



Thomas M. Martin

Kansas City Office Managing Member

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Education

- University of Kansas School of Law (J.D., 1988)
 - *University of Kansas Law Review*
 - Moot Court Council
 - Appellate Advocacy, instructor
 - Phi Delta Phi
- University of Kansas (M.B.A., 1988)
 - Finance Emphasis
 - Graduate Business Scholar
- Washburn University (B.B.A., 1984)
 - Finance & Economics double major, Communications minor
 - Sigma Phi Epsilon
 - Student Body Vice-President/Chair of Student Senate
 - Washburn Debate Squad

Legal Background

- Law clerk, Kansas Insurance Department (1981-1983)
- Summer law clerk, Phillips Petroleum Corporation, Bartlesville, OK (1983)

Professional Affiliations

- Kansas City Metropolitan Bar Association
- Kansas Bar Association
- Missouri Bar Association
- Ross T. Roberts Inn of Court
- Earl E. O'Connor Inn of Court

Admissions

- Eighth Circuit, U.S. Court of Appeals
- Tenth Circuit, U.S. Court of Appeals
- Western District of Missouri, U.S. District Court
- Eastern District of Missouri, U.S. District Court
- District of Kansas, U.S. District Court
- District of Colorado, U.S. District Court
- District of Nebraska, U.S. District Court
- Missouri Bar
- Kansas Bar

Charitable & Civic Involvement

- St. Joseph's Catholic Church

Services

- Banking Litigation
- Complex Litigation
- Labor & Employment
- Class Action
- Data Protection
- Banking & Financial
- Cyber Liability Insurance

- Equestrian Order of the Holy Sepulcher of Jerusalem
- Three-term elected Precinct Committee Man, Shawnee Kansas

Special Honors

- *Best Lawyers®*, 2021-2026
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Case Studies

Court Grants Lewis Rice Client's Motion to Dismiss in Putative Class Action Lawsuit

On December 15, 2017, Judge David Hauber of the District Court of Johnson County, Kansas, granted motion to dismiss in a case brought against Lewis Rice client, KC Home Rental Management LLC (KCHRM), by Daniel Stuart and Zachary Wallace.

In the case, Stuart and Wallace alleged violations of the Kansas Consumer Credit Code, violations of the Kansas Consumer Protection Act, and breach of contract, for KCHRM's policy of charging a convenience fee for rent paid via credit card. As such, Stuart and Wallace sought to bring a nationwide class action on behalf of all individuals who had made rental payments to KCHRM using a credit card throughout the five years prior to the filing of this suit.

In granting the motion to dismiss, the Court agreed with KCHRM's arguments that the lease's choice of law provision was fatal to plaintiffs' claims, that plaintiffs lacked standing to bring their claims, and that plaintiffs failed to state a claim upon which relief could be granted. With the claims of the representative parties dismissed, the Court ruled that dismissal of the entire action was thereby necessary.

Lewis Rice Managing Member of the Kansas City office Thomas M. Martin was the lead attorney on this case. He was assisted by Joseph E. Bant and Ethan C. Duckworth.

Eighth Circuit Court of Appeals Upholds Win in Lending Case

On August 3, 2015 the United States Court of Appeals for the Eighth Circuit affirmed the District Court decision to grant a motion for summary judgment in a case brought against our client, Farmers Insurance Group Federal Credit Union (Credit Union), by Michael Falco. Mr. Falco sought \$21 million in damages against the Credit Union on claims that the Credit Union violated bankruptcy code.

The details of the original case stated the Credit Union granted a line of credit to Mr. Falco, which he used for several years before declaring bankruptcy in 2010. After Mr. Falco emerged from bankruptcy, he failed to reaffirm the loan. The Credit Union was compelled to foreclose on the collateral securing the loan and terminate Mr. Falco's Agent Agreement which meant he was no longer permitted to sell Farmers Insurance products. After a period of discovery, the Credit Union filed a motion for summary judgment. The District Court ruled in favor of Farmers Insurance Group Federal Credit Union.

Mr. Falco appealed the District Court's ruling. On appeal, the United States Court of Appeals for the Eighth Circuit found that Mr. Falco failed to address reasons why the original court's analysis was wrong. The three-judge panel concluded the District Court ruling sufficiently expressed specific reasons for granting the Credit Union's summary judgment motion.

Lewis Rice has many attorneys with significant experience in Financial Institution and

Commercial Litigation, including cases like *Falco v Farmers Insurance Group Federal Credit Union* case involving compliant lending practices. For more information, please contact a lawyer from Lewis Rice's Commercial Litigation Practice Group.

Publications

September 13, 2019

Managing the Cannabis Business for Credit Unions

Heartland Credit Union Association Annual Conference