

HEPLERBROOM LLC

THOMAS J. MAGEE

Partner | St. Louis, MO

thomas.magee@heplerbroom.com
(314) 480-4212

Thomas J. Magee focuses his practice on trials involving complex litigation matters, including: Products Liability, Professional Liability, Commercial Litigation, General Personal Injury, Trucking, and Automobile

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- Products liability
- Professional liability
- Commercial litigation
- General personal injury
- Trucking
- Automobile

He has been lead attorney in trying over 180 jury trials to verdict, including matters in the United States District Courts of the Eastern and Western Districts of Missouri, the state courts of Missouri (14 different counties), and the state courts of Illinois. In addition, Magee is a certified mediator for the United States District Court for the Eastern District of Missouri as well as state courts in Missouri.

Practices:

- Alternative Dispute Resolution
- Commercial Litigation
- Construction
- Municipal & Civil Rights
- Producer Errors & Omissions
- Products Liability
- Talc

Education:

- St. Louis University School of Law, J.D., cum laude, 1985
- Marquette University, B.S. in Math, 1982

Bar Admissions:

- Missouri
- Illinois
- United States Supreme Court
- U.S. Court of Appeals for the 8th Circuit
- U.S. District Courts for the
  - Eastern and Western Districts of Missouri
  - Southern District of Illinois

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Results

- Counsel for Defendant. Plaintiff was dentist who had default judgment entered against her for $2 million arising out of breach of contract claim. Dentist declared bankruptcy, and bankruptcy trustee brought suit against our client. Our client was law firm that was advising Plaintiff about business reorganization options. Our defense was that we had told Plaintiff dentist that we would not represent her on breach of contract claim. Plaintiff argued that we knew about default action and should have taken some action. Verdict for Defendant. [St. Louis County Cause #19SL-AC13843-02]
- Counsel for Defendant. Wrongful death of 26-year-old nurse killed while exiting place of work. Defendant driver was impaired due to inhaling nitrous oxide containers, passed out, left roadway, and traveled several hundred feet. Second defendant was smoke shop that sold nitrous oxide containers with knowledge that kids were using them to get impaired. Third defendant was distributor of nitrous oxide cartridges who claimed they were sold for making whipped cream but sold millions of them through smoke shops and head shops. Our driver admitted liability. Verdict for Plaintiff with. Jury found in favor of Plaintiff and against all 3 defendants for damages of $20 million. Percentages of fault assessed: defendant distributor 70%, defendant retailer 20%, our client (defendant driver) 10%. Punitive damages of $700 million against defendant distributor, $25 million against defendant store, zero against our defendant driver. [St. Louis County Cause #20SL-CC06071]
- Counsel for Plaintiff. Plaintiff was originally defendant in claim brought against it by concert promoter for tortious interference with contract. We obtained dismissal of that case and then brought suit for malicious prosecution against concert promoter. Jury found in favor of Plaintiff, and Plaintiff recovered $1 million in damages. (*Logic Systems v. Listen Live Entertainment, LLC, et al.*, St. Louis City, Cause #1922-CC11827)
- Counsel for Defendant. Defamation of character and injurious falsehood case. Sought $6 million award. Defense verdict. *(Behavior Solutions, Inc. and Colin M. Peeler v. John A. McClure, Sarah McClure, Steve Eckstein and Sam McCleod,* Cause No. 1711-CC00672, St. Charles County, Missouri, 2021)
- Counsel for Defendant. Plaintiff filed suit against construction company for improper construction of wastewater pipe. Construction company argued it followed design and was not liable for defective design. Plaintiff settled with design company and pipe company before trial, and construction company was lone defendant. Judge refused to allow any argument that

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design was defective and also barred Defendant's expert from testifying based on some very unusual legal rulings. Plaintiff asked for damages in excess of $12 million, which would have bankrupted the company as there was only $2 million dollars in insurance coverage. After four-week trial, jury found in favor of defendant on all claims. (St. Louis County, Cause No. 15SL—CC04421. Dec. 2019)

Honors & Awards

- AV Preeminent® Attorneys by Martindale-Hubbell
- Best Lawyers in America (2007-2027)
  - Lawyer of the Year – Litigation-Insurance (St. Louis) (2026)
  - Lawyer of the Year – Professional Malpractice Law–Defendants (St. Louis) (2021, 2024, 2026)
  - Lawyer of the Year – Personal Injury Litigation-Defendants (St. Louis) (2017)
- "Best Lawyers in St. Louis" by *St. Louis Magazine* (2007-2017)
- Missouri & Kansas Super Lawyers (2006-2025)
  - Top 50 Missouri & Kansas Super Lawyers, St. Louis (2008-2009, 2011-2014, 2016-2023)
  - Top 100 Missouri & Kansas Super Lawyers (2008-2014, 2016, 2019-2021)
- Missouri Lawyers Award from *Missouri Lawyers Weekly* for most reported verdicts/judgments as a defense attorney (2014)
- Missouri Lawyers Media Power List of most powerful defense attorneys in the state (2021-2025)

Professional Associations

- American College of Trial Lawyers
  - Fellow
- Association of Ski Defense Attorneys
- Bar Association of Metropolitan St. Louis

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- Illinois State Bar Association
- The Missouri Bar
- Missouri Organization of Defense Lawyers