



Kim Bousquet

Partner

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PRACTICES

- Agriculture
- Food
- Cannabis
- Environmental
- Litigation
- Class Action & Multi-District Litigation

EDUCATION

- University of Oregon School of Law, J.D., 2004, Order of the Coif, Certificate in Environmental Law
- University of Oregon, M.S., Environmental Studies, 2004
- Drury University, B.A., Biology, cum laude, 2000
- University of Arkansas School of Law, L.L.M. in Food and Agricultural Law, 2017-Present (in progress)
- Produce Safety Alliance Grower Training Course, Certification in FSMA Produce Safety Rule

ADMISSIONS

- Illinois
- Missouri
- US Ct Appeals, 8th Circuit (Covers AR, IA, MN, MO, NE, ND, SD)

Kim is a passionate advocate for food, beverage and agriculture clients in high-stakes business disputes. She routinely handles litigation and pre-litigation disputes for companies in the agriculture, agribusiness, biotechnology, food and manufacturing industries.

In particular, Kim focuses on litigation and client advice involving plants and animals, food and beverage labeling litigation, GE seed litigation, food labeling laws and regulations (including the new bioengineered foods disclosure law), the Food Safety Modernization Act, produce safety rules, restaurant menu labeling and Food Code compliance, pesticide laws, regulatory action by the USDA and FDA and urban agriculture.

To better serve clients, Kim works diligently to stay abreast of current industry and legal issues affecting food, beverage and agribusiness companies. She serves as an editor of the Firm's Food Fight blog, which is dedicated to delivering relevant industry insights and timely legal updates to food and agriculture industry stakeholders. Kim understands the importance of timely information in this ever-changing regulatory environment. You can check out Food Fight here: <https://www.thompsoncoburn.com/insights/blogs/food-fight>.

Since joining Thompson Coburn in 2007, Kim has served as a key member of several defense teams working on ground-breaking litigation related to the release of genetically engineered seeds. These types of lawsuits involve complex and novel legal and factual issues, numerous parties and industry stakeholders, extensive legal research and writing, and multiple consumer and business claims. The litigation also touches on legal issues all along the food chain and scientific advances in genetic engineering technology. Through this and other work, Kim is highly experienced in class actions, multi-district litigation, federal court litigation, e-discovery and document retention, legal research, legal writing and written discovery.

Kim's interest in agriculture and food law is deeply rooted. She grew up in rural Missouri surrounded by farms and farmers and was active in the Future Farmers of America. In college, Kim studied plant biology, genetics, chemistry, ecology and other life sciences. She expanded this base knowledge during law school by concurrently pursuing a Master's degree in

REPRESENTATIVE CLIENTS

- Namaste Foods, Inc.
- The Western Sugar Cooperative
- Riceland Foods, Inc.
- Beast Craft BBQ Co.
- Roeslein Alternative Energies
- Bayer

AFFILIATIONS

- American Agricultural Law Association, Board of Directors, 2019-Present, Board Liaison, Distance Education Committee, Former Chair, Food Law Program Sub-Committee, Membership and Program Committees, 2016-2018
- American Bar Association: Section of International Law, Co-Chair, Food and Agricultural Task Force
- St. Louis Agribusiness Club, Member
- Women in Agribusiness, Member
- Missouri Bar, Member, Task Force on the Future of the Profession, 2015

EMPLOYMENT

- Thompson Coburn LLP Partner, 2014-Present Associate, 2007-2013
- Supreme Court of Missouri Law Clerk to the Honorable Michael A. Wolff, 2005-2007
- Missouri Attorney General's Office Assistant Attorney General, 2004-2005 General Counsel for the Missouri State Board of Nursing

COMMUNITY

- Missouri Botanical Garden, Volunteer Master Gardener

Environmental Studies, which helped her develop an understanding of the interplay between biological and ecological principles and modern food production, and specifically how advances in technology have revolutionized the way the U.S. produces and distributes food. At the same time, Kim pursued a certificate in Environmental Law that helped her understand the regulatory environment overlaying the food and agricultural industries. Kim is continually learning more about this industry through writing, seminars and speaking engagements, industry involvement and collaboration with colleagues. She is currently pursuing a Masters of Law degree in Agricultural & Food Law from the University of Arkansas.

Recognitions

- Included in Missouri & Kansas Super Lawyers (by Thomson Reuters) Rising Stars list, 2012-2020
- Member of the inaugural class of the Deloitte St. Louis 100 Wise Women Program, 2013

Experience

- **Worked on a groundbreaking appeal for a major agribusiness in a suit filed under the United States Warehouse Act. The resulting decision staved off an attack by another agribusiness that attempted to force the client to accept modified crops at its warehouses. The case was an issue of first impression before the 8th Circuit, and the favorable ruling allowed the client to determine its own strategy for accepting certain GMO crops.**
- **Key member of the defense team that secured a walk-away result for a firm client in a case alleging trade secret theft where the plaintiff sought lost profits damages of over \$50 million. This successful resolution followed the implementation of a litigation strategy designed to expose key weaknesses in the plaintiff's claims.**
- **Primary author of a successful opposition to a motion for class certification in federal court. The resulting order was one of the first to articulate the ways in which the proposed injunction class did not meet the standard of seeking "primarily injunctive or declaratory" relief because the facts and circumstances alleged made clear that the primary intent of the litigation was monetary damages.**
- **Primary author of a successful motion for summary judgment on a complex standing issue that allowed the client to proceed to trial with all of its requested damages categories intact.**
- **Worked on several false advertising food labeling lawsuits and claims.**
- **Advised clients on restaurant menu labeling allergen and content statements.**
- **Advised clients in litigation relating to claims involving the Food Safety Modernization Act.**

Presentations

- "Food Safety Regulation and Litigation: Minimizing the Risk of Product Liability Claims" Strafford Publications Webinar February 2019

- "Trends in Consumer Litigation: Exploring Claims, Defenses, and Liability Risks in Consumer Suits Against Food Companies" American Agricultural Law Association Annual Symposium October 2018
- "Where's the Beef? Hot Topics in the Regulation of Food Disruptors: Lab-Created Protein and Gene Editing" (moderating) American Agricultural Law Association October 2018
- "Managing Risks Through Food Safety Programs" Food & Beverage Litigation Conference: A Look at Hospitality, Liquor and Food Liability, Chicago, Illinois October 2018
- "Just Label It, Correctly: Advising Clients on Emerging Food Labeling Issues" American Agricultural Law Association Symposium October 2017
- "Statutory Changes, New Regulations, and Compliance Deadlines Under the Food Safety Modernization Act" TCLE October 4, 2016
- "Recent Changes in Food Law: Regulation, Litigation and Legislative Updates" American Agricultural Law Association Symposium October 2016
- "Managing the Liability Risks of GMO Products" (moderating) American Agricultural Law Association Annual Symposium October 2017
- "The Future of the Profession"; Missouri Bar CLE, January 2016

Publications

- "A meticulous food safety plan today avoid handcuffs tomorrow" *Journal of Food Law and Policy* Forthcoming Fall 2018
- "GMO labeling; an emerging food labeling issue" *Drake Journal of Agricultural Law*, Vol. 23.1 Spring 2018
- "Class cert denied in baby food false labeling case: faulty regression model to blame" *Food Fight Blog* February 2018
- "Can the ingredient list defense work? Look for ambiguity, invoke common sense" *Food Fight Blog* January 2018
- "The USDA's bioengineered food disclosure standard: Where are we now?" *Food Fight Blog* November 2017
- "Slack-fill lawsuits filling up state court dockets" *Food Fight Blog* December 2016
- "Is the FSMA a plaintiff's lawyer's dream and the food industry's nightmare?" *Life Sciences Decoded Blog* December 2016
- "Updated FSIS guidance on raising animal label claims" *Food Fight Blog* November 2016
- "5 legal trends food and agriculture companies need to know about" *Food Fight Blog* October 2016
- "Ninth Circuit holds juries can decide the definition of 'natural'" *Food Fight Blog* October 2016

- "Farming through the eyes of an ag lawyer" *Food Fight Blog* September 2016
- "Protecting food industry whistleblowers: FDA, OSHA team up under FSMA" *Life Sciences Decoded Blog* August 2016
- "Not so Wonderful: What the food industry can learn from Pom's faulty health claims" *Food Fight Blog* July 2016
- "What food, packaging and agribusinesses need to know about the first-ever nationwide GMO labeling law" *Food Fight Blog* July 2016
- "Education malpractice and student litigation: Achieving early dismissal"; *REGucation Blog*, May 2016
- "Education malpractice and student litigation: How to assess claims"; *REGucation Blog*, May 2016
- "Education malpractice and student litigation: New lessons learned"; *REGucation Blog*, April 2016
- "Recent Cases Addressing the Educational Malpractice Doctrine: Three Key Lessons for Defending Against Student Claims"; *Career Education Review*, April 2016
- "4 takeaways for higher ed from the Alabruda student lawsuit verdict"; *REGucation Blog*, March 2016
- "9th Circuit sends herbicide debate back to the EPA"; *Food Fight Blog*, February 2016
- "EPA sets flip-flopping precedent, reversing prior pesticide registration"; *Food Fight Blog*, December 2015