



THOMAS J. MAGEE

Partner

St. Louis, MO
314-480-4212

thomas.magee@heplerbroom.com

Thomas J. Magee focuses his practice on trials involving complex litigation matters, including:

- 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.

Results

Selected Cases of Note

PRACTICES

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

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

- 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 design was

EDUCATION

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

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)

- Counsel for Defendant. Defendant was driving home from work in a company car when he rear-ended Plaintiff on the highway. Defendant was severely intoxicated, arrested, and later convicted for driving while intoxicated. Trial focused on Plaintiff's injuries as Plaintiff did not seek immediate treatment and lied under oath about his wage loss claim. Plaintiff claimed in excess of \$300,000 in medical bills and \$1 million in future medical and home and lifestyle expenses. There was significant insurance coverage due to Defendant driving a company car. Plaintiff demanded \$3.5 million before trial and Defendant's insurer offered \$500,000. Jury found for Defendant, and Plaintiff was awarded \$0 in damages. (*Michael Knudsen v. P.G.*, St. Louis County, Cause No. 13SL-CC01297, May 2016)
- Counsel for Defendant. Plaintiff was employed by First Student as a bus driver. During a union meeting, Plaintiff got into an altercation with another driver. Plaintiff filed suit claiming Defendant had knowledge of other driver's violent tendencies and failed to take any action to prevent attack on Plaintiff. Plaintiff asked for \$600,000 in compensatory damages and \$1.8 million in punitive damages. Jury found for Defendant. (*Gary Spiller v. First Student, Inc.*, Madison County IL, Cause No. 12-L-1223, Oct. 2013)
- Counsel for Defendant. Plaintiff was a truck driver involved in an accident with driver of a school bus. Plaintiff had independent witness who supported his version of the accident. Plaintiff claimed \$120,000 in medical bills due to three surgical fusions and had lost wage claim of \$408,000. Jury found for Defendant and assessed 100 percent fault to Plaintiff. (*Patrick McCusker v. First Student, Inc.*, St. Louis City, Cause No. 1222-CC02366, Sep. 2013)
- Counsel for Defendant. Plaintiff was at Defendant's premises picking up a shipment of steel bars. As product was being loaded on his truck, the overhead crane fell from the ceiling. Plaintiff claimed he was struck by crane. Plaintiff had subsequent fusion of cervical spine and made claim of permanent disability. Plaintiff asked for damages in excess of \$1 million in closing argument. Verdict for Defendant. (*Walter Douglas v. St. Louis Cold Drawn, Inc.*, St. Louis County, Cause No. 11SL-CC01746, Mar. 2013)
- Counsel for Defendant. Plaintiff was the successor in liability to a company that was converting apartment buildings to condominiums. Defendant was the construction manager on the job. Due to a gap in the scope of work, portions of the roof were uncovered and a rainstorm caused extensive damage to the units. Plaintiff claimed a loss in the fair market value of the units of approximately \$1.5 million plus lost rent of approximately \$300,000. Plaintiff settled with two of the subcontractors before trial for \$289,000. Defendant admitted responsibility but claimed that Plaintiff was partly to blame due to failure to schedule contractors. Demand before trial was \$1.8 million and Defendant's offer was \$300,000. Jury found as follows: Damages of \$1,384,000 with 50 percent fault to Plaintiff and 50 percent to Defendant. After offset for prior settlements, the net verdict to the Plaintiff was for \$547,000. (*Nottoway v. Salt River Construction Services*, St. Louis County Circuit Court, Cause No. 10SL-CC02723, Mar. 2010)

