

JONATHAN T. BARTON

Member

jbarton@stantonbarton.com

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PRACTICE AREAS

- Product Liability
- Fire Science Litigation/Subrogation Defense
- Personal Injury and Wrongful Death
- Medical Device/Pharmaceutical
- Business Litigation

EDUCATION

- Saint Louis University, BA Political Science & International Relations
- Drake University School of Law, JD with honors

BAR | COURT ADMISSIONS

- The Supreme Court of Missouri
- The Supreme Court of Illinois
- The United States District Court for the Eastern District of Missouri
- The United States District Court for the Western Districts of Missouri
- The United States District Court for Northern District of Illinois
- The United States District Court for Central District of Illinois
- The United States District Court for Southern District of Illinois
- The United States District Court for the District of Kansas
- The United States District Court for the Northern District of Indiana
- The United States District Court for the Western District of Michigan
- The United States District Court for the District of Colorado
- The United States District Court for the District of Utah
- The Seventh Circuit Court of Appeals
- The Eighth Circuit Court of Appeals

Over the past 23 years Jon has successfully litigated complex product liability matters in state and federal courts in over 25 states, Canada and Australia. He has implemented successful litigation strategies designed to proactively accomplish clients' goals during the investigation phase as well as throughout discovery and at trial. Jon has been selected as national counsel for several consumer and industrial product manufacturers and is routinely called upon to defend cases throughout the United States based on his familiarity with their products and claims involving allegations of design, manufacturing and warning defects.

Jon has defended designers and manufacturers of industrial machinery, material handling equipment, motorized vehicles and watercraft, medical devices, outdoor power equipment, electrical switches and their components (including medium and high voltage distribution systems). Over the years, Jon's experience with these products and the scientific and engineering principals involved has allowed him to take an active role in defending claims involving battery powered products (Li-Ion, Li-Po and NiMH), electric vehicles (EV), and battery power tools and to consult with national product manufacturers as lead trial counsel. Often these matters involve wrongful death, personal injury and large-loss subrogation.

As a founding member and managing partner of Stanton | Barton LLC, Jon is actively engaged in the firm's management and in driving the cultural development of the firm's collaborative and collegial environment which is designed to provide a team-based approach to our clients' litigation needs. In addition, Jon heads the firm's Technology Committee which is focused on leveraging technology to provide the most nimble, effective and cost-efficient team to meet the litigation needs of our clients.

Jon and his wife Jennifer and their two daughters are lifelong residents of the City of St. Louis where they have rehabbed several historic homes and are active in community development and philanthropy.

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ASSOCIATIONS

- Missouri Bar Association
- Illinois Bar Association
- Bar Association of Metropolitan St. Louis
- The American Bar Association
- Product Liability Advisory Counsel
- International Association of Defense Counsel
- Defense Research Institute
- The Missouri Organization of Defense Lawyers
- The Bar Association of the Central and Southern District of Illinois
- International Association of Arson Investigators (IAAI)

AWARDS | RECOGNITIONS

- *Best Lawyers in America- Product Liability Litigation – Defendants* (2019-2021)
- *Super Lawyer: Personal Injury Defense: Product Liability* (2011– 2021)
- AV Preeminent Peer Review Rating from Martindale-Hubbell
- St. Louis Business Journal’s “40 Under 40” recipient.
- Missouri & Kansas Super Lawyers, Rising Star, 2010.
- Missouri Lawyers Weekly Up & Coming Lawyers in Missouri, 2008.
- Order of Barristers
- Recipient of the American College of Trial Lawyers Lewis F. Powell, Jr. Award for Excellence in Advocacy, 1997 and 1998.
- All-American, Intercollegiate Mock Trial, 1994.
- Eagle Scout, Boy Scouts of America.

