With an established reputation for quality, integrity, and client satisfaction throughout Kansas and beyond, Foulston Siefkin’s Litigation & Disputes Practice Group handles a broad array of commercial and complex disputes for clients ranging from Fortune 500 companies, closely held businesses, startups, and individuals to government entities, educational institutions, and nonprofits. The practice’s work encompasses high-profile, bet-the-company litigation, as well actions necessary to help and protect small businesses and individuals. The firm’s litigators prosecute and defend all types of civil litigation, ranging from complex class action and antitrust cases to ordinary breach of contract and negligence matters.

Located in Wichita, Kansas City, and Topeka, Foulston Siefkin’s attorneys have extensive experience in local, state, and federal trial and appellate courts, as well as in many types of administrative and specialty proceedings. They are equally adept at providing strategic litigation-avoidance counsel and negotiating favorable out-of-court resolutions through alternative dispute resolution. The practice is known for its rapid response to emergency litigation, such as obtaining or defending against restraining orders and injunctions; its robust e-discovery capabilities; and the ability to draft and argue persuasive motions. In giving Foulston Siefkin’s its highest “Band 1” ranking in general commercial litigation, Chambers USA noted the team’s “rapport with opposing counsel and judges” as a key strength.

Keeping each client’s goals in mind, the firm’s attorneys strive to deliver efficient, cost-effective representation by taking a practical, common sense approach to litigation. Foulston Siefkin represents companies and executives from a cross-section of industries, serving as lead counsel for many global corporations headquartered in Kansas or Missouri and companies that do business in the region. The firm is also frequently engaged by national and international law firms to serve as local Kansas or Missouri counsel to their clients.

Chambers USA, Best Lawyers, Benchmark Litigation, and other leading industry guides regularly cite Foulston Siefkin’s Litigation Practice Group and its attorneys for excellence. In addition, several members of the litigation team have been inducted into the American College of Trial Lawyers and the International Academy of Trial Lawyers.
AREAS OF REPRESENTATION

Accounting Malpractice

Administrative Proceedings

Enforcement actions, rule making, decertification, show cause, appeals

Antitrust and Trade Regulation

Bankruptcy and Creditors' Rights

Business Torts

Fraud, conspiracy, conversion, defamation, business disparagement, false advertising, breach of fiduciary duty, interference with contractual and prospective business relationships, trade secrets, covenants not to compete and usurpation of corporate opportunity

Class Action Defense

Class Actions

Price fixing, dealer termination, monopoly, price discrimination, refusals to deal, tying arrangements, and other trade regulation issues.

Commercial & Complex Litigation

Condemnation Proceedings

Construction Law

Contracts

Cyber Security

Directors and Officers Liability

Eminent Domain

Employee Benefits and Employee Benefits Litigation

ERISA Litigation

Environmental and Natural Resources

False Claims Act Suits

Fiduciary Litigation/ERISA Litigation

Financial Institutions

Financial Institutions - Deficiencies and Lender Liability
Franchise and Distribution Litigation
Government Contracting
Government Investigations & White Collar Crime
Hud-subsidized Housing
Injunctions/Receiverships/Extraordinary Remedies
Insurance Coverage
Insurance Defense
Intellectual Property
Lease Disputes
Multi-District Litigation
Oil & Gas
Partnership Disputes
Plaintiff's Commercial & Fiduciary Duty Litigation
Product Liability
Professional Liability
Professional Malpractice
Public Utilities
Qui Tam
Real Estate
Securities
State and Local Tax Controversy
Telecommunications
Trade Secret and Noncompete Litigation
Trust and Estate Litigation
Water Rights
Zoning

RELATED LINKS

- United States Constitution
EXPERIENCE

- Represented Wichita Firemen’s Relief Association (“WFRA”) in an insurance coverage/accidental death policy/failure to pay insurance benefits without just cause or excuse case: Wichita Firemen’s Relief Association v. Kansas City Life Insurance Company. Plaintiff WFRA sued the insurance company for accidental death benefits it purchased for its firefighters after one of them was injured in the course of fighting a large apartment complex fire, and subsequently died. WFRA filed suit for breach of the insurance agreement and for failure to pay without just cause and excuse. Initially, summary judgment on coverage was granted by the trial court in favor of the insurance company, and the Tenth Circuit reversed. After remand, a jury found that the insurance company breached the insuring agreement, awarding policy limits of $100,000.