- Counsel for Defendant. Plaintiff brought this product liability case after she sustained a serious eye injury while using a Screaming Flingshot Monkey distributed by Defendant. The Monkey was a plush toy that could be catapulted by stretching its front legs, which would shoot the monkey a distance, causing a screaming sound. Plaintiff alleged that as she was shooting the monkey, it ripped, which caused it to recoil and hit her in the eye. Jury found in favor of the Defendant. (*Sarah Heimann v. Master Toys & Novelties, Inc.*, St. Louis County Circuit Court, Cause No. 2107CC-00180, Mar. 2009)
- Counsel for Defendant. Plaintiff was a 12-year-old boy who was skiing at Defendant's ski area with his father. As Plaintiff was skiing down one of the more difficult slopes, Plaintiff went off the trail and fell into a diversion ditch. Plaintiff eventually lost one of his kidneys due to trauma. Plaintiff alleged that the slope was improperly marked and Defendant was negligent in not covering the diversion area with snow. Plaintiff presented evidence of substantial future medical concerns due to the loss of the kidney. Defendant claimed the area was well marked and the injury, while unfortunate, was due to the risks inherent in the sport of skiing. Jury found in favor of the Defendant. (*Calvin Schneider v. Snow Creek, Inc.*, Platte County Circuit Court, Cause No. 05AE-CV02694, Feb. 2009)
- Counsel for Defendant. Plaintiffs were two high school boys who brought suit after being injured in an attack on them in a parking lot following a high school hockey game. Plaintiffs claimed Mid-States knew that an attack was likely due to tensions between the high schools and failed to provide adequate security. Jury found for Defendant. (*Zammit v. MidStates Club Hockey Association*, St. Charles County Circuit Court, Cause No. 0611-CV2200, Oct. 2008)
- Counsel for Defendant. Plaintiff was a male flight attendant who brought suit against the Defendant, a professional football player. Plaintiff claimed Defendant assaulted him during a flight, causing him permanent psychological problems. Plaintiff's wife also claimed she was damaged. Plaintiff and his wife demanded \$1 million before suit was filed. Defendant admitted pushing Plaintiff, but claimed it was reasonable force to prevent offensive contact from the Plaintiff. Jury found in favor of Plaintiff but awarded only \$3000. (*Rihn v. Jackson*, Federal Court - Eastern District of Missouri, Cause No. 4:07CV00197 ERW, Mar. 2008)
- Counsel for Defendant. Plaintiff brought suit against his insurance broker. Plaintiff's coffee roaster caught fire, and Plaintiff claimed he should have had insurance that provided for a new roaster. Defendant's position was that roaster was only partially damaged, that Plaintiff got full recovery from the insurance carrier, and that Plaintiff had the best insurance available. Jury verdict for Defendant. (*Thomas Coffee v. Charles Crane Agency*, St. Louis City Circuit Court, Cause No. 052-1768, Nov. 2007)
- Counsel for Defendant. Suit by college girl against former minister alleging psychological abuse and inappropriate physical touching while she was a member of a Lutheran Church. After five days of trial, jury unanimously found in favor of minister. (*Doe v. Watson*, St. Louis County Circuit Court, Cause No. 06CC-003388, Oct. 2007)
- Counsel for Defendant Laidlaw. Suit was brought by parents of badly injured 10-year-old for injuries sustained after being dropped off by Laidlaw bus driver. Child was struck by co-defendant while crossing the street. Claim against Laidlaw was that child was dropped off at wrong bus stop on wrong side of a busy street, which forced him to cross the street. After co-defendant settled with Plaintiff for \$2 million, trial proceeded against Laidlaw. Plaintiff had approximately \$7 million in medical and future lost wages. Demand before trial was \$17 million, and Plaintiff's attorney

requested \$24 million at trial. Jury returned a verdict for \$7 million in damages but assessed 97 percent fault to Plaintiff for net recovery to Plaintiff of \$150,000. (*Zumwalt v. Laidlaw*, St. Louis City Circuit Court, Cause No. 032-09703, Dec. 2005). **This case was selected by Missouri Lawyers Weekly as the number one defense verdict of 2005.**

- Counsel for Plaintiff Interface. Suit against Hazelwood for failure to pay full amount of contract to build gymnasium for Hazelwood Central High School. Interface was general contractor on the job and sought \$265,000. Hazelwood denied payment due to claim that work was defective and filed counterclaim for \$200,000 for extra work and \$500,000 for mold remediation. Jury found in favor of Interface on its claim for damages and in favor of Interface and against Hazelwood on its claim. Jury also found that Hazelwood acted in bad faith. Jury awarded full value of claim of \$265,000. With additional finding of bad faith, Hazelwood paid \$450,000 to settle claim. Interface paid nothing to Hazelwood. (*Interface Construction Co. v. Hazelwood Board of Education*, St. Louis County Circuit Court, Cause No. 02CC-000328, Nov. 2004)
- Co-counsel for Defendant, a professional football player, sued by former girlfriend claiming domestic abuse. Plaintiff's demand prior to trial was \$3 million dollars. After five days of trial, the jury returned a verdict in favor of Defendant. (*Dunne vs. Faulk*, St. Louis County Circuit Court, Cause No. 02CC-4777, May 2003)
- Counsel for Defendant. Claim for wrongful death by parents of five-year-old boy who was killed in a pedestrian-school bus accident. Demand had been as high as \$1.7 million dollars, then reduced to \$650,000 prior to trial. The jury found in favor of Defendant Laidlaw Transit, Inc. and Plaintiff recovered nothing from Defendant. (*Meriweather vs. Laidlaw Transit, Inc.*, Federal Court – Eastern District of Missouri, Cause No. 4:01CV00588CAS, Feb. 2003)
- Counsel for Plaintiff. Suit against drunk driver and car seat manufacturer for injuries to 2½-year-old boy. Before trial Defendant Marconi offered policy limits of \$25,000 and Defendant Cosco made an offer of \$500,000. Jury verdict in favor of Plaintiff and against both Defendants for \$10,640,000. Jury decision was affirmed on appeal by Missouri Court of Appeals. Court of Appeals added an additional amount for prejudgment interest. (*Uxa vs. Marconi*, St. Louis City Circuit Court, Cause No. 002-00308, March 2002). Largest Plaintiff's verdict in the St. Louis area in 2002.

Reported Cases

- *CSAC, Inc. v. Crawford*, 635 S.W. 3d 148 (Mo. App. 2021)
- *Scobee v. Norris*, 620 S.W. 3d 262 (Mo. App. 2021)
- *Ferbet v. Hidden Valley Golf & Ski, Inc.*, 618 S.W. 3d 596 (Mo. App. 2020)
- *Burgan v. Newman*, 593 S.W. 3d (Mo. App. 2020)
- *Roberts Broadcasting Company v. Danna McKittrick, P.C.*, 577 S.W. 3d 528 (Mo. App. 2019)
- *Knudsen v. Grindstaff*, 535 S.W. 3rd 757 (Mo. App. 2017)
- *Parker v. Dubois*, 489 S.W. 3d 328 (Mo. App. 2016)
- *Douglas v. St. Louis Cold Drawn, Inc.*, 439 S.W. 3rd 775 (Mo. App. 2014)

