al.*, 1216-CV22106 (Jackson County, Mo., 2013) (judgment on the pleadings)
- *Penfold v. Martin Transportation Systems, Inc.*, 10SL-AC22268 (St. Louis County, Mo., 2012) (directed verdict)

- *Holt v. Galemme, et al.*, 11SO-CV00643 (Stoddard County, Mo., 2012) (favorable settlement)
- *Keller v. Feinerman, et al.*, 2011 WL 1519384 (U.S. Southern Dist. of Ill., 2011) (pro bono case)
- *Murphy v. Safeco Ins. Co. of Illinois*, 2010 WL 1268034 (U.S. Eastern Dist. of Ill., 2010) (trial)
- *Heard v. Metro Moving & Storage, Co.*, 09SLSC00472 (St. Louis County, Mo., 2009) (defense verdict)
- *James v. Express Medical Transport, Inc.*, 0722CC09197 (St. Louis City, Mo. 2009) (summary judgment)
- *Holland v. Muscle Relocation, Inc.*, 04CV746895 (Scott County, Mo., 2008) (summary judgment)
- *Monke v. General Medicine, P.C., et al.*, 2008 WL 904734 (U.S. Southern Dist. of Ill., 2008) (dismissed with prejudice)
- *Johns v. Saint-Gobain Abrasives, Inc., et al.*, 22032-01197 (St. Louis City, Mo. 2007) (summary judgment)
- *Schuette v. Saint-Gobain Abrasives, Inc., et al.*, 22032-00537 (St. Louis City, Mo. 2007) (summary judgment)
- *Woodson v. The Dow Chemical Co., et al.*, 052-09415 (St. Louis City, Mo. 2006) (voluntarily dismissed)
- *Null et al. v. De Beers, et al.*, 05-516-MJR (U.S. Southern Dist. of Ill, 2005) (removal of a multi-million dollar class action)
- *Siemens v. Energy Systems Group, et al.*, 04-MR-39 (Wayne County, Ill., 2005) (summary judgment)
- *Ratermann et al. v. Tri-County Electric Coop.*, 02-L-67 (Marion County, Ill. 2005) (summary judgment)

Lectures & Legal Publications

- Lecturer, “Transport Law v. Law of the Jungle”, TLA’s Chicago Seminar, January 21, 2021
- Lecturer, “FMCSA’s New Crash Preventability Program,” DRI Trucking Law’s Virtual 2020 Conference, November 19, 2020
- Lecturer, “Missouri’s New Tort Reform on Punitive Damages,” USLAW NETWORK, Inc.’s Fall 2020 Virtual Network Client Conference, October 2, 2020
- Lecturer, “Comparative Fault in the Age of Autonomous Vehicle Technology,” USLAW NETWORK, Inc.’s Fall 2020 Virtual Network Client Conference, October 2, 2020
- Lecturer, “Is Trucking Litigation on a Crash Course with Products Liability Law,” Arkansas Virtual Trucking Conference, September 17, 2020
- Author, “Missouri’s New Tort Reform on Punitive Damages that Should Significantly Assist in Defending Truck Accident Cases,” July 2020
- Author, “A Background and Overview of FMCSA’s New Crash Preventability Determination Program,” TLA’s The Transportation Lawyer, July 2020
- Author, “A Hard Road to Toll: Imposing Vicarious Liability Against Non-Motor Carriers Under the Federal Motor Safety Regulations,” USLAW Network, Inc. Magazine, Spring 2020

