

APPLICATION OF STANLEY J. WALLACH
TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE VACANCY

RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS SELECTED AS A NOMINEE.



NAME: Stanley J. Wallach

1. State your present principal occupation: Attorney.
2. Are you at least 30 years of age? Yes.
3.
 - (a) How long have you been a citizen of the United States? 50 years.
 - (b) Have you been a resident of St. Louis County for at least one year immediately prior to the date of this application? Yes.
 - (c) How long have you been a qualified voter of Missouri? 19 years.
4. Are you licensed to practice law in Missouri? Yes.
List any other states, courts, or agencies in which you are licensed as an attorney:

Bar Admission	Date
California Bar	1992
U.S. District Court, Central District of California	1992
U.S. District Court, Northern District of California	1994
Missouri Bar	1994
U.S. District Court, Eastern District of Missouri	1997
U.S. Court of Appeals, Eighth Circuit	1997

5. State the date you were admitted to the Bar in Missouri? April 22, 1994.

Missouri Bar Number: 45280.

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

Duke University, Durham, North Carolina, Bachelor of Arts 1987

University of Chicago, Chicago, Illinois, Doctor of Law 1992

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

Employer (non-law-related)	Address	Dates of Employment
U.S. Senator John Breaux	U.S. Senate, Washington, D.C.	1987-1989

Employer (since beginning law school)	Address	Dates of Employment	Position
Rudnick & Wolfe n/k/a DLA Piper	Chicago, IL	Summer 1990	Summer Associate Permanent Offer Received
Sidley & Austin n/k/a Sidley Austin LLP	Los Angeles, CA	Summer 1991 (first half)	Summer Associate Permanent Offer Received
Gallop, Johnson & Neuman	St. Louis, MO	Summer 1991 (second half)	Summer Associate Permanent Offer Received
Sidley & Austin	Los Angeles, CA	1992-1997	Associate
The Wallach Law Firm	St. Louis, MO	1997-present	Attorney

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one to three sentence description of each case and its outcome.

(b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one to three sentence description of each case and its outcome.

N/A.

9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court?

Yes.

10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed.

See attached.

11. Have you briefed or argued any case before any appellate court? Yes.
If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.

See attached.

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

While I am best known for my representation of property owners in condemnation proceedings and my expertise in real estate law, my experience and legal skills are broader than just those areas. At Sidley & Austin, I helped restructure many corporations, including a multi-billion dollar electric company, entertainment companies, film libraries, and one of the largest agricultural enterprises on the West Coast. Those experiences exposed me to virtually every aspect of corporate and transactional law. That practice also involved complex litigation in the federal system. At The Wallach Law Firm, I have advised parties in shareholder disputes in closely held corporations, represented businesses in contract disputes, drafted incorporating documents for start-up businesses,

negotiated intestate succession disputes among heirs, appealed real estate tax assessments on corporate facilities, represented real estate developers in zoning and annexation matters, assisted homeowners in avoiding foreclosures and sued on their behalf when wrongfully foreclosed, and defended individuals charged with minor criminal infractions.

My role as one of the city attorneys for a municipality for seventeen years required that I stay well-versed in many areas of law. In essence, I acted in the capacity of in-house counsel for a corporation, dealing with employment issues, leasing issues, litigation issues, tax and economic development issues, among others.

13. Have you ever been convicted of a misdemeanor or felony? No.
If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:
14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? No.
If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:
15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? No.
If yes, provide details:
16. Have you ever been held in contempt of court? No.
If yes, provide details:
17. If you are or were a member of the Judiciary of the State of Missouri, please state:
 - (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct?
If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:
 - (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary.

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:
 - (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details:

N/A.

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? No.
If yes, provide details:

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

Admitted to California Bar, 1992

Admitted to Missouri Bar, 1994

Vice Chairman, Eminent Domain Committee 2001-2003

Chairman, Eminent Domain Committee 2003-2007

Member, St. Louis County Bar Association

Member, Jefferson County Bar Association

Member, The Bar Association of Metropolitan St. Louis

Member, The Lawyers Association of St. Louis

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

Grace Episcopal Church, Kirkwood, Missouri

Member, 1997-present

Commissioned Lay Reader, Lector and Intercessor, 2007-present

Boy Scouts of America Troop 457

Member, Order of the Arrow

Assistant Scout Master, 2013-present

Outdoor Activities Coordinator, Quartermaster

The Nature Conservancy, Missouri Chapter

Member, Board of Trustees, 2008-present

Current Vice Chairman of the Board

Chairman, Government Relations Committee

Cystic Fibrosis Foundation

Participated in 2014 and 2015 Xtreme Hike, which is a 30.1 mile hike in one day on the Ozark Trail to raise awareness and funds for research

Xtreme Hike Planning Committee, 2015 and 2016

Xtreme Hike Trail Selection Committee, 2015 and 2016

The World Affairs Council of St. Louis

Board Member, 2004-2010

Interacted with foreign ambassadors on trade issues

Mentored State Department exchange visitors from former Eastern Bloc

21. Do you now hold or have you ever held any elective or appointive public office or position? If yes, provide details:

Legislative Assistant, U.S. Senator John Breaux, 1987-1989.

