



J. Eugene Balloun

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Gene has more than 50 years of experience in commercial, antitrust, tort and class action litigation, as well as insurance litigation of all types, including declaratory judgments and bad faith cases. Many of his cases have related to consumer policies, real property, and other commercial litigation. He has successfully negotiated and implemented class action settlements. He has tried more than 100 jury trials, and has argued over 100 appellate cases. He is a Fellow of the American College of Trial Lawyers.

Gene has served as a mediator for the Federal District Court of Kansas and frequently mediates cases for private parties. Approximately 80 percent of the cases he has mediated resulted in settlements. He has arbitration experience and has served as the chair of an arbitration panel for the International Association of Arbitration.

Gene has been a speaker and participant in business and commercial law seminars. He has been selected as one of the outstanding business litigators in Kansas for more than 30 years in *The Best Lawyers in America*, listed in the specialties of Bet-the-Company Litigation and Commercial Litigation. He has also been named in numerous editions of *Missouri & Kansas Super Lawyers*. He also is recognized by *Chambers USA: America's Leading Lawyers for Business* for his practice in General Commercial Litigation.

Gene has also been honored as a Distinguished Alumnus of the University of Kansas School of Law for his contributions to the community and the legal profession. He has completed more than 1,000 pro bono adoptions of foster children. His pro bono work with children has been featured by the *American Bar Association Journal* (July 2010), *The Kansas City Star* (March 2015), the *Journal of the Kansas Bar Association* (April 2015), *Kansas Alumni* (May 2015), *Journal of the American College of Trial Lawyers* (Summer 2015), *NBC Nightly News* (July 20, 2015), and *KU Law Magazine* (Fall 2016). Gene was also chosen as KMBZ's *Person of the Week* in July 2015.

Representative Matters

Represented defendants as Kansas counsel in state court action alleging an industry-wide antitrust conspiracy to restrict supplies and fix the prices of eggs.

Represented major tobacco company in industry-wide class action involving antitrust claims alleging price fixing of cigarettes at the wholesale level.

Lead counsel for Mid-America Pipeline in major litigation concerning a claim of restricted supply of pipeline space.

Represented defendants in class action brought under the Telephone Consumer Protection Act alleging "blast faxing" claims to recover statutory damages and attorneys' fees. A favorable class settlement was negotiated and approved by the court.

Defended a rural Kansas telephone company in a case involving antitrust, tortious interference and other claims. The plaintiffs' antitrust and tortious interference claims were dismissed by the court on the defendants' 12(b)(6) motion.

Lead counsel in the defense of massive federal and state court actions in Brownsville, Texas, where several hundred Mexican children claimed catastrophic injury as a result of their mothers' exposure to solvents in a plant in Matamoros, Mexico. After several years of intense litigation, all cases were successfully mediated to a conclusion. Also lead counsel in actions against numerous insurance companies who refused to defend these cases, resulting in a full recovery for the client.

Lead counsel in a pro bono action brought by high school students alleging violation of their First Amendment rights as a result of the removal of a controversial book from the school library. A trial in federal court resulted in a victory for the students. The court allowed attorneys' fees, which were donated by the firm to a foundation which promotes student education concerning the First Amendment.

Representation of Enterprise Products in landowner disputes and condemnation cases.

Defended Columbia Hospital Corporate of America in an antitrust claim brought by the largest physician-owned clinic in Kansas. The plaintiffs claimed Columbia attempted to monopolize physician services in Wichita, Kansas, and that it tortiously interfered with the clinic's physician contracts in acquiring primary care practices. The case was won on summary judgment, avoiding a scheduled five week trial.

Acted as liaison counsel for approximately 250 third-party defendants in the Conservation Chemical Superfund case in Kansas City.

Obtained summary judgment for Ford Motor Co. in a multimillion dollar toxic tort case in federal court in Minot, North Dakota, thereby avoiding a six week trial.

Represented the owners of land in the industrial area of Kansas City, Kansas, in claims for damages as a result of extensive pollution.

Lead counsel in the representation of the Employee Stock Ownership Plan, which was the largest stockholder in the J.C. Nichols Co. The case was successfully mediated before a federal district judge in Kansas City, Kansas.

Represented several hospitals and medical organizations before the Supreme Court of Kansas in Certificate of Need litigation. Has served on the board of directors for Humana Hospital of Overland Park and as counsel for that hospital.

Defended securities fraud litigation for B.C. Christopher Securities Co.; R.G. Dickinson and Co.; Union Planters Corp. of Memphis, Tennessee; and Sheplers, Inc.

Involved in corporate takeover litigation for the Kansas City Life Insurance Co., in which Torchmark Corp. sought a preliminary injunction to force Kansas City Life's board to evaluate Torchmark's offer to purchase.

Lead counsel in the representation of Western Auto and numerous plan participants in an action brought against Northwestern Mutual Life Insurance Co. The case resulted from a defective deferred compensation plan.

Extensively involved in banking and other commercial litigation, including representation of Mark Twain Bank in litigation with the state of Kansas concerning moving a national bank across state lines. Cases were filed in state and federal courts, as well as the Supreme Court of Kansas.

Involved in many other types of business, products liability, toxic tort and antitrust litigation for a number of clients.

Bar Admissions

- Kansas
- Missouri
- U.S. District Court, District of Kansas
- U.S. District Court, Western District of Missouri
- U.S. Court of Appeals, Tenth Circuit
- U.S. Supreme Court

Education

- J.D., University of Kansas School of Law, 1954
- B.S., University of Kansas, 1951

Awards

- Distinguished Alumnus, University of Kansas School of Law
- Award of Exemplary Service to Children and Families, Kansas Governor
- *Chambers USA: America's Leading Lawyers for Business* (2010-Present)
- Distinguished Service Award, Kansas Bar Association
- Robert K. Weary Award, Kansas Bar Foundation
- Justinian Award, Johnson County Bar Association
- Lifetime Pro Bono Award, Shook, Hardy & Bacon
- *Missouri & Kansas Super Lawyers*
- *The Best Lawyers in America*, Outstanding Business Litigators in Kansas, Bet-the-Company Litigation, Commercial Litigation (1983-Present)
- Pro Bono Award, American Bar Association
- Pro Bono Award, Kansas Bar Association
- Whittaker Award, Lawyers Association of Kansas City (2003)
- William Kahrs Lifetime Achievement Award, Kansas Association of Defense Counsel

Memberships

- American Bar Association
- American Board of Trial Advocates
- American College of Trial Lawyers, Fellow
- Kansas Bar Association
- Kansas Association of Defense Counsel, Former President
- Kansas Inn of Court, Master Emeritus
- Kansas Institute of Trial Advocacy, Faculty Member
- Tenth Judicial District Nominating Commission

Community Involvement

- Johnson County First Amendment Foundation, Founder
- FosterAdopt Connect, Board of Directors
- Appleseed, Board of Directors
- EmberHope, Board of Directors