REPRESENTATIVE EXPERIENCE

- Defended skid steer manufacturer in a wrongful death trial involving claims of actual and punitive damages.
- Represented industrial manufacturer of medium voltage switchgear in a personal injury claim involving an electrical arc fault caused by the Plaintiff’s violation of NFPA 70E procedures.
- Defended power tool manufacture against claims of alleged failure caused by lithium ion batteries in order to pursue subrogation potential resulting in dismissal of claims and/or resolution for nominal amounts based on the scientific method and utilization of NFPA 921.
- Represented electronic vehicle manufacturer in a multi-million dollar vehicle fire case and obtained dismissal based on other potential ignition sources in area of origin.
- Represented a medical device manufacturer in a complex multi-party litigation involving claims of products which were subject to federal pre-emption.
- Defended consumer product manufacturer (television) in an \$11 million wrongful death case involving 37 year-old male in the City of St. Louis—obtained confidential settlement of less than 1% of original demand 2 weeks before trial.
- Represented consumer product manufacturer (refrigerator) in a multi-million dollar wrongful death case involving the death of two children ages 4 and 6—reached a confidential six figure settlement prior to trial.
- Represented consumer product manufacturer (wood burning stove) in a \$5 million personal injury case involving 12 year old boy with burns to 93% of his body—confidential settlement reached at mediation for less than \$325,000.

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- Represented industrial component part manufacturer (control limit switch) in a \$4 million personal injury (paraplegic) wrongful death case—obtained dismissal prior to trial.
- Defended RV manufacturer in personal injury wrongful death claim involving component product recalled for containing a defect which caused fire—obtained dismissal after mediation.
- Defended motorcycle manufacturer in personal injury claim involving recall due to alleged throttle sticking—obtained favorable confidential settlement.
- Represented trucking company and driver in \$2 million wrongful death case involving 18 year old girl—confidential settlement reached for less than \$20,000.
- Represented industrial component part manufacturer (control limit switch) in a \$4 million wrongful death case involving worker struck in head by a falling crane hook—obtained dismissal prior to trial.
- Defended vehicle manufacturer in property damage subrogation claim alleging vehicle fire which allegedly spread and burned down plaintiff's home damaging same in the amount of \$300,000—obtained confidential settlement for less than \$15,000.
- Represented rental company in a wrongful death case involving contact with power lines while operating a boom lift—obtained confidential settlement for less than \$20,000 (paid by co-defendant under indemnification agreement).
- Defended manufacturer of marine motor in breach of warranty and property damage claim—tried to verdict—jury awarded damages to plaintiff and fees awarded pursuant to MMWA.
- Represented industrial electrical equipment manufacturer (medium/high voltage switch gear) in a \$5 million property damage construction defect claim involving an overvoltage event and resulting fire—obtained confidential settlement of less than \$25,000.
- Defended industrial manufacturer (circuit breaker) in a \$1.2 million subrogation claim—obtained settlement during mediation for less than \$100,000.

REPORTED CASES | NOTABLE DECISIONS

- ***Sagez v. Columbus McKinnon Corp.***, No. 14-CV-1397-NJR-SCW, 2017 WL 11444528, (S.D. Ill. Feb. 14, 2017). Trial Court's denial of Motion for Certification for Interlocutory Appeal based on jurisdictional challenge.
- ***Howard v. Eaton Corporation***, No. 16-055 (Sup. Ct. WV 2016). The Supreme Court of West Virginia upheld the lower courts granting of full summary judgment on an electrical shock case involving allegations of strict product liability and failure to warn.
- ***Ace American Insurance Company v. Eaton Electrical, Inc.***, 3:11-cv-01741

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(USDC Conn. 2015) Trial court granted Daubert motion striking plaintiff's expert and granted summary judgment.

