



DIANA L. BECKMAN

Attorney

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In Brief

- **Attorney of Wagstaff + Cartmell LLP**
- **Recognized as a Missouri and Kansas Super Lawyer Rising Star by Thomson Reuters for the past six years**
- **Defended medical malpractice claims against hospitals, physicians, and licensed providers in state and federal court**
- **Provided risk and case management support to hospitals and healthcare clients**

Diana joined Wagstaff & Cartmell as counsel in 2014 after spending nine years at an Am-Law 100 firm.

She has broad experience handling professional negligence and commercial litigation claims and representing healthcare providers in a variety of legal matters. She has handled every step of litigation from start to finish including: Risk management planning, factual and expert discovery, pre-trial motion practice, trial and appellate work.

Diana is a Kansas City native and is active in the community. She volunteers her time to Charlie's House, the Junior League of Kansas City, Big Brothers Big Sisters, and Harvesters.

Representative Matters

- Represent physicians in licensing matters and disciplinary proceedings before State Boards of Healing Arts;
- Take and defend fact and expert witness depositions;
- Win motions to dismiss for healthcare clients;
- Coordinate factual and expert discovery;
- Provide education training seminars to case management and physician staff;
- Develop compliance policies for healthcare clients;
- Handle internal risk management investigations for hospitals and healthcare clinics;
- Represent hospitals seeking the appointment of guardian/conservator for patients that lack capacity to make healthcare decisions.

Notable Litigation

Dahl et al. v. Bain Capital Partners, LLC et al., No. 07-cv-12388 (D. Mass.)

In late 2007, several shareholders who sold shares of stock to some of the largest U.S. private equity firms in leveraged-buyout transactions brought an antitrust action. They alleged that collusion had suppressed the price that they were paid for their shares of stock in these transactions that involved buying multi-billion-dollar U.S. public companies. In 2015, after almost seven years of contentious litigation, U.S. District Judge William G. Young approved seven settlements totaling \$590.5 million for shareholders. Wagstaff & Cartmell and its attorney, Ty Hudson, was a member of the proposed Executive Committee that prosecuted this case and was one of the firms selected to present oral argument for plaintiffs at a two-day summary judgment hearing in Boston. The plaintiffs' success in withstanding the defendants' summary judgment motions paved the way for the series of settlements that followed. This case is believed to be the largest antitrust class action settlement involving market allocation in which no government antitrust action was taken.

In Re: Syngenta Litigation Case No. 27-cv-15-3785 (Hennepin County, Minnesota District Court)

Wagstaff & Cartmell attorney, Ty Hudson, was appointed to the Plaintiffs Steering Committee of nine attorneys selected to prosecute a consolidation of more than 50,000 individual actions and a Minnesota state-wide class action brought by corn farmers and other entities against Syngenta alleging that the company prematurely released genetically modified corn seed that led to a de facto embargo on U.S. corn



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by China. In 2018, a federal court gave final approval to a nationwide global settlement of \$1.51 billion.

\$10 Million Settlement – Environmental Property Damage

Wagstaff & Cartmell reached a \$10 million class action settlement with an engineering firm on behalf of a class of Northwest Missouri landowners. The case involved allegations that a tannery distributed tannery sludge containing hexavalent chromium to landowners to use as fertilizer in four Missouri counties from 1983 to 2009. The defendant, an engineering firm, provided consulting services to the tannery during some of that time period.

In Re: Asacol Litigation (D. Mass)

Wagstaff & Cartmell attorney, Ty Hudson, as court appointed co-lead counsel, prosecuted an illegal monopolization case arising from an alleged hard switch product hop. Judgments for the three named plaintiffs were entered by the court against defendants totaling more than \$2.7 million.

In Re: Potash Antitrust Lit. (N.D. Ill.)

Wagstaff & Cartmell was counsel to a class of indirect purchasers who obtained settlements of \$20.5 million in a price fixing action against potash suppliers.

NECA-IBEW Welfare Trust Fund v AstraZenca, et al. (S.D.N.Y.)

Putative class action by end payors of the drug Seroquel XL alleging anti-competitive agreements by drug companies to delay lower cost generics from coming to market in the U.S.

In Re: Polyurethane Foam Antitrust Litigation, MDL 2196 (N.D. Ohio)

Eric Barton served as Class Counsel for the indirect purchaser settlement class in an antitrust price fixing case arising from sales of polyurethane foam. He helped obtain settlements collectively valued at over \$151 million.

Bang v. BMW of North America, No. 2:15-cv-6945 (D.N.J.)

Wagstaff & Cartmell attorney, Eric Barton, served as Co-Lead Class Counsel in an excessive oil and battery consumption class action. He helped obtain final court approval of a settlement awarding financial and extended service benefits to a class of over 80,000 owners and lessees of BMW vehicles with an N63 engine.

Whitton v. Deffenbaugh Disposal, Inc., No. 2:12-cv-2247 (D. Kan.)

Wagstaff & Cartmell attorney, Eric Barton, served as Co-Lead Class Counsel, obtaining a court-approved \$7.6 million settlement for a class of commercial customers alleging breach of contracts for waste-hauling services.

