



JOAN D. TOOMEY

Attorney

Phone Number: 816.701.1184

Email: jtoomey@wcllp.com

4740 Grand Avenue Suite 300
Kansas City, MO 64112

In Brief

- **Attorney of Wagstaff + Cartmell LLP**
- **Assisted in reaching a \$10 million class action settlement on behalf of Missouri landowners.**
- **Represents plaintiffs in multi-district litigation cases against medical device manufacturers.**

Joan joined Wagstaff & Cartmell in 2009. Early in her tenure at the firm, she worked on matters involving the representation of the State of Kansas in a contract dispute with major tobacco companies relating to payments under the 1998 Master Settlement Agreement; a class action suit alleging antitrust violations among private equity firms; a class action suit involving environmental property damage affecting Northwest Missouri landowners; and various mass tort cases alleging injurious exposures to toxic substances and devices.

Joan continues to advocate on behalf of clients involved in various types of commercial litigation disputes. She also represents plaintiffs in multi-district litigations cases against medical device manufacturers. This representation includes legal research; drafting of pleadings, memoranda, motions, and briefs; defending and taking depositions; managing the discovery process; and trial preparation.

Notable Litigation

Pelvic Mesh Repair System Products Liability Litigation (S.D.W.V.)

In 2012, thousands of lawsuits filed nationwide against several manufacturers of transvaginal mesh products. These cases were consolidated by the Judicial Panel on Multidistrict Litigation (JPML) into several MDLs before the Honorable Joseph R. Goodwin in the Southern District of West Virginia. Among the dozens of lawyers who applied for leadership positions, Judge Goodwin selected Tom Cartmell as one of a handful of attorneys to lead this mass litigation.

JUUL Labs, Inc., MDL No. 2913

Wagstaff & Cartmell is involved in this MDL against JUUL Labs, Inc. Tom Cartmell has been appointed the Plaintiff's Government Entity Liaison Counsel of the JUUL Labs Inc. MDL in the Northern District of California in front of the Honorable William H. Orrick.

In Re: National Prescription Opiate Litigation, MDL 2804 (N.D. Ohio)

The Wagstaff & Cartmell team is involved in this prescription opiate litigation MDL. Ty Hudson worked with a team of lawyers to help prosecute the case against prescription drug distributors in the initial MDL bellwether cases, which resulted in settlements totaling more than \$260 million. The next phase of the litigation is on-going. Eric D. Barton is representing dozens of county and city governments in Kansas, Missouri, Virginia, Florida, and Mississippi in lawsuits against manufacturers and distributors of opioid pain medications seeking recoveries of damages arising from the nationwide opioid addiction crisis.

NPM Adjustment Arbitration (State of Kansas), Tobacco Master Settlement Agreement

In 1998, the major tobacco companies reached a \$206 billion global settlement with 48 states memorialized in the landmark Master Settlement Agreement (MSA). In 2008, the tobacco companies initiated an arbitration proceeding against 35 states under a provision in the MSA contending that they were entitled to a \$1.1 billion adjustment to their contract payments for the year 2003. The Kansas Attorney General held a multi-step interview process and selected Wagstaff & Cartmell to serve as private counsel for Kansas in the arbitration proceeding. Wagstaff & Cartmell prepared and presented Kansas's case to a panel of three former federal judges at an arbitration hearing in Chicago. The tobacco companies were represented by three well-known national law firms. After the hearing but before the Panel's decision, Kansas settled all disputes with



JOAN D. TOOMEY

Attorney

the tobacco companies for years 2003-12, which preserved for Kansas more than \$450 million of contract payments from the tobacco companies.

\$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.

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.

Citadel Plaza LLC v. City of Kansas City, Jackson County, Missouri – \$15 million settlement

Wagstaff & Cartmell represented Citadel Plaza LLC (Citadel) in a commercial real estate case against the City of Kansas City, Missouri. The City failed to provide partial funding per their contract for the project, after the client expended significant time and money redeveloping the site. As a result, the development project failed, and the client suffered substantial losses. The case was settled for \$15 million on the Friday before trial was to begin.

Prospect North v. City of Kansas City, 16th Cir. Jackson County, Missouri – \$6 million settlement

Wagstaff & Cartmell represented a real estate developer against the City of Kansas City, Missouri regarding a breach of cooperative agreements. The developer contributed land and agreed to build public and private improvements in exchange for the City's agreement to fund certain public improvements. After extensive delays, alleged to have been caused by the City, the project failed when the developer's lender foreclosed on the land. After extensive discovery and depositions of multiple expert witnesses, the case settled for \$6 million on the eve of trial.

Practice Areas

Joan handles cases in class actions & commercial litigation and mass actions & personal injury. Joan also practice in areas such as business disputes.



JOAN D. TOOMEY

Attorney

His primary areas of practice include:

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

Prior Work Experience

Attorney, Lathrop & Gage

Education

- J.D., University of Missouri – Kansas City
 - UMKC Law Review
- B.S., Southeast Missouri State University

Professional Organizations

[Kansas Bar Association](#)

[Missouri Bar Association](#)

Admissions

[Kansas](#)

[Missouri](#)