



**Craig M. Leff** is a skilled trial attorney who has accumulated more than 30 years of trial experience, taking on the most prominent plaintiff's attorneys in catastrophic injury cases and in complex commercial litigation cases. Craig serves clients as a go-to trial lawyer in a variety of areas including complex insurance coverage, bad faith claims, railroad defense, products liability, industrial accidents, employment law, and legal malpractice.

Craig has tried multiple cases to verdict in Kansas and Missouri courts and has significant capability trying cases across the country. Craig's appellate experience enables him to continue representing his clients after judgment, and he has successfully handled appeals before the United States Courts of Appeals for the Seventh, Eighth, and Tenth Circuits, the Missouri Supreme Court and Court of Appeals, and the Kansas Supreme Court and Court of Appeals.

In his work defending claims against railroad companies, Craig has developed an extensive working knowledge of the railroad industry. Having handled a variety of cases arising from workplace injuries and railroad crossing accidents, Craig has unique experience handling matters often involving the immediate on-site investigation of accidents and the coordination of experts in such disciplines as train handling and dynamics, biomechanics, traffic engineering, accident reconstruction, audiology, and medicine.

## REPRESENTATIVE MATTERS

Obtained summary judgment for railroad and crew members accused of negligently causing a collision at a railroad grade crossing. Decision was largely affirmed on appeal and resulted in favorable rulings on scope of federal preemption under the Federal Railroad Safety Act and Locomotive Inspection Act. *Campbell v. Union Pac. R.R. Co.*, 616 S.W.3d 451 (Mo. Ct. App. 2020), transfer denied (March 2, 2021).

Secured summary judgment for a law firm and attorneys sued for appellate legal malpractice. *Idstrom v. German May, P.C.*, No. 19-2013-JAR-TJJ, 2020 WL 1700330 (D. Kan. Apr. 8, 2020), appeal dismissed, No. 20-3090, 2020 WL 6498725 (10th Cir. Aug. 17, 2020).

Obtained summary judgment in favor of officer of close corporation sued by beneficiaries of irrevocable trust who asserted claims for negligence, breach of fiduciary duty, conspiracy, and tortious interference with contract arising from corporate stock transaction.

Achieved summary judgment for passenger railroad and freight railroad in personal injury claims asserted by more than 30 passengers following a train derailment. Court's opinion granted summary judgment for the railroad on all negligence claims and granted all five of railroads' Daubert challenges to the passengers' retained liability experts. *Nat'l R.R. Passenger Corp. v. Cimarron Crossing Feeders*, No. 16-1094-JTM, 2018 WL 5962876, at \*1 (D. Kan. Nov. 14, 2018), amended, No. 16-1094-JTM, 2019 WL 1014727 (D. Kan. Mar. 4, 2019).

Successfully defended railroad in wrongful death action arising from a multiple-fatality accident occurring at a railroad grade crossing, resulting in a unanimous defense verdict following a two-week jury trial.

Obtained defense verdict in FELA claim brought by machinist alleging permanent back injuries from a workplace injury, then successfully defended the verdict on appeal.

## Contact Information

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## Practice Areas

- Appellate and Trial Triage
- Bad Faith
- Counseling and Risk Management
- Coverage Litigation
- General Commercial Litigation
- Professional Liability
- Transportation

## Education

- University of Iowa College of Law, J.D. 1992, with high distinction
- University of Kansas, B.S. Journalism 1991, with highest distinction

## Memberships

- Missouri Bar Association
- Kansas City Metropolitan Bar Association
- National Association of Railroad and Trial Counsel

## Admissions

- Illinois
- Wisconsin
- Kansas
- Missouri
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the

District of Kansas

- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the Eastern District of Wisconsin
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit

Achieved defense verdict in FELA claim brought by a locomotive mechanic claiming acute injuries from a workplace incident, then successfully defended the verdict on appeal to the Missouri Supreme Court. **Lozano v. BNSF Ry. Co.**, 421 S.W.3d 448 (Mo. 2014).

Received a split verdict in FELA case, where the jury found in the railroad's favor on a negligence claim and awarded only \$7,500 to plaintiff on a Safety Appliance Act claim where the plaintiff sought more than \$700,000 in damages, then successfully defended the verdict on appeal to the Missouri Court of Appeals. **Shearer v. Union Pac. R.R. Co.**, 471 S.W.3d 397 (Mo. Ct. App. 2015).

Obtained a defense verdict in FELA action in which the plaintiff sought damages for a gunshot injury suffered on the job, then successfully defended the verdict on appeal to the Missouri Supreme Court, resulting in novel ruling on applicability of *respondeat superior* in FELA cases. **Cluck v. Union Pac. R. Co.**, 367 S.W.3d 25 (Mo. 2012).

Participated in the successful defense of a railroad in a three-week jury trial alleging breach of a coal transportation contract, where the plaintiff sought more than \$100 million in damages.

Successfully appealed adverse verdict in FELA action, prompting the Kansas Supreme Court to characterize post-accident discipline as an inadmissible subsequent remedial measure. **Bullock v. BNSF Ry. Co.**, 306 Kan. 916, 399 P.3d 148 (2017).

Obtained summary judgment for a railroad defending a \$25 Million claim alleging breach of a coal transportation agreement, then successfully defended the appeal to the United States Court of Appeals for the Seventh Circuit. **Wisconsin Elec. Power Co. v. Union Pac. R. Co.**, 557 F.3d 504 (7th Cir. 2009).

Obtained summary judgment in legal malpractice action, where unsecured creditors alleged that the attorney for a debtor in possession in Chapter 11 bankruptcy proceeding breached duties owed to the creditors. Successfully defended the appeal to the United States Court of Appeals for the Tenth Circuit. **Simmons Foods, Inc. v. Willis**, 74 F. App'x 15, 17 (10th Cir. 2003).

Won summary judgment for short line railroad in wrongful death action brought by employee of contractor who was crushed between railroad car and front loader.

Obtained summary judgment in two FELA cases alleging cumulative trauma injuries to railroad employees, then successfully defended the judgments on appeal to the Kansas Court of Appeals, resulting in the first Kansas appellate decisions interpreting Kansas's recent adoption of Daubert standard for admissibility of expert testimony. **Smart v. BNSF Ry. Co.**, 52 Kan. App. 2d 486, 369 P.3d 966 (2016) and **Farley v. BNSF Ry. Co.**, 367 P.3d 1284 (Kan. Ct. App. 2016).

Obtained summary judgment for trailer manufacturer in products liability action in which the plaintiff sought damages for paraplegia, then successfully defended the appeal to the United States Court of Appeals for the Eighth Circuit. **Briant v. Timpte, Inc.**, 9 F. App'x 561 (8th Cir. 2001).

Achieved summary judgment for railroad in subrogation action brought by insurer of shipper that sought damages to freight and rolling stock after train load of soda ash was inundated by unprecedented flooding.

Successfully defended railroad in wrongful termination action brought under the Family Medical Leave Act, resulting in summary judgment for railroad on all claims.

Obtained summary judgment for pharmaceutical manufacturer in wrongful death action alleging defects in sleep medication, then prepared successful brief to the United States Court of Appeals for the Sixth Circuit.

Obtained summary judgment for manufacturer of contact lens manufacturer based on federal preemption under the Medical Device Amendments to the Food, Drug and Cosmetic Act.