Just out of college, I got a job in the mailroom of the junior Senator from Louisiana. I worked my way up from the mailroom to receptionist, then to Legislative Correspondent, and finally to Legislative Assistant. In that capacity, I analyzed foreign affairs and defense issues, interacted with military officials and foreign representatives, toured military bases, and dealt with constituent inquiries and requests. I provided analysis and advice on the vote to ratify the Intermediate-Range Nuclear Forces Treaty (INF) with the Soviet Union. My experience working in the Senate helped develop skills to read vast amounts of complicated materials, identify key points at issue, and summarize them for the Senator in concise terms.

Assistant City Attorney and Prosecuting Attorney, City of Fenton, 1997-2014.

As Assistant City Attorney, I provided day-to-day legal services for the City. In that role, I had to respond quickly to new factual situations and the application of legal concepts outside the normal focus of my practice. I also drafted municipal ordinances and advised on parliamentary procedure. As Prosecuting Attorney, I worked with the Police Department, reviewed warrant applications and issued citations, and prosecuted ordinance violations in Municipal Court.

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state:

N/A.

23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

As Chairman of the Missouri Bar's Eminent Domain Committee, I organized and led the re-writing of the desk book, *Missouri Condemnation Practice*, Fourth Edition. I co-authored two chapters, Chapter 4, *Commissioners' Hearing and Report*, and Chapter 8, *Litigating the Exceptions Case: Pretrial Discovery and Trial*.

In 2015, I wrote the section on torts against personal property for the upcoming edition of the *Missouri Tort Law* desk book published by the Missouri Bar.

I co-authored *Trial of Exceptions in Missouri Condemnation Cases*, The St. Louis Bar Journal, Vol. 53, Spring 2007.

I have authored materials for various seminars and lectures.

I have been recognized as a *Best Lawyer in America* in the field of eminent domain, and as a *Super Lawyer* in Missouri in the field of real estate law.

24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

Charles Billings, Esq.
Bruntrager & Billings
1735 S. Big Bend Blvd.
St. Louis, MO 63117
314-646-0066
chb@law-stl.com

Timothy J. Reichardt, Esq.
Behr, McCarter & Potter, PC
7777 Bonhomme Ave., Suite 1400
St. Louis, Missouri 63105
314-862-3800
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Gregory P. White, Esq.
8000 Bonhomme, Suite 316
Clayton, MO 63105
314-721-3558
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Scott A. Schatzman, Esq.
1068 South Woods Mill Road
St. Louis, Missouri 63017
314-221-7660
scotts@sasatty.com

Brian C. Stone, Esq.
The Metropolitan St. Louis Sewer District
Office of the General Counsel
2350 Market Street, St. Louis, MO 63103
Phone: 314-768-6241
bstone@stlmsd.com

25. State any additional data you deem relevant:

I come from a long line of lawyers. My father is an attorney. My mother was an attorney. Her father and aunt were attorneys. The attorneys in our family have a tradition of public service. I am named after my father's uncle, Stanley Wallach, who served as the Circuit Attorney for St. Louis County in the 1940s and 1950s. My mother's father, Floyd Kirkman, served as the Circuit Attorney for Russell County, Kansas. It is my desire to continue this family tradition by serving our community as a member of the bench.

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Trial-Level Experience

I have tried dozens of cases to jury verdict, as first or second chair. I have also tried many bench trials and contested proceedings. For the first five years out of law school, I practiced in the U.S. Bankruptcy Court for the Central District of California. There, I took the lead in many contested proceedings. Since returning to Missouri, I have tried dozens of bench trials in Circuit, Associate Circuit, and Municipal Court. The following cases are representative of my trial-level experience.

St. Louis County, Missouri v. River Bend Homeowners Association, St. Louis County Circuit Court, Cause Number 10SL-CC04853

Date of jury verdict: February 26, 2014

Party represented: River Bend Homeowners Association as first chair.