- Defense counsel in trial court and on appeal in successful defense of alleged consumer credit fraud class action in Gonzales v. Associates Financial Service Co. of Kansas, Inc., 266 Kan. 141, 967 P.2d 312

- Successfully defended antitrust class action claims in Mitchael v. Intracorp., Inc., 179 F.3d 847 (10th Cir. 1999).


- Co-counsel for plaintiffs in securities fraud class action, Flake v. Hoskins, U.S. District Court in Kansas City, Kansas ($5.7 million settlement in 2001).


- Defense counsel in 1999 trial of False Claims Act qui tam litigation in the Northern District of Oklahoma.

- Plaintiff’s counsel in trial of wrongful termination claim for corporate president, resulting in substantial actual and punitive damage award.

Counsel in the well-known Wichita Wire, Inc. v. Lenox, 11 Kan. App.2d 459 (1986) (injunction to protect purchased good will), which established the standards in Kansas for the granting of temporary injunctive relief.

Foulston Siefkin attorneys have appeared in numerous injunction lawsuits in state and federal court where the issues arouse out of trade secrets, restrictive covenants, or unfair competition.

Plaintiff’s counsel in South Central Kansas Health Insurance Group v. VASA Brougher et al. - lawsuit filed on behalf of group-funded health insurance pool against several defendants, including auditor, plan administrator and stop loss carrier, to recover losses. Significant settlements entered prior to trial.

Plaintiff’s counsel representing large aircraft manufacturers against Certain Underwriters at Lloyd’s London and other insurers seeking reimbursement under commercial general liability policies. Confidential settlements entered.

Defense counsel in Mitchael et al. v. Intracorp, Inc. et al., class action filed on behalf of Kansas chiropractors against medical review company and various insurers alleging, inter alia, antitrust and RICO violations. Summary judgment for defendants affirmed on appeal at 179 F.3d 847 (10th Cir. 1999).

Successfully defended a wide range of clients by obtaining summary judgment (and upholding judgement on appeal) in claims alleging race and gender discrimination under Title VII, claims arising under the Americans With Disabilities Act, other federal statutes, state law retaliatory discharge claims, and claims involving fair competition issues.

Successful defense of major printer and ink cartridge manufacturer in class action brought for fraud and violation of Kansas Consumer Protection Act relating to amount of ink contained in cartridges provided with new printers. Cole v. Hewlett Packard, Wyandotte County District Court, Case No. 01 C 2344, aff’d 84 P.3d 1047 (Kan. Ct. App. 2004) (per curiam).

Lead defense counsel in successful defense in fiduciary duty lawsuit related to ownership and control of large automobile dealerships with claims asserted totaling $94 million

Lead defense and trial counsel for large hospital against claims brought by groups of disaffiliating formerly employed physicians involving complex compensation and risk pool allocations.

Successful defense trial counsel in wrongful discharge and retaliation lawsuit brought by nurse alleging whistle-blower status against hospital affiliated employer.


Lead plaintiff’s counsel in Hutchinson gas explosion litigation resulting in jury verdict of $1.9 million in compensatory award and $5.25 million in punitive damages award for one group of clients and multiple significant settlements for other clients.

Plaintiff’s counsel in successful breach of fiduciary duty and punitive damage lawsuit against a controlling shareholder alleging misappropriation of mid-stream and producing properties belonging to a vertically integrated oil and gas company, including a freeze-out merger of a minority shareholder and stock appraisal. Kirk v. Woolsey, Sedgwick County District Court, Case No. 04-CV-3301.

Plaintiff’s counsel in commercial contract arbitration before AAA arbitrators in Chicago - $1.8 million
PRESENTATIONS

2013
The Basics of Section 1983 Actions to Enforce Civil Rights (Wichita Bar Association)

2012
Basic Civil Practice 101 (Wichita Bar Association)

2009
In the Courtroom (Kansas Bar Association)
Handling the Explosion Case: Much Assembly Required (Kansas Association for Justice)

2007
Doctors Are Suppliers, Too: The Impact of Williamson v. Amrani’s Ruling That Physicians Are Subject to the Kansas Consumer Protection Act (Kansas Bar Association)

ISSUE ALERTS

2019
- Kansas Supreme Court Ruling Uncaps Damages for "Pain and Suffering"

2018
- Comments Sought on Updated Legal Hold Guidelines
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