- **Larkin v. Am. United Life Ins. Co.**, 382 S.W.3d 147 (Mo. Ct. App. 2012). Appellate court upheld the trial court's dismissal of Plaintiff's suit for civil conspiracy and punitive damages.
- **Merriman v. Toyota Motor Engineering & Manufacturing North America, Inc.**, Case No. 3:10-cv-05067 (USDC W.D. Mo.2011). Trial court granted two separate Daubert motions striking both of Plaintiff's expert witnesses and ultimately granted summary judgment on a complex design defect claim.
- **Edwards v. Brunswick Corp., (2009)**. The plaintiff alleged complex design and manufacturing defects resulting in a boat fire. The case was tried to verdict in the Circuit Court of St. Louis County and resolved on appeal.
- **Missouri Public Entity Risk Management Fund v. Investors, Ins. Co. of America**, 451 F.3d 925 (8th Cir. 2006).
- **Baskin v. Parkview Housing** (2004). The plaintiff alleged wrongful eviction and conversion of personal property seeking over \$700,000 in compensatory and punitive damages. Jon represented the defendant, Parkview Housing Corporation. The case was tried for three days in the Circuit Court of St. Louis County and resulted in a unanimous defense verdict.
- **City of St. Louis, et al. v. American Tobacco Co., et al.**, 2003 WL 23277277 (Mo. Cir. December 16, 2003).
- **Grigaitis v. My Way Transportation** (2002). The plaintiff alleged personal injury and property damage as a result of a motor vehicle collision involving a tractor trailer. Jon represented the defendant, My Way Transportation. The case was tried for two days in the Circuit Court for the City of St. Louis and resulted in a unanimous defense verdict.
- **Schwarzen v. Harrah's St. Louis Riverport**, 72 S.W.3d 223, 224 (Mo. App. E.D. 2002).
- **State ex rel. MSX International v. Dolan**, 38 S.W.3d 427, 430 (Mo. banc 2001).

PUBLICATIONS

- *Missouri Evidence Restated Chapter 6: Witnesses* (MoBar 6th Ed. 2021) Deskbook Reviewer;
- *Introduction to AI and IoT Issues in Product Liability Litigation*, *Westlaw Journal of Products Liability* (February 2019)
- *Missouri Evidence, Chapter 10: Credibility and Impeachment of Witnesses* (MoBar 6th 2017).
- *Missouri Bar Civil Procedure Desk Book, Chapter 20: Statute and Ordinance Violations* (MoBar 2015).
- *Missouri Bar Civil Procedure Deskbook, Rules 52.01—52.05* (MoBar 2012)

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Supplement).

- *Prelude to Trial: Mediation in the Modern Age, Trials and Tribulations, DRI* (October 2013).
- Missouri Damages, Consortium and Derivative Claims, (MoBar 3rd Ed. 2011)- Deskbook Reviewer.
- Missouri Evidence § 10, Credibility and Impeachment of Witnesses, 2010 Supplement (MoBar 5th ed. 2010).
- Missouri Tort Law, 2010 Cumulative Supplement Chapter 19—Statute and Ordinance Violations (MoBar 3rd Ed. 2010).
- Partnering With Your Client: A Recipe for Success in Product Liability Litigation, Corporate Counsel Magazine, (December 2007).
- Missouri Civil Procedure, Rule 67: Dismissal of Civil Actions, (MoBar 3rd ed. 2007), Deskbook Reviewer.
- Missouri Evidence, Chapter 10, Credibility and Impeachment of Witnesses, (MoBar 5th ed. 2006).
- Missouri Tort Law, Chapter 14, Product Liability, (MoBar 3rd ed. 2003) -Deskbook Reviewer.

SPEAKING ENGAGEMENTS

Jon is a regular speaker to members of the Missouri and Illinois Bar as well as attorneys and general counsel on a national basis. He presents seminars on issues involving integration of technology during the discovery process and at trial as well as advanced trial and deposition skills and techniques. Jon also hosts a yearly webinar on ethics from the litigator's perspective.