- Lecturer, “Hot Topics Facing Motor Carriers in 2020,” TLA’s Chicago Seminar, January 24, 2020
- Author, “Ensure Your Trucking Company’s Safety Representative Holds Up to Direct and Cross-Examination at Trial,” DRI’s “For the Defense” Magazine, December 2019
- Lecturer, “Winning the Golden Hour,” TLA Webinar, October 9, 2019
- Author, “Handling Preventability Determinations in Trucking Accidents Cases,” DRI’s “In Transit,” July 12, 2019
- Lecturer, “Winning Strategies for Ensuring that Your Trucking Company’s Safety Representative Holds Up on Direct and Cross-Examination”, DRI’s 2019 Trucking Primer, Nashville, Tennessee, June 26, 2019
- Lecturer, “The ‘New’ Standard of Care – Technology & Technology on its Head”, USLAW Network, Inc.’s Spring 2019 Network Client Conference, Nashville, Tennessee, March 30, 2019
- Lecturer, “Challenging Plaintiffs’ Use of Federal Regulations to Bolster Negligence Claims,” DRI’s Transportation Committee Webinar, March 13, 2019
- Lecturer, “Good Golly, Miss Molly - New Strategies and Approaches to the “Oldies,” USLAW Network, Inc.’s – Transportation and Logistics Exchange, Las Vegas, Nevada, February 22, 2019
- Lecturer, “Legal Developments in Transportation Litigation,” Cottingham & Butler’s client meeting, Dubuque, Iowa, October 1, 2018
- Author, “Precluding Discovery of Preventability Determinations in Trucking Accidents,” Journal of Transportation Management, Summer-Fall 2018
- Lecturer, “Avoiding the Crisis Created Long Before the Accident – Legal and Litigation Issues with Employee Handbooks and Training Manuals, Arkansas Trucking Conference, September 20, 2019
- Lecturer, “Derivative Negligence Claims against Motor Carrier,” Strafford Webinars, August 22, 2018
- Lecturer, “Protecting the Crisis Management From Discovery: Addressing Requests For Post-Accident Investigation Materials And Preventability Determinations During Litigation,” USLAW Spring Conference, Scottsdale, Arizona, April 7, 2018
- Author, “Precluding Discovery of Preventability Determinations in Trucking Accidents Under 49 U.S.C. § 504(f),” DRI’s “The Voice,” December 20, 2017
- Lecturer, “Motor Carrier Claims for Negligent Entrustment,” Strafford Webinars, August 16, 2017
- Lecturer, “Marijuana and the Employer – Navigating the Evolving Risk Landscape,” CLM & Business Insurance Retail, Restaurant, & Hospitality Conference, Dallas, Texas, February 24, 2017
- Lecturer, “Now What? Managing Catastrophes,” Vanliner Insurance Company, St. Charles, Missouri, February 10, 2017
- Author, “Handling Marijuana Issues in Your Trucking Case,” DRI’s “For the Defense” Magazine, April 2016
- Lecturer, “Truck Drivers and Pot Heads: Can the Two Ever Be Friends?” DRI’s Trucking Law Conference, Chicago, Illinois, April 14, 2016
- Author, “Defending Against Attempts to Impose Liability through the Broad Definitions under 49 C.F.R. § 390.5,” TLA’s The Transportation Lawyer, December 2015

- Author, “Defending Motor Carriers Performing Oversize Load and Heavy Haul Operations,” USLAW Network, Inc. Magazine, Fall 2015
- Author, “Curtailing Plaintiffs Efforts to Broaden Motor Carrier Liability Through the Broad Definitions under FMCSR Section 390.5,” DRI’s E-Forum, April 12, 2015
- Author, “New House Bill Seeks to Reform FMCSA’s CSA Scores,” DRI’s E-Forum, April 6, 2015
- Author, “FMCSA Releases Crash Weighting Analysis and Seeks Public Input,” DRI’s E-Forum and USLAW Network, Inc.’s Transportation E-Brief, January 25, 2015
- Author, “New Eavesdropping Restrictions in Illinois,” USLAW Network, Inc.’s Transportation E-Brief, January 25, 2015
- Author, “2014 News from the FMCSA and a Look Down the Road,” DRI’s “For The Defense” Magazine, December 2014
- Author, “FMCSA Curtails Driver Vehicle Inspection Reports,” USLAW Network, Inc.’s Transportation E-Brief, December 10, 2014
- Author, “FMCSA Seeks Public Comment Regarding Revising Minimum Levels of Financial Responsibility of Commercial Carriers,” DRI’s E-Forum, December 10, 2014
- Author, “Missouri Court of Appeals Holds that Missouri’s Statutory Caps on Punitive Damages Do Not Apply in Wrongful Death Cases,” DRI’s E-Forum, June 30, 2014
- Author, “FMCSA Initiates Rulemaking Process to Update the Financial Responsibility of Commercial Carriers,” DRI’s E-Forum, May 14, 2014
- Lecturer, “Understanding the Plaintiff’s Playbook in Trucking Cases and Being Proactive Against It,” National Interstate Insurance Company client meeting, Amelia Islands, Florida
- Lecturer, “Navigating Through the Litigation Minefield and Combating Plaintiff’s Game Plan,” Cottingham & Butler’s client meeting, Dubuque, Iowa
- Lecturer, “Unique Challenges in Handling Claims Against Heavy Haulers and Carriers of Oversize Loads,” TLA’s 2014 Annual Conference, Tampa, Florida
- Author, “FMCSA Announces Proposed Rule For Electronic Logging Devices,” DRI E-Forum, March 17, 2014
- Author, “FMCSA Finalizes Rule to Shut Down Carriers based on Patterns of Safety Violations and Proposes New Rule for National Drug and Alcohol Testing Clearinghouse,” DRI’s E-Forum, February 13, 2014
- Author, “FMCSA Issues One-Year Extension of Paper Medical Certificate Requirement for Commercial Bus and Truck Drivers,” DRI’s E-Forum, January 22, 2014
- Co-author, “Application of the Federal Motor Carrier Safety Regulations Upon Private Motor Carriers – Are You Aware of the Risks?,” USLAW Network, Inc.’s Magazine, Spring-Summer 2014
- Author, “Illinois Bans Using Handled Cell Phones While Driving,” DRI’s E-Forum, October 8, 2013
- Co-author, “New Missouri Law Requires Uninsured Motorists to Forfeit Recovery of Noneconomic Damages Under Certain Circumstances,” USLAW Network, Inc.’s Transportation E-Brief, September 13, 2013
- Co-author, “Federal Appeals Court Upholds Most New Hours of Service Rules,” USLAW Network
- , Inc.’s Transportation E-Brief, August 6, 2013

- “\$7 million settlement - Man settles claims against co-workers in accident,” Missouri Lawyers Weekly, June 17, 2013
- Co-author, “Missouri Appellate Court Allows Imputed Liability Claims Against Employer Even After Admitting Agency When Punitive Damages Are At Issue,” USLAW Network, Inc.’s Transportation E-Brief, March 29, 2013
- Co-author, “Missouri Courts Examining Possible Exceptions to When a Plaintiff Can Pursue Other Imputed Theories of Liability Against an Employer Even After *Respondeat Superior Liability* is Admitted,” USLAW Network, Inc.’s Transportation E-Brief, January 18, 2013
- Co-author, “Illinois Appellate Court Allows Evidence of Plaintiff’s Lack of Health Insurance,” USLAW Network, Inc.’s Transportation E-Brief, June 18, 2012
- Interview, “Hot Button Issues - Transportation Regulations,” Ladue News, February 10, 2012
- Co-author, “U.S. Department of Transportation Announces New Regulations Reducing the Maximum Allowable Hours Truck Drivers May Drive,” USLAW Network, Inc.’s Transportation E-Brief, January, 27, 2012
- Co-author, “Compendium of Trucking Verdicts in Missouri from 2000 to 2011,” Trucking Industry Defense Association (TIDA), June 2011
- Co-author, “Injuries to Unauthorized Passengers in Trucking Accidents Pose Unique Issues,” USLAW Network, Inc.’s Magazine, Spring-Summer 2011
- Interview, “Multi-Million Dollar Settlements,” Chicago Lawyer, October 1, 2010
- Co-author, “U.S. Department of Transportation Issues Final Rule Revising Drug Testing Procedures,” USLAW Network, Inc.’s Transportation E-Brief, August 17, 2010
- Co-author, “Federal Motor Carrier Safety Administration Pursues Permanent Ban on Texting for Commercial Truck Drivers,” USLAW Network, Inc.’s Transportation E-Brief, April 25, 2010
- Interview, “Rock of Love Bus' Suit Settles For \$16 Million,” The Madison County and St. Clair County Record, October 15, 2009
- Co-author, “10th Circuit Court of Appeals Aligns Itself With The Majority of Appellate Circuits on an Important MCS-90 Issues,” USLAW Network, Inc.’s Transportation E-Brief, September 10, 2009
- Co-author, “Theft Claims on The Rise in the Transportation Industry, But Remedial Measures Pose Challenges,” USLAW Network, Inc.’s Transportation E-Brief, June 1, 2009
- Co-author, “FMCSA Toughens Safety Requirements for New Commercial Truck and Bus Companies,” USLAW Network, Inc.’s Transportation E-Brief, January 19, 2009
- Co-author, “Federal Motor Carrier Safety Administration Makes No Change in Hours of Service Rule,” USLAW Network, Inc.’s Transportation E-Brief, December 8, 2008
- Interview, “Class Action Against World's Largest Diamond Miner Certified in Madison County,” The Madison County and St. Clair County Record, July 27, 2005

Community Service & Awards

- Founding Director of the National Zip-Out Unused Opioids Foundation, 2018
It is well recognized that prescription pain medications have been a driving force in the dramatic rise in this health epidemic. The National Zip-Out Unused Opioids Foundation

seeks to educate the public on an easy method to responsibly dispose of unused pain medications in compliance with the Federal Food and Drug Administration guidelines and federal law.

- Leader, Service Trip to Guyana, South America, April 2015
Led a group of seven volunteers who served at the St. John Bosco's Boys Orphanage and the David Rose School for Disabled Children.
- Martindale-Hubbell®, AV Preeminent® Peer Rated™
- Illinois State Bar Association (ISBA), Standing Committee Judicial Evaluations - Outside Cook County, 2012 - 2016
- Honoree, *Missouri Lawyers Weekly* Up & Coming Award, 2013
- Honoree, *Missouri & Kansas Super Lawyers*, 2010 - Present
- Honoree, The Missouri Bar, Pro Bono Wall of Fame, 2011 and 2019
- Coach, Jessup Competitive Moot Court Team, Saint Louis University School of Law, 2005 - 2010

Professional Associations

- USLAW Network, Inc.
 - Transportation Practice Group
 - Retail Practice Group
 - Future Leaders Group
- Defense Research Institute, Inc. (DRI)
 - Trucking Law Executive Committee, 2012 - Present
 - Chair of Publications, 2017 – Present
 - Chair of the Regulatory/Government Affairs Special Litigation Group, 2012 – 2016, 2021
 - Co-Chair of Regulatory/Government Affairs Special Litigation Group 2020
 - Coordinator of all the Special Litigation Groups, 2015 - 2016
 - Insurance Law Committee
 - Product Liability Committee
 - Commercial Litigation Committee
- Transportation Lawyers Association (TLA)
 - Co-Chair – Membership and Recruiting Committee, 2015 - Present
 - Co-Chair – Federal Regulations Committee 2020
 - Representative-at-Large, Executive Committee, 2016 - 2018
 - Casualty Litigation Committee
 - Motor Carrier Transportation Committee
- American Bar Association (ABA)
 - Transportation Section
- Illinois State Bar Association (ISBA)
 - Standing Committee Judicial Evaluations - Outside Cook County, 2012 - 2016
- Bar Association of Metropolitan St. Louis (BAMSL)
- St. Clair County Bar Association

Education & Academic Honors

- J.D., Saint Louis University School of Law, 2004

- Saint Louis University Law Journal, Staff Editor, 2002 - 2003
- Jessup Moot Competitive Moot Court, competitor and team captain, 2002 - 2004
- Brussels Seminar, E.U., 2002
- B.S., *summa cum laude*, International Business, Saint Louis University, 2001
 - Pre-Law Scholar, 1997 - 2001
 - Alpha Sigma Nu, Jesuit Honor Society, 2000
 - Beta Gamma Sigma, Business Honor Society, 2000

Employment History

- Lashly & Baer, P.C.
 - Member, 2013 - Present
 - Associate, 2008 - 2013
- Heyl, Royster, Voelker & Allen
 - Associate, 2004 - 2008
 - Law Clerk, 2003 - 2004