



## Justin A. Hardin

### Principal

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Justin Hardin focuses his practice on the defense of lawsuits involving death, serious injury and professional liability. He defends physicians, medical schools, nurses, hospitals, nursing homes and other health care providers in medical negligence and health care lawsuits. He has further defended *Fortune* 500 companies, individuals and political subdivisions in lawsuits ranging from product liability, wrongful death, premises liability, defamation, toxic chemical exposure, and motor vehicle collisions.

Justin devotes a substantial portion of his trial practice to defending real estate brokers and agents in professional liability suits. As a licensed real estate agent with significant experience acting both as a buyer's and seller's agent, he is uniquely positioned to defend real estate professionals. He frequently counsels real estate agents during transactions, as well.

Justin is admitted to the bar in Missouri, Illinois, and Kansas. He has successfully defended suits in state and federal courts. He also has experience defending workers' compensation claims.

Super Lawyers has recognized Justin as a Rising Star since 2014. He is also the Publications Chair for the DRI Medical Liability and Health Care Law Committee.

### Favorable Jury Verdicts

- *Grebas v. Tadros Medical, LLC, et al.* – secured a defense verdict on behalf of a primary care physician in St. Louis County in a case in which the plaintiff underwent a below-the-knee amputation and claimed her primary care physician breached the standard of care. Plaintiff claimed she called the physician defendant complaining of pain and color changes in her foot, but was only directed to take a steroid medication. Plaintiff was eventually diagnosed with a vascular problem and underwent a below-the-knee amputation. During trial, plaintiff admitted the alleged “undocumented” calls to the PCP’s office came from her mother’s cellphone, who was also a patient of the PCP and who had also had a significant health concern that same week. Plaintiff claimed that her subsequent calls, which were documented, should have prompted her primary care physician to

direct her to the emergency room. However, Plaintiff also admitted that after she eventually did present to the ER, the ER delayed her CTA by 24 hours because she had taken a drug, methotrexate, on the date of her ER visit, which was a contraindication for any contrast study. The defense contended that under the circumstances, the standard of care did not require the PCP to direct her to go the ER and further that there was no evidence to establish an earlier trip to the ER would have changed the outcome. Plaintiff requested \$4.2 million in closing. The jury deliberated for just over two hours and returned a defense verdict for both defendants.

- *Andrew Martinez v. Roberts Sinto Corporation* – Secured a unanimous defense verdict in federal court on behalf of a manufacturer of a negative paste speed compounder mixer in a product liability case. Plaintiff, a 22-year-old male, was injured while scraping the area of the discharge door in October 2018. While scraping dried paste away from the area, which he claimed to be normal operation and doing as he was trained, his right hand was amputated above the wrist by one of the mixer's blades. Plaintiff believed the blades had stopped rotating. Plaintiff claimed the machine was defective and unreasonably dangerous as designed as it allowed him to access the area of the discharge door despite the fact that there remained kinetic energy and the blades continued to spin. Plaintiff presented evidence that the discharge door guard should have contained an interlock that would have prevented access to the hazardous area until the blades had ceased rotating. The interlock, an alternative feasible design, was available at the time the subject machine was manufactured in 2008. The defendant presented evidence that the guard was bolted down when it was manufactured and that the plaintiff's employer modified the machine when it permanently removed the bolts and did not address the resulting hazard. Plaintiff requested \$5.97 million to \$9.97 million in damages at closing (which included a prosthetic life care plan in excess of \$2.5 million and a loss of future earning capacity of more than \$500,000). The jury returned a unanimous defense verdict in less than 40 minutes.
- *Adcox v. Orthopedic Associates, et al.* – Secured a defense win in a case in which the plaintiff suffered a cervical spinal cord injury during lumbar surgery. At the time of trial, plaintiff was wheelchair-bound and unable to walk or stand. Unbeknownst to the defendant, the plaintiff had an MRI of her cervical spine five years earlier that revealed spinal cord impingement and cervical stenosis to nearly the same degree as seen in the MRI performed after the second surgery. Plaintiff did not undergo any treatment following the earlier MRI, and her symptoms of neck pain and arm numbness eventually subsided. It was agreed that plaintiff suffered a cervical spinal cord injury during the original lumbar surgery. Plaintiff filed suit against the defendant alleging that he was negligent in not discovering plaintiff's spinal cord impingement in her cervical spine prior to performing her lumbar surgery. Plaintiff presented evidence of a \$2.6-million life care plan to provide for her medical needs for the remainder of her life and sought \$17 million in non-economic damages (pain and suffering). The defense presented evidence that the standard of care did not require the surgeon to order an MRI or otherwise work up plaintiff's cervical spine because she was asymptomatic. The jury deliberated for four hours after a week-long trial and were deadlocked at 6-6. The jury was instructed to return the following Monday and returned a defense verdict after two and a half more hours of deliberation.
- *Greco v. Vest, et al.* – Obtained a verdict for the defense in a re-trial of a case involving a sprained ankle that led to a fatal pulmonary embolism. The decedent, a 36-year-old mother of three, sprained her ankle while bowling on April 29, 2004. She was referred to the defendant after visiting the emergency room. She was diagnosed with a sprained ankle and provided a walking boot. The decedent returned for an unscheduled