Opposing counsel: Carl Becker and Stephanie Hill
Office of the County Counselor

Case description: The case involved the taking of 3.12 acres of subdivision common ground. The County offered \$60,000. After a three-day jury trial, the jury returned its verdict in the amount of \$750,000.

State ex rel. Missouri Highways and Transportation Commission v. Donella Smith, et al. (Exceptions of Fast Lane Group, Inc.)

St. Charles County Circuit Court, Cause Number 0711-CV05075

Date of jury verdict: November 15, 2012

Party represented: Fast Lane Group, Inc. as second chair.

Opposing counsel: Paul Sterrett
Missouri Department of Transportation

Case description: MoDOT acquired a convenience store property owned by Fast Lane Group, Inc. It offered \$1,068,000. After a three-day trial, the jury returned a verdict in the amount of \$2,300,000. I tried the case with my father, Jerry Wallach, as co-counsel.

Union Electric Co., d/b/a AmerenUE v. ConocoPhillips Pipeline Co., et al.
Franklin County Circuit Court, Cause Number 10AB-CC00199

Date of bench trial: March 15, 2011

Parties represented: Robert Jones and Richard Hilkerbaumer as first chair.

Opposing counsel: Timothy Tryniecki and Harry M. Murray, IV
Armstrong Teasdale

Case description: Ameren commenced a condemnation action to acquire easement rights for a new high voltage electric line in Franklin County. At issue in the bench trial was a question of first impression under a new statute, which provided for additional compensation if the taking would prevent owners from utilizing their property in substantially the same manner as it was used prior to the taking.

St. Louis County v. Watson (Exceptions of Selbert)

St. Louis County Circuit Court, Cause Number: 2106CC-04833B

Date of jury verdict: September 30, 2009

Party represented: Klaus Selbert as first chair.

Opposing counsel: Paul Puricelli
Stone, Leyton & Gershman

Case description: Condemnation jury trial. The County offered \$141,000. After a three-day jury trial, the jury returned its verdict in the amount of \$900,000.

St. Louis County v. AEI Income and Growth Fund (Exceptions of Matula)

St. Louis County Circuit Court, Cause Number 2106CC-0160C

Date of jury verdict: July 7, 2009

Party represented: William Matula as first chair.

Opposing counsel: Robert Fox
Office of the County Counselor

Case description: Condemnation jury trial.

City of Eureka v. Duff (Exceptions of Clark)

St. Louis County Circuit Court, Cause Number 06CC-001120C

Date of jury verdict: November 7, 2007

Party represented: David and Mary Clark as first chair.

Opposing counsel: Gerard Carmody and Kelley Farrell
Carmody MacDonald

Case description: Condemnation jury trial.

State ex rel. Missouri Highways and Transportation Commission v. Winters
Clark County Circuit Court, Cause Number 04CK-CV00171

Date of jury verdict: July 26, 2007
Party represented: Franklin Winters as first chair.
Opposing counsel: Paul Sterrett
Missouri Department of Transportation
Case description: Condemnation jury trial.

R.J. DeRouin Homes, Inc. v. City of Fenton
St. Louis County Circuit Court, Cause Number 2104CC-001693

Date of bench trial: February 2, 2006
Party represented: The City of Fenton as first chair.
Opposing counsel: David Ott, Connie McFarland-Butler and Harry M. Murray
Armstrong Teasdale
Case description: Declaratory judgment suit challenging zoning.

State ex rel. Missouri Highways and Transportation Commission v. Hindman
(Exceptions of Lion Petroleum)
St. Louis County Circuit Court, Cause Number 01CC001840A

Date of jury verdict: February 28, 2005
Party represented: Lion Petroleum as second chair.
Opposing counsel: Philip Morgan
Missouri Department of Transportation
Case description: Condemnation jury trial.

State ex rel. International Exchange Corp. v. City of Fenton
St. Louis County Circuit Court, Cause Number 2103-000784

Date of bench trial: January 26, 2004
Party represented: The City of Fenton as first chair.
Opposing counsel: Eugene Coon, Jr.
Case description: Mandamus action involving zoning dispute.

Dwight Billingsley, et al. v. Steven Fitzgerald, et al.
St. Louis County Circuit Court, Cause Number 2102CC-04352

Date of bench trial: October 9, 2003
Parties represented: Harry Mullins and Forrest Fitzgerald as first chair.
Opposing counsel: Shulamith Simon

Case description: Private action to establish road by way of strict necessity. I represented the property owner over which the road would pass. The bench trial involved the issues of strict necessity and the location of the road.

