



John

John S. Kingston
Partner

jkingston@thompsoncoburn.com

St. Louis

D - (314) 552-6464

MY SERVICES

Business Litigation

Appellate

Private Company Business Disputes

Complex, MDL and Class Action Litigation

EDUCATION

Boston University School of Law, J.D., *magna cum laude*, 1999

Editor, Law Review

Edward F. Hennessey Distinguished Scholar

G. Joseph Tauro Scholar

Paul J. Liacos Scholar

Philips University, B.A., 1995

Snodgrass Award

ADMISSIONS

Missouri

U.S. District Court Eastern District Missouri

U.S. District Court Western District Missouri

U.S. District Court Southern District Illinois

U.S. Court of Appeals 1st Circuit

U.S. Court of Appeals 4th Circuit

U.S. Court of Appeals 6th Circuit

U.S. Court of Appeals 7th Circuit

U.S. Court of Appeals 8th Circuit

I love being a trial lawyer. I love untangling thorny disputes and advocating for my clients inside the courtroom and out.

overview

A first-chair trial lawyer, John has tried cases to juries and judges in state and federal courts across the nation. As lead appellate counsel, he has briefed and argued appeals in federal and state appellate courts and in the Supreme Court of Missouri.

John co-chairs the firm's Private Company Business Dispute practice group, which focuses on co-owner dispute resolution, business separation, and shareholder oppression litigation.

John routinely works with cross-disciplinary teams in numerous practice areas. He is adept at understanding industry-specific disputes and persuasively presenting his clients' positions to judges and juries who are not industry experts. He has tried cases involving claims of patent infringement, civil conspiracy, breach of fiduciary duties, antitrust violations, trademark infringement, false advertising, professional malpractice, and violations of the Supremacy Clause and Commerce Clause of the United States Constitution.

John clerked for the Hon. Boyce F. Martin, Chief Judge of the United States Court of Appeals for the Sixth Circuit, and the Hon. Carol E. Jackson, Chief Judge of the United States District Court for the Eastern District of Missouri.

experience

Maryland Heights, et al., v. TracFone Wireless, Inc. and Springfield, Missouri v. TracFone Wireless, Inc.

- Suing on behalf of hundreds of Missouri municipalities, the City of Maryland Heights sought back taxes on Tracfone's wholesale and resale sales of prepaid wireless service. Tracfone and the class reached a mutually agreeable settlement after Tracfone obtained summary judgment against the class on all claims for back taxes on wholesale sales.
- Opting out of the class action lawsuit, the City of Springfield likewise sued Tracfone for back taxes. In similar lawsuits, Springfield had traditionally received a substantial premium in excess of its projected payments as a municipal class member. The Tracfone lawsuit proceeded to trial on the issue of damages after Tracfone refused to pay Springfield's typical premium.

- John was lead counsel in the Springfield trial, which was the first in the nation involving an adjudication of the proper methodology for identifying internet access charges among bundled services under the Internet Tax Freedom Act. The final judgment was roughly half of Tracfone's last settlement offer (and an amount substantially below the city's projected recovery had it not opted out of the class).

Triad Packaging, Inc. v. SupplyOne, Inc.

- John first-chaired a two-week jury trial on behalf of Philadelphia-based SupplyOne, Inc. in Statesville, North Carolina. SupplyOne had been sued by a local manufacturer seeking more than \$4 million for alleged antitrust violations, breach of contract, and fraud. At trial, the jury sided with SupplyOne. After the plaintiff appealed, John successfully argued his client's case to the United States Court of Appeals for the Fourth Circuit.

Bettcher Industries, Inc. v. Bunzl USA, Inc.

- An Ohio manufacturer sued Bunzl in Toledo, Ohio, for patent infringement. John joined the trial team shortly after the presiding judge found (in the context of a preliminary injunction decision) that there was a "substantial likelihood" that the plaintiff would prevail on its patent claims at trial. After a two-week trial, the jury reached a different conclusion – returning a defense verdict on all eleven counts of plaintiff's patent infringement claim.

affiliations

Professional

- Chair, Federal Practice Committee, United States District Court for the Eastern District of Missouri
- Senior Fellow, Litigation Counsel of America
- Board of Directors, Federal Bar Association, Eastern District of Missouri
- Missouri Organization of Defense Lawyers
- Missouri Bar Association
- Bar Association of Metropolitan St. Louis

Community

- Board of Directors, Repertory Theatre St. Louis
- Pro Bono Committee Co-Chair, Thompson Coburn LLP

recognitions

- Recognized in "Chambers USA" for Litigation: General Commercial in Missouri; St. Louis & Surrounds (by Chambers & Partners), since 2023
- Senior Fellow in the Litigation Counsel of America, a peer-selected honorary society for trial lawyers representing less than 0.5 percent of American lawyers, recognized for excellence and accomplishments in trial work and superior ethical reputation.

publications

- **Co-Author, "Four Strategies for Avoiding Privilege Pitfalls"**
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