

Miller | Schirger LLC

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Joseph M. Feierabend

Joe focuses his practice primarily in the areas of business, insurance, and securities 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, property and casualty insurance coverage and bad faith claims, and counseling institutional investors in broker/dealer disputes involving complex, structured financial products and transactions, including the purchase and sale of mortgage and other asset backed securities. 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.

AREAS OF PRACTICE

- Banking Litigation
- Commercial Litigation
- Class-Action Lawsuits
- 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 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

CIVIC & CHARITABLE ACTIVITIES

- University of Notre Dame Club of Kansas City, Club Officer and Coordinator of the Summer Service Learning Program

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.

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.