- *Use Your Power to Eliminate Systemic Bias in the Legal Profession: Tools for the White Ally*, Cleveland Metropolitan Bar Association-Diversity & Inclusion Talk (October 14, 2020);
- *Prelude to Trial, Mediation in the Modern Age*, National Client Product Liability Summit Presentation (September 14, 2019);
- *The Rules of Evidence: A Practical Toolkit*, NBI/West Legal Education (June 28, 2019)
- *Top Trial Strategies the Pros Use to Win Their Case*, NBI/West Legal Education (March 21, 2019);
- *Introduction to AI and IoT Issues in Product Liability Litigation*, Client Seminar (August 27, 2018);
- *Premises Liability*, NBI/West Legal Education (March 9, 2018);
- *Preserving ESI; Facebook, Twitter, Instagram, E-mail and Smartphone Evidence: The Ultimate Guide*, NBI/West Legal Education (June 28, 2018)
- *Litigation Management in a New York Minute, Litigation Holds and the Preservation of Evidence*, Network of Trial Law Firms (August 5, 2016);
- *Mitigating Damages: A Framework for Limiting Future Medical Care Losses*

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- *Based on the Affordable Care Act*, Network of Trial Law Firms (April 16, 2015);
- *Product Liability & Fire Investigations*, Client Presentation (September 2014);
- *The Daubert Conundrum*, Network of Trial Law Firms (November 2, 2014);
- *Handling Objections and Responses to Discovery*, Law Firm Internal CLE (July 22, 2014);
- *May it Please the Court*, *Effective Case Presentation at trial*, NBI, Inc. (March 21, 2014);
- *Sifting Through the Ashes: Using Fire Science in Defense of a Product Liability Claim*, Client Presentation (September 12, 2013);
- *The Daubert Conundrum*, Network of Trial Law Firms (November 7, 2013);
- *Litigating to Win Through Advanced Trial Advocacy*, NBI (May 9, 2013);
- *Sifting Through the Ashes: Using Fire Science in Defense of a Product Liability Claim*, Network of Trial Law Firms (November 9, 2012);
- *Prelude to Trial: Mediation in the Modern Age*, Network of Trial Law Firms (May 2, 2013);
- *Trial Preparation and Technology: Planning for Attorneys and Paralegals*, SPVG Internal (September 20, 2012);
- *Dirty Litigation Tactics: How to Deal with the "Rambo" Litigator*, NBI/West Legal Education (August 9, 2011);
- *Practical Evidence for Civil Litigators*, Missouri Bar CLE (June 3, 2011);
- *Litigating in an Electronic World—Effective Use of Social Media*, Tokio Marine Nichido, Pasadena, CA (March 1, 2011);
- *Ethics: Effect on Corporate IT Policies on Otherwise Privileged Communications*, Network of Trial Law Firms, Kiawah Island, S.C. (November 5, 2010);
- *Dirty Litigation Tactics: How to Deal with the "Rambo" Litigator*, NBI/West Legal Education (September 29, 2010);
- *Product Liability Litigation From Beginning to End*, PLRB/LIRB, Atlanta, Georgia (June 22-23, 2010);
- *E-Discovery: In-House Counsel's Reaction to Pension Committee Decision*, Network of Trial Law Firms, (April 23, 2010);
- *Mastering the Art of Taking and Defending Depositions*, The Missouri Bar, (February 26, 2010);
- *Evidence and Expert Testimony Best Practices: Supporting Your Case*, NBI/West Legal Education (January 14, 2010);
- *Emerging Responsibilities for In-House Counsel—E-Discovery: What Other In-House Counsel are Doing*, Network of Trial Law Firms, Laguna Beach, California (November 7, 2010);
- *E-Discovery Overview and the Duty to Preserve and Produce*, St. Louis Missouri (in-house) (August 21, 2009);

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- *E-Discovery Challenges Facing In-House Counsel*, Network of Trial Law Firms, (November 2008)

CIVIC COMMUNITY INVOLVEMENT

- **Volunteer:** St. Louis Lawyers and Accountants for the Arts (2001 to present). Board of Directors (2011 to 2014). Routinely assists artists with questions concerning the law with a special emphasis on intellectual property issues.
- **Volunteer:** Bar Association of Metropolitan St. Louis (2001 to present). Frequently serve as a guest judge for the high school mock trial competition.
- **Adjunct Professor:** Washington University. Coach of the national intercollegiate mock trial team – 2003-2005.