- *Bucksaw Resort, LLC v. Mehrtens*, 414 S.W. 3rd 39 (Mo. App. 2013)
- *Guthrie v. Hidden Valley Golf and Ski, Inc.*, 407 S.W. 3rd 642 (Mo. App. 2013)
- *Schneider v. Snow Creek, Inc.*, WD No. 71134 (Mo. App. 2011)
- *First Student, Inc. v. Coleman*, 324 S.W. 2d 776 (Mo. App. 2010)
- *Adams v. USAA Casualty Insurance Company*, 317 S.W. 2d 66 (Mo. App. 2010)
- *Thornburgh Abatement v. J.W. Terrill, Inc.*, 294 S.W. 2d 141 (Mo. App. 2009)
- *Wildhorse Summit Development Corp v. Assurance Co of America*, 261 S.W. 2d 649 (Mo. App. 2008)
- *Reasonover v. St. Louis County*, 447 F. 3d 569 (8th Cir. 2006)
- *Reliance Insurance Co. v. Chitwood, et al.*, 433 F. 3d 660 (8th Cir. 2006)
- *Jacobsmeyer v. Charles L. Crane Agency*, 101 S.W. 3d 585 (Mo. App. 2005)
- *Metal Exchange v. J.W. Terrill, Inc.*, 173 S.W. 2d 672 (Mo. App. 2005)
- *Toth v. Guarantee Electrical Construction Co.*, 148 S.W. 3d 873 (Mo. App. 2004)
- *Uxa v. Marconi, et al.*, 128 S.W. 3d 131 (Mo. App. 2003)
- *State ex. rel. USAA Casualty Co. v. David*, 114 S.W. 3d 447 (Mo. App. 2003)
- *Bennett v. Hidden Valley, Inc.*, 318 F. 3d 868 (8th Cir. 2003)
- *State ex. rel. Vee-Jay Cement v. Neill*, 89 S.W. 3d 470 (Mo. 2002)
- *Shervin v. Huntleigh Securities Co.*, 85 S.W. 2d 737 (Mo. App. 2002)
- *Ludwick v. Snow Creek, Inc.*, 37 S.W. 3d 418 (Mo. App. 2001)
- *Loehr v. Walton*, 242 F. 2d 834 (8th Cir. 2001)
- *McCarty v. Allstate Insurance Co.*, 14 S.W. 3d 148 (Mo. App. 2000)
- *Lewis v. Snow Creek, Inc.*, 6 S.W. 3d 388 (Mo. App. 1999)
- *Burns v. Solkey*, 959 S.W. 2d 953 (Mo. App. 1998)
- *Wolfson v. Bernstein*, 955 S.W. 2d 814 (Mo. App. 1997)
- *Employers Insurance of Wausau v. Crane Co.*, 904 S.W. 2d (Mo. App. 1995)
- *Ashly v. R.D. Columbia*, 54 F. 3d 498 (8th Cir. 1995)
- *Automobile Insurance Co. v. United H.R.B. General Contractors, Inc.*, 876 S.W. 2d 791 (Mo. App. 1994)
- *Tucci v. Moore*, 875 S.W. 2d 115 (Mo. 1994)
- *McMurry v. Magnusson*, 849 S.W. 2d 619 (Mo. App. 1993)
- *Krame v. Waller*, 849 S.W. 2d 236 (Mo. App. 1993)
- *McMurtry v. Aetna Casualty & Surety Co.*, 845 S.W. 2d 700 (Mo. App. 1993)
- *Zueck v. Oppenheimer Gateway Properties, Inc.*, 809 S.W. 2d 384 (Mo. App. 1991)
- *First Baptist v. Bybee*, 789 S.W. 2d 829 (Mo. App. 1990)
- *United States v. Baker*, 855 F. 2d 1353 (8th Cir. 1988)

NOVEMBER 6, 2024

Hamilton and Magee Secure Defense Verdict for Legal Malpractice Client

JULY 18, 2022

Hamilton and Magee Earn Summary Judgment in Legal Malpractice Case

JULY 8, 2021

Fowler and Magee Secure Defense Verdict in Defamation Case

MARCH 28, 2011

Magee and Aplington Obtained Summary Judgment for Client

AUGUST 30, 2010

Magee Successfully Tries Case in St. Louis County

Honors

Honors & Awards

- AV Preeminent® Attorneys by Martindale-Hubbell
- Best Lawyers in America (2007-2026)
 - 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 Lawyer (2006-2024)
 - 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 Lawyer 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
- Illinois State Bar Association
- The Missouri Bar
- Missouri Organization of Defense Lawyers

Insights

Events & Speaking Engagements

MAY 4, 2022 | EVENT

Magee and Hamilton Moderate State Bar Association Virtual Event

News

AUGUST 21, 2025 | RECOGNITION

Magee Named Best Lawyers' 2026 Lawyer of the Year for Two Practice Areas

MAY 20, 2025 | RECOGNITION

Magee Named to Elite List of Powerful Business and Corporate Defense Attorneys

MAY 16, 2024 | RECOGNITION

Magee Once Again Named to Elite List of Powerful Defense Attorneys

AUGUST 17, 2023 | RECOGNITION

Magee Named Best Lawyers' 2024 "Lawyer of the Year"