



## Bob Wagner

Partner

St. Louis  
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### PRACTICES

- Class Action Defense
- Business Litigation
- Environmental

### EDUCATION

- Saint Louis University School of Law, J.D., magna cum laude, 1995, Order of the Woolsack, Alpha Sigma Nu National Honor Society
- University of Missouri-Columbia, M.A., Political Science, 1992
- University of Illinois at Urbana-Champaign, B.S., B.A., Cum Laude, 1984

### ADMISSIONS

- Illinois
- Missouri

### REPRESENTATIVE CLIENTS

- Charter Communications
- City of Chicago
- CK Power
- Gander Mountain
- Illinois Central Railroad
- Metropolitan Sewer District
- Monro Muffler Brake
- Sho-Me Power Electric Cooperative
- Washington Metropolitan Area Transit Authority

### AFFILIATIONS

- Missouri Bar Association
- The Bar Association of

Bob has more than 20 years of experience defending class actions in state and federal courts across the country.

Bob has represented telecommunication companies, retailers, manufacturers, banks, railroads, public transit authorities, governmental entities, electric and agricultural cooperatives and energy companies in all aspects of the class action litigation process, from the initial responsive pleading through the class action trial. Bob has litigated class actions in 20 states and has argued more than 50 class certification hearings and participated in more than 100 certification rulings.

His areas of substantive law include consumer fraud, product liability, telecommunications, environmental, banking, tax, data privacy, securities, eminent domain and employment law. Approximately 75 percent of his practice involves class actions. The remainder consists of general business litigation-type cases between companies and their customers, suppliers, employees and shareholders.

Prior to becoming a lawyer, Bob earned a business degree and worked in accounting and employee benefits administration for a regulated utility. This experience carries over into Bob's law practice, where he particularly enjoys learning about and defending challenged business practices.

### Experience

- **Powerful results across a wide range of class action claims**
  - Secured district court and appellate reversals of more than \$200 million in class action jury verdicts.
  - Defeated motion to certify money damages claims brought under Title VII against employer's criminal background check policy.
  - Secured summary judgment and defeated motion for class certification on claims brought against shop supply fee charged by chain of auto repair stores.
  - Assisted with drafting and obtaining court approval of \$1 billion class action settlement.
  - Defeated motion to certify class of property owners whose homes were damaged by overland flooding.
  - Defeated motion to certify nationwide "junk fax" class action.

Metropolitan St. Louis

- Illinois State Bar Association

#### EMPLOYMENT

- Thompson Coburn LLP Partner, 2004-Present; Associate, 1995-2003
- Laclede Gas Company  
Corporate Budgeting, Employee Benefits, Marketing, 1985-1990

#### COMMUNITY

- Provident Behavioral Health,  
Board Member, 2019-Present
- Mary Ryder Home, Vice-  
President, 2015-2019, Board  
Member, 2012-2019
- St. Gabriel the Archangel School,  
Board Member, 2010-2013,  
President, 2011-2012

Successfully asserted dilatory and peremptory exceptions on claims brought by 278 individuals in Louisiana state court alleging personal injuries from outdoor gas main leak.

Obtained dismissal of class action claims brought by drinking water well owners who failed to allege credible fear that gasoline additive threatened their wells.

Secured Rule 11 sanctions against plaintiff's attorney for filing frivolous RESPA class action.

- **Extensive experience before state and federal appellate courts**

Obtained appellate affirmance of dismissal of telecommunications class action for lack of Article III standing pursuant to *Spokeo v. Robins*.

Obtained Illinois Supreme Court reversal of class certification of alleged personal injury and property damage claims arising from nearby train derailment.

Secured appellate affirmance of ERISA plan administrator's decision to deny benefits based on reasonable interpretation of plan language.

- **Creative use of old and new legal doctrines to successfully defend against claims**

Defeated class action fraud and RICO claims based on federal preemption and the named plaintiff's inability to prove that the unit he purchased failed to perform as advertised.

Successfully asserted doctrine of primary jurisdiction to defeat class action against regulated utility.

Obtained dismissals of numerous class actions based on the common law defense of voluntary payment.

#### Recognitions

- Listed in Missouri & Kansas Super Lawyers (by Thomson Reuters), 2012-2014

#### Publications

- "How Local Charities Can Benefit From Your Cy Pres Settlements"; *St. Louis Lawyer*, September, 2011
- Co-Author, "New Federal Law May Cool Class Action Hotbeds"; *Midwest In-House*, April 2005
- Co-Author, "The Attorneys' Fee Award in Class Action Litigation – Is the Carrot Too Big?"; *St. Louis Lawyer*, November 1999
- "Civil and Criminal Liability"; *1 Mo. Environmental Law*, § 4, MoBar 2d ed. 1998