Union Electric Co., d/b/a Ameren UE v. Phillips
St. Louis County Circuit Court, Cause Number 01CC-001587

Date of jury verdict: January 15, 2003
Party represented: Karen Phillips as first chair.
Opposing counsel: Thomas Weaver
Armstrong Teasdale
Case description: Condemnation jury trial.

MHTC v. L.B. Eckelkamp, et al. (Exceptions of Diamond Bancorp)
Franklin County Circuit Court, Cause No: 07AB-CC00357

Date of jury trial: February 18, 2011
Party represented: Diamond Bancorp, as second chair.
Opposing counsel: Paul Sterrett
Missouri Department of Transportation
Case description: Condemnation jury trial.

MHTC v. Sayre, et al. (Exceptions of Ceruti)
St. Louis County Circuit Court, Cause No: 04CC-003959B

Date of jury verdict: February 14, 2007
Party represented: Robert Ceruti, as second chair.
Opposing counsel: R.B. Regan
Missouri Department of Transportation
Case description: Condemnation jury trial.

City of St. Louis v. B.N.S. Lodging
St. Louis County Circuit Court, Cause No: 02CC-001903B

Date of jury verdict: July 15, 2005
Party represented: B.N.S. Lodging as second chair.
Opposing counsel: Thomas B. Weaver
Armstrong Teasdale
Case description: Condemnation jury trial.

MHTC v. Joseph T. Stefanko (Exceptions of Simms)
St. Charles County Circuit Court, Cause No: 03CV126518-04

Date of jury verdict: April 27, 2005
Party represented: Michael Simms as second chair.
Opposing counsel: R.B. Regan
Missouri Department of Transportation
Case description: Condemnation jury trial.

MHTC v. Snider (Exceptions of Valle Mining)
Jefferson County Circuit Court, Cause No: CV303-07670CC-J3

Date of jury verdict: September 15, 2004
Party represented: Valle Mining Co. as second chair.
Opposing counsel: R.B. Regan and Paul Sterrett
Missouri Department of Transportation
Case description: Condemnation jury trial.

MHTC v. Lieneman
St. Charles County Circuit Court, Cause No: 01CV124801-02

Date of jury verdict: June 7, 2004
Party represented: Carol Lieneman as second chair.
Opposing counsel: Philip E. Morgan, Jr.
Missouri Department of Transportation
Case description: Condemnation jury trial.

MHTC v. Rhodes
Jefferson County Circuit Court, Cause No: CV300-7441CC

Date of jury verdict: March 10, 2004
Party represented: Eva Rhodes as second chair.
Opposing counsel: Philip E. Morgan, Jr.
Missouri Department of Transportation
Case description: Condemnation jury trial.

MHTC v. Wesley Lloyd, et al. (Exceptions of Coleman)
Washington County Circuit Court, Cause No: CV1000-13CC

Date of jury verdict: September 30, 2003
Party represented: Yogi Coleman as second chair.
Opposing counsel: Michael Jackson
Missouri Department of Transportation

Case description: Condemnation jury trial.

MHTC v. Equilon Enterprises (Exceptions of CC Dillon)
St. Louis County Circuit Court, Cause No: 01CC-004005B

Date of jury verdict: August 27, 2003
Party represented: CC Dillon as second chair.
Opposing counsel: Paul Sterrett
Missouri Department of Transportation
Case description: Condemnation jury trial.

City of St. John v. Ayers, et al., (Exceptions of Garofalo Family Trust)
St. Louis County Circuit Court, Cause No: 2101CC-03654A

Date of jury verdict: April 28, 2003
Party represented: Garofalo Family as second chair.
Opposing counsel: Robert Denlow and Paul Henry
Case description: Condemnation jury trial.

Northeast Public Sewer District v. Fred Bast (Exceptions of Warren)
Jefferson County Circuit Court, Cause No: CV198-6038-CC

Date of jury verdict: July 12, 2001
Party represented: William Warren as second chair.
Opposing counsel: Benson Cytron
Case description: Condemnation jury trial.

St. Charles County v. Wegman
St. Charles County Circuit Court, Cause No: 11V019807673

Date of jury verdict: June 13, 2001
Party represented: Paul Wegman as second chair.
Opposing counsel: Harold A. Ellis
St. Charles County Counselor
Case description: Condemnation jury trial.

Affton Fire Protection Dist. v. Brooks, et al. (Exceptions of Izard)
St. Louis County Circuit Court, Cause No: 2199CC02014A

Date of jury verdict: March 22, 2001
Party represented: Carl Izard as second chair.
Opposing counsel: Robert Denlow and Paul Henry
Case description: Condