

# Miller | Schirger LLC

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## Joseph M. Feierabend

Joe focuses his practice primarily in the areas of complex business and commercial litigation. He represents businesses and individuals in state and federal courts and before arbitration panels nationwide in disputes involving breach of contract, business torts, and other commercial claims. His expertise extends to class actions, insurance coverage and bad faith claims, personal injury claims, claims asserting violations of constitutional rights, as well as counseling institutional investors in broker/dealer disputes involving complex, structured financial products and transactions. In addition, Joe has significant experience representing plaintiffs in cost-of-insurance class-action litigation in state and federal courts throughout the United States.

Joe obtained his B.B.A. degree from the University of Notre Dame where he majored in accounting and obtained his J.D. from the University of Missouri School of Law, where he focused his studies in the areas of finance and tax. Before beginning his legal career, Joe spent two years running the daily operations of a Kansas City company. His prior work experience and financial background provide a unique perspective in analyzing business disputes, and consistently prove to be a significant advantage in advising clients.

Joe is a native of Kansas City, Missouri, and a graduate of Rockhurst High School.

For a general description of cases in which Joe has been involved, please refer to the Representative Cases section of this website.

## AREAS OF PRACTICE

- Banking Litigation
- Commercial Litigation
- Class-Action Lawsuits
- Constitutional Law/Civil Rights Litigation
- Construction Law
- Construction Litigation
- Insurance Litigation
- Real Estate Litigation
- Securities Litigation
- Antitrust, Unfair Competition and Deceptive Trade Practices Litigation
- Whistleblower Litigation

## BAR ADMISSIONS

- Missouri
- U.S. District Court District of Colorado

- U.S. District Court Western District of Missouri
- U.S. District Court District of Kansas

## EDUCATION

- **University of Missouri School of Law**
  - Juris Doctor - 2008
- **University of Notre Dame**
  - Bachelor of Business Administration - 2005

## PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- American Bar Association
- Missouri Bar Association
- Kansas City Metropolitan Bar Association
- Missouri Association of Trial Attorneys

## REPRESENTATIVE CASES

*Business Litigation* – Represented individual and brought action to recover on claims arising from breach of a previous settlement agreement and non-compliance with a previous judgment of a Missouri circuit court. A favorable settlement was reached soon after initiating enforcement proceedings with the court.

*Business Litigation* – Represented business in contract dispute with multinational insurance brokerage. Negotiated and obtained a settlement in client's favor, without filing a lawsuit.

*Cost of Insurance Class Action – Vogt v. State Farm Life Insurance Company*, Represented plaintiff Missouri class of policyholders in class action trial involving cost of insurance overcharges in life insurance policies. Jury awarded policyholder class \$34.3 million and determined that State Farm had systematically overcharged policyholder class. (USDC, Western District of Missouri, Central Division 2018)

*Cost of Insurance Class Action – Larson v. John Hancock Life Insurance Company (U.S.A.)*, Represented plaintiff class of policyholders in nationwide class action involving cost of insurance overcharges in life insurance policies. John Hancock agreed to settle the case for \$59.75 million that will be distributed to approximately 103,000 policyholders. (Superior Court of California, County of Alameda, Oakland, CA 2018)

*Cost of Insurance Class Action — Bezich v. Lincoln Nat'l. Life Ins. Co.*, Represented plaintiff class of policyholders in nationwide class action against The Lincoln National Life Insurance Company alleging life insurance policy overcharges including "cost of insurance" overcharges. Lincoln National agreed to settle the case by, among other things, issuing term life insurance certificates to a settlement class consisting of approximately 77,000 policy owners across 30 states. The term life insurance certificates have a total face amount of death benefits estimated at \$2.25 billion, with a market value of approximately \$171.8 million. (Allen County Circuit Court, Fort Wayne, IN 2016)

*Cost of Insurance Class Action - Bezich v. Lincoln Nat'l. Life Ins. Co.*, Represented plaintiff in alleged class action involving cost of insurance overcharges in life insurance policies. Case of first impression holding Class Action Fairness Act's (CAFA) securities exception allowed alleged class action involving variable life insurance policy to proceed forward in state court; case was not subject to removal to federal court. (7th Cir. 2010)

*Insurance Litigation* – Represented plaintiffs in various disputes regarding defendant insurance companies' failure to pay on property loss claims. Favorable outcomes have been reached for clients soon after initiating lawsuits.

*Intellectual Property Litigation* – Represented plaintiff in a trademark infringement case resulting in a positive outcome ensuring protection of client's intellectual property rights into the future.

*Property Rights Litigation* – Represented plaintiff in dispute involving rights to use of land and alleged adverse possession, among other claims; negotiated and obtained a favorable settlement for client.

*Securities Litigation* – Represented plaintiff bank in dispute with its broker-dealer. The dispute involved the marketing and sale of asset-backed securities. Confidential settlement was reached for client resulting in a substantial recovery.

*Tort/Civil Rights* – Represented plaintiff in a tort/civil rights action which alleged 12 claims against police, hospital and the doctors who treated plaintiff in the emergency room, the municipality emergency services personnel and the municipality which employed the individual defendants. The claims included Excessive Force, Unlawful Seizure, False Arrest, Unlawful Search, Interference With and Denial of Medical Care, Delay of Plaintiff's Release, Municipal Liability, Assault, Battery, Intentional Infliction of Emotional Distress, False Imprisonment, and Negligence, and sought relief for violation of civil rights secured by 42 § U.S.C. 1983. The defense settled with plaintiff for relief of \$11.4 million. (W.D. Missouri – Kansas City, 2018)