appointment on May 5, 2004, complaining of burning and tingling in her toes. She was seen by the orthopedic surgeon and fully evaluated. She was diagnosed again with a sprained ankle and instructed to exercise her foot as tolerated. Two days later, she collapsed while getting into her car after leaving work. She was rushed to the hospital and died shortly thereafter from a pulmonary embolism. The case initially went to trial in April 2013 and resulted in a defense verdict. However, that verdict was reversed on appeal and the matter was remanded for a new trial. In the re-trial, plaintiffs claimed defendants were negligent in not prescribing prophylactic anticoagulation therapy on April 30, 2004, and failing to order an ultrasound on May 5, 2004, which would have revealed the presence of a deep vein thrombosis (DVT). Plaintiffs argued the decedent's risk factors, which included obesity, taking birth control pills and immobility of the left lower extremity, were enough to warrant prescription of anticoagulation therapy to prevent the development of a DVT. Defendants claimed that there were no signs or symptoms warranting suspicion of a DVT, and that the risk factors were not sufficient enough to cause the orthopedic surgeon to suspect the decedent was at risk of developing a DVT. In addition, defendants highlighted the risk associated with prescribing anticoagulation therapy to patients who were not at high risk of developing DVTs. At closing, plaintiffs' counsel sought between \$1.5 million and \$2 million in damages. After six days of evidence, the jury returned a defense verdict on behalf of all defendants.

- *Arnold v. The Retina Institute, et al.* – Secured a defense verdict for a retinal specialist client. The case involved a 20-year-old female plaintiff who was referred to a retinal specialist for evaluation of a possible retinal detachment. He contacted a neuro-ophthalmologist who treated pseudotumor cerebri and referred the plaintiff to the same. After conducting a visual field test, it was determined the doctor's office did not have a contract with Illinois Public Aid and the plaintiff decided to not treat with the neuro-ophthalmologist. The plaintiff did not return to the retinal specialist's office, but rather contacted her primary care physician and saw him the following day. She did not receive a referral to a neuro-ophthalmologist or other specialist right away and eventually went nearly completely blind 15 days later as a result of pseudotumor cerebri. She claimed the retinal specialist was negligent in not ensuring the neuro-ophthalmologist's office took the plaintiff's insurance (Illinois Public Aid) prior to referring her to him. The plaintiff also claimed the retinal specialist was negligent for not following up with either the neuro-ophthalmologist or the plaintiff to ensure she was actually seen by the neuro-ophthalmologist for her urgent medical condition. The plaintiff sought and submitted punitive damages as well. In closing, the plaintiff requested between \$5 million and \$15 million in damages. The damages were all in the form of noneconomic damages (it should be noted that because the cause of action accrued in June 2015, the statutory cap on noneconomic damages was not applicable). The jury returned a verdict in favor of our client and apportioned 100 percent of fault to the plaintiff.
- *Dealey v. CCE911, et al.* – Obtained summary judgment in defamation and conspiracy to commit defamation claim made by the former independent contractor for an emergency dispatching agency. Plaintiff claimed that her contract to serve as an IT consultant for a dispatching agency was wrongfully terminated and alleged she was defamed by a board member and the executive director who allegedly claimed she took kickbacks from vendors and overbilled the agency by thousands of dollars. Mr. Hardin first obtained summary judgment on behalf of the dispatching agency on the basis of sovereign immunity and then successfully obtained summary judgment on behalf of the remaining individual defendants based on official immunity.
- *Sharon Fischer v. Jansen, et al.* – Second chaired a jury trial in a medical malpractice case involving abdominal

surgery. Plaintiff had elective laparoscopic cholecystectomy and suffered a bowel perforation. Plaintiff alleged the defendants should have performed the repair surgery a day earlier. Defendants argued the doctor acted appropriately. The plaintiff requested \$450,000, and the jury returned a verdict in favor of the defendants.

