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SERVICES

Personal Injury & Tort Defense

Product, Asbestos & Toxic Tort
Liability

INDUSTRIES

Automotive

Hunting & Sporting Goods

Manufacturing & Distribution

Medical Devices

Recreational Products

Transportation

Mark A. Prost

SHAREHOLDER IN ST. LOUIS, MO

Mark Prost is a litigation partner in Sandberg Phoenix's Products Liability practice group where he is head of the firm's Toxic Tort team. He has been with the firm since 2000, a partner since 2006, and has a broad range of litigation and trial experience in defending manufacturers of pharmaceutical and medical products (talc/ovarian cancer, opioids, transvaginal mesh), toxic tort products (asbestos, benzene, chemical products, welding fumes, etc.), transportation products (railroad, automotive, aviation, trucking, etc.), children's products and construction products. Mark actively defends cases in Missouri and Illinois, but also has a national practice in which he serves as national coordinating counsel for several product manufacturers.

In 2019, Mark served as a Faculty Member for the Trial Academy for the International Association of Defense Counsel at Stanford University Law School. Mark is also a published author and frequent lecturer at national Toxic Tort seminars, has served for several years as Vice Chair for the ABA's Toxic Tort and Environmental Law Committee and is former Editor of the ABA's Toxic Tort Newsletter. Mark also has successful appellate experience before the Missouri Court of Appeals, Missouri Supreme Court, and the United States Court of Appeals for the Seventh and Eighth Circuits.

Mark has jury trial experience in several high-profile, multi-million dollar exposure cases. In 2016 and 2017, Mark served as local trial counsel for a raw material supplier in six separate ovarian cancer talc trials in St. Louis, helping his client obtain three defense verdicts, a mistrial, and two other verdicts where his client was found liable for only 10% and 1% of compensatory damages.

In May 2018, Mark defended a prominent St. Louis business in a premises liability jury trial involving over \$2 million in alleged personal injury damages where the jury only apportioned a small percentage of liability to defendant resulting in an award of only \$30,000. In March 2012, Mark won a defense verdict while defending Union Pacific Railroad and Harsco Corporation in the jury trial of *Burbridge v. Harsco Corporation, et al.*, a case involving a train conductor alleging permanent eye injuries from a train accident. Mark also successfully argued and defended the verdict before the Missouri Court of Appeals. (*Burbridge v. Harsco, et al.*, 413 S.W.3d 649 (2013)).

PROFESSIONAL AFFILIATIONS

American Bar Association, Vice Chair, TIPS, Toxic Tort and Environmental Law Committee and former Editor of the Toxic Torts Newsletter

Defense Research Institute

Hispanic Bar Association of St. Louis

International Association of Defense Counsel

Mark is Chair of the firm's Toxic Tort Industry Team and a member of the firm's Diversity Committee.

EDUCATION

J.D., Southern Illinois University School of Law (1997), *cum laude*

B.S. in Risk Management/Insurance, Florida State University (1993)

LICENSURE(S) AND ADMISSION(S)

Illinois

Missouri

United States District Court for the Central District of Illinois

United States District Court for the Northern District of Illinois

United States District Court for the Southern District of Illinois

United States District Court for the Eastern District of Missouri

United States District Court for the Western District of Missouri

CIVIC ACTIVITIES

Mark has served as an honorary judge at Moot Court Competitions at Washington University School of Law and Southern Illinois University School of Law. He also has served as a judge in the Philip C. Jessup International Law Moot Court Competition.

Mark is a past President of the School Board for Little Flower Catholic School in Richmond Heights, Missouri where his two sons attend.

PRESENTATIONS

"The Mounting Attacks on Company Sponsored Science, Speech and Experts," IADC Midyear Meeting, Pebble Beach, CA (February 2020)

Presented as a Faculty Member at the 2019 Trial Academy for the International Association of Defense Counsel at Stanford University Law School.

"The Gathering Storm: Strategies for Surviving an ENDS (Electronic Nicotine Delivery System) Litigation Battle," 2019 Next Generation Nicotine Delivery Seminar

"Cautionary Tales – Lessons Litigators Learned the Hard Way," NTLF Litigation Management Seminar

"Perrin National Litigation Conference; "Talc: Evaluating the Key Legal and Strategic Issues"

"Regulatory, Compliance, and Litigation Issues in the Environmental, Energy, and Fracking Industries," American Bar Association, Toxic Torts & Environmental Law Committee's Spring Meeting

"Analyzing the Increase in Lung Cancer and Inhalation Injury Cases in Toxic Tort Litigation," American Bar Association, Toxic Torts & Environmental Law Committee's Spring Meeting

"Dealing with Other Similar Incidents (OSI's) During Discovery and Trial," CLE Seminar

"Finding and Retaining Experts in Product Liability Cases," CLE Seminar

"Successful Strategies for Written Discovery in Missouri," Lorman Education Services

"Maintenance Issues in Defense of Crane and Aerial Device Cases," Defense Research Institute, Products Liability Seminar

"Confidentiality of Medical Records in Illinois," Lorman Education Services

Presented CLE on privacy concerns regarding medical records, including quality assurance and peer review records.

Presented lecture on maintenance issues, including legal aspects, OSHA/ANSI standards and practice guidelines.

Presented lecture on written discovery topics, including taking and answering written discovery, with an emphasis on Missouri and Federal law.

PUBLICATIONS

Contributor, "Missouri and Southern Illinois Becoming Ground Zero for Young People Suing JUUL and Others Attributing a Variety of Medical Problems to E-Cigarette Nicotine Addiction," *Products Liability Blog* (September 2019)

"The Not-So Exclusive Remedy? Civil Liability for Toxic Torts in Missouri and Illinois," *SandRun Risk Newsletter* (July/August 2019)

"Missouri Supreme Court Weighs in on Venue: Finds Prejudice is not Implicit to Litigation Hotspots," *IADC Product Liability Newsletter*, International Association of Defense Counsel (April 2018)

"The Bad Faith Exception to the One Year Bar to Removal Based on Diversity Jurisdiction - Is Proof of Forum Shopping Enough or do Defendants Need to Prove More?" *IADC Product Liability Newsletter*, International Association of Defense Counsel (October 2017)

RECOGNITION

2015-2024

BEST LAWYERS IN AMERICA

Best Lawyer

Product Liability Litigation - Defendants

2009

MISSOURI LAWYERS WEEKLY

Up & Coming Lawyer

2023

MISSOURI AND KANSAS SUPER LAWYER

Super Lawyer

Personal Injury- Products