



## Cicely I. Lubben

### Counsel

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Cicely Lubben is experienced in defending product liability and personal injury claims on behalf of manufacturers and distributors of all types of products, including farm equipment, welding products, elevators, and various electrical components.

Cicely also represents premises owners and manufacturers in toxic tort and asbestos-related litigation in Missouri and Illinois. She manages all aspects of litigation, including initial investigation, depositions, expert witness discovery, motion practice, mediation, and trial.

Cicely has also served as national counsel for manufacturers of welding rods and distributors of diacetyl in the coordinated defense of product liability claims throughout the United States.

In addition to her product liability and toxic tort practice, Cicely handles complex commercial litigation and class action litigation. She has significant experience defending breach of contract claims, business torts, and claims under consumer statutes such as the Telephone Consumer Protection Act (TCPA) and the Missouri Merchandising Practices Act (MMPA).

In her free time, Cicely enjoys attending CrossFit classes and meeting with the Book and Wine Club she started many years ago with her law school classmates.

### Education

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- Saint Louis University School of Law (J.D., cum laude, 2002); Saint Louis University Law Journal, Editor (2001-2002) and member (2000-2001); Certificate in Health Law
- University of Missouri-Columbia (B.S. in Biology, 1998)

### State Admissions

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- Missouri, 2002
- Illinois, 2003

### **Federal Admissions**

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- United States District Court, District of Colorado
- United States District Court, Southern District of Illinois
- United States District Court, Eastern District of Missouri

### **Service Areas**

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- Mass Tort & Product Liability
- Business Litigation
- Class Action Litigation
- Financial Services Litigation

## Experience

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### **PRODUCTS LIABILITY AND TOXIC TORT LITIGATION**

- Served as national counsel for a distributor of food flavoring chemicals in the defense of toxic tort claims, defending distributor in over 50 lawsuits alleging exposure to diacetyl in more than 14 different states and federal courts across the United States
- Served on a national counsel team representing a welding products manufacturer in more than 1,100 mass tort lawsuits filed by 3,000 welders pending in eight state courts and in multidistrict proceedings in federal court
- Successfully defended a premises owner against state court claims seeking personal injuries from an alleged toxic chemical leak at a manufacturing facility
- Defended agricultural and industrial equipment manufacturers in product liability actions resulting in serious personal injury
- Successfully defended a premises owner against state court claims seeking to shift liability for remediation costs incurred by the Missouri Department of Natural Resources (DNR) as a result of ground contamination from underground storage tanks
- Second chaired jury trial in property damage case in the City of St. Louis Circuit Court

### **BUSINESS AND CLASS ACTION LITIGATION**

- Obtained summary judgment in the City of St. Louis Circuit Court in favor of a corporate client and against plaintiff on claims of breach of contract and breach of duties of good faith and fair dealing; on subsequent appeal to the Missouri Court of Appeals for the Eastern District of Missouri, argued and obtained order affirming summary judgment in favor of client
- Achieved a multimillion-dollar settlement for a former CEO in a stock option arbitration
- Second chaired a five-day jury trial in an employment discrimination case in the U.S. District Court for the Eastern District of Missouri
- Secured a favorable settlement through mediation of an insurance company's breach of contract subrogation claim
- Obtained summary judgment for a corporate client against Americans with Disability Act (ADA) claims in the U.S. District Court for the Southern District of Illinois; obtained order affirming summary judgment in the Seventh Circuit Court of Appeals
- Secured distribution to client of \$2.5 million in funds improperly withheld by state collector of revenue
- Prepared a National Advertising Division (NAD) complaint asserting false and deceptive advertising claims against a retailer's competitor
- Represented a retailer in a putative class action in the Eastern District of Missouri alleging violation of the MMPA
- Defended corporate clients in class action lawsuits involving an array of claims, including violation of the MMPA, allegedly improper 365/360 computation of interest on commercial loans, and violation of the TCPA

### **FINANCIAL SERVICES LITIGATION**

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Served on a litigation defense team representing a national bank in a breach of fiduciary duty lawsuit seeking over \$500 million in damages; case settled for a fraction of the damages sought just before trial

- Successfully resolved a shareholder derivative action against bank officers and directors of a community bank in an action brought by a shareholder following the discovery of embezzlement at the bank
- Obtained summary judgment in favor of a credit financing company in a defamation action in the Eastern District of Missouri
- Defended numerous lawsuits against financial institutions involving allegations of fraud, lender liability, breach of contract and other claims, in both state and federal courts

### **Honors**

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- Missouri & Kansas Super Lawyers Rising Stars® (2010-2016)

### **In the Community**

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- The Missouri Bar
- The Bar Association of Metropolitan St. Louis
- Defense Research Institute
  - » Women in the Law Committee
  - » Business Litigation Committee
- Center of Creative Arts (COCA), Associate Board Member (2013-present)
- Volunteer Lawyers and Accountants for the Arts
- Legal Services of Eastern Missouri, Volunteer Lawyers Program
- FOCUS St. Louis Coro™ Women in Leadership