Defense Verdict – Commercial Litigation

Wagstaff & Cartmell attorney, Brian Madden, represented an oil and gas company sued for nuisance and unjust enrichment in federal court in Wichita, Kansas. The Plaintiff, a natural gas storage and transportation company, sought \$90 million in damages for the production and sale of alleged storage gas. After a four-week jury trial, the jury returned a defense verdict for Brian’s client.

Defense Verdict – Ruptured Appendix with Complications

Wagstaff & Cartmell successfully defended a family practice physician in a five-day jury trial in Douglas County, Kansas, in which the plaintiff asserted a claim of medical negligence and sought \$3.3 million in damages. The plaintiff claimed that the defendant was negligent by failing to appropriately work up and diagnose



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appendicitis during a visit to an urgent care clinic. The plaintiff was diagnosed with appendicitis by another healthcare provider during a subsequent urgent care visit that occurred four days later. The plaintiff claimed the delayed diagnosis caused his appendix to rupture, which led to an open appendectomy procedure, and that he experienced wound breakdown and a hernia at the incision site as a result, which required further surgical intervention. Furthermore, the plaintiff claimed that the hernia repair surgery left him with an entrapped ilioinguinal nerve, which caused life-limiting pain and discomfort and prevented him from working, being active, and enjoying time with his family. Wagstaff & Cartmell attorneys successfully argued that the plaintiff's presentation on the date of the client's involvement was atypical for appendicitis and that the plaintiff had a retrocecal appendix, which is uncommon and made the diagnosis of appendicitis more difficult. The team also argued that the plaintiff's appendix likely ruptured before his visit with the client; thus, the ultimate outcome likely still would have occurred even if the diagnosis of appendicitis had been made at the time of our client's involvement.

Defense Verdict in Wrongful Death Case – \$1.95 Million Pretrial Demand

Brandon Henry and Tom Rottinghaus successfully defended a local surgeon and medical group in a jury trial in Jackson County, Missouri, in which the plaintiffs asserted claims of medical malpractice and wrongful death, and sought damages in the amount of \$2,465,347.24.

The plaintiffs claimed that the defendants were negligent for failing to fully repair the patient's paraesophageal hernia during a surgical procedure in July 2013. Further, the plaintiffs contended that the defendant was negligent for failing to place a nasogastric tube or gastrostomy tube during or following surgery for purposes of reducing the risk and effects of gastroparesis (dysmotility of the stomach) and aspiration. Lastly, the plaintiffs claimed the defendant departed from the standard of care by advancing the patient's diet post-operatively, increasing the risk of aspiration and related problems. Ultimately, the plaintiffs claimed that the actions and decisions of the defendant lead to the patient experiencing post-operative vomiting, aspiration, aspiration pneumonia, sepsis and death.

Wagstaff & Cartmell successfully argued that the surgical procedure selected for the patient was the most appropriate option for him due to his age and overall medical condition. The attorneys also argued it was reasonable for the clients not to place tubes during or following surgery and to advance the patient's diet after surgery because the absence of tubing and advancement of the diet can promote gastric and intestinal motility and reduce complications. Further, the team was able to convince the jury that the patient's post-operative course and death occurred despite appropriate care by the clients and likely still would have occurred if a different treatment course had been selected for the patient. After a seven-day trial, a Jackson County, Missouri jury returned a verdict in favor of the clients in this case in which the plaintiffs' final pretrial demand was \$1.95 million.



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Practice Areas

Diana handled cases in class actions & commercial litigation and healthcare and professional liability. Diana has represented developers, franchisees, investors, large companies, small businesses and entrepreneurs in a wide range of litigation. Diana represents leading hospital systems, physician groups, individual doctors and other healthcare professionals in malpractice cases in every area of medicine.

Her practice area include:

Antitrust
Breach of contract
Business torts
Franchise litigation
Professional malpractice
Financial and investment fraud
SEC whistleblower/qui tam actions

Prior Work Experience

Shughart, Thompson & Kilroy/Polsinelli, PC, 2005 - 2014, medical malpractice, healthcare litigation, business litigation, torts, complex commercial litigation

Education

- J.D., University of Kansas School of Law, 2005
 - Kansas Law Review
 - Recipient of CALI Award for academic excellence
 - ABA BNA Award for Excellence in the Study of Health Law
- B.A., Miami University, 2002
 - Magna cum laude

Professional Organizations

[Kansas City Metropolitan Bar Association](#)
[Kansas City Missouri Bar Leadership Academy](#)
[Missouri Organization of Defense Lawyers Trial Academy](#)
[Ross T. Roberts Inn of Court](#)

Admissions

[Kansas](#)
[Missouri](#)
[U.S. District Court, District of Kansas](#)
[U.S. District Court, Western District of Missouri](#)

Honors and Awards

Missouri & Kansas Super Lawyer, Rising Star, Thomas Reuters – 2013-19
 Selected for inclusion in Best Lawyers in Health Care Law, 2017-19