- *Cockrell v. AAF McQuay Inc.* – Second chaired jury trial in Boone County, Missouri, involving rear-end collision representing defendant corporation. Plaintiff requested \$125,000 from jury. Jury returned verdict in amount of \$1,000, which was less than the offer of judgment filed by defendant early in the suit.
- *Zammit v. MSCHA, et al.* – Assisted in the successful representation of Mid-States Club Hockey Association obtaining defense verdict in a negligence claim alleging inadequate security and failure to prevent plaintiffs' injuries as a result of a fight after a high school hockey game.
- *Land/Ivory v. DMM Industries, et al.* – Obtained summary judgment on behalf of paddle boat manufacturer in wrongful death and product liability claims of families of young men who drowned in lake at resort while using manufacturer's paddle boat.
- *Dorsey v. Northeast Ambulance & Fire Protection District, et al.* – Obtained dismissal with prejudice in wrongful death claim of decedent's wife against Ambulance & Fire Protection District where it was alleged that the ambulance responded to the wrong location in drowning emergency causing decedent's death.
- *Bethesda Foundation v. John Bender, Inc.* – Obtained summary judgment on behalf of defendant subcontractor on plaintiff's claim of negligence resulting from a fire causing property damage in excess of \$8 million.
- [\*Griffin/Elder v. Rhino's Truck Accessories, et. al.\*](#) – Represented company that allegedly sold defective go-kart in wrongful death product liability suits. Families of two decedents filed wrongful death suits after their decedents were killed in a go-kart accident on the same date in which the go-kart was purchased. Families demanded more than \$5 million and claimed aggravating circumstances. Obtained summary judgment on behalf of alleged seller prior to trial; judgment was affirmed on appeal.
- *Walpole vs. Cook* – Obtained unanimous defense verdict in a wrongful death case against a 911 operator. The decedent called 911 to report that a carpenter checking a bare wire in his attic had collapsed and was unresponsive. The 911 operator asked the decedent to see if the carpenter was breathing. The decedent allegedly touched the carpenter or a "hot" electrical wire and both the decedent and the carpenter were found dead because of electrocution. Plaintiffs claimed that the 911 operator should have advised the decedent to turn off the electricity in the house immediately and/or not to touch the decedent.

## Practice Areas

Health Care Liability  
Insurance Law  
Product Liability  
Professional Liability  
Premises and Retail Liability

## More About Justin

### Education & Bar Admissions

#### Education

- University of Missouri-Kansas City (J.D., 2005)
- University of Missouri-Columbia (B.A., 2002)

#### Bar Admissions

- Missouri
- Illinois

- Kansas
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Southern District of Illinois

## Recent Achievements

- Benchmark Litigation Future Star (2025)
- Top Defense Win, 2022 Missouri Lawyers Media
- Rising Stars - Civil Litigation: Defense, Missouri & Kansas Super Lawyers (2014-2018)
- Rising Star – Personal Injury Medical Malpractice: Defense, Missouri & Kansas Super Lawyers (2019)

## Professional Affiliations

- Defense Research Institute, Publications Chair for Medical Liability and Health Care Law Committee
- ALFA International, Product Liability Practice Group Steering Committee
- Claims and Litigation Management Alliance
- Missouri Health Care Association
- Bar Association of Metropolitan St. Louis
- Missouri Bar
- American Bar Association
- St. Louis Association of REALTORS®
- National Association of REALTORS®

## Speaking

- Program Chair, Brown & James Insurance Law & General Defense Symposium, January 2024
- Presenter, "The Prosecution Does Not Rest: Criminal Cases in Healthcare Law," Brown & James Insurance Law & Medical Malpractice Defense Symposium, January 2023
- Presenter, "What Would You Do? A Look at Ethical Issues in Insurance Law," Brown & James Insurance Law & General Defense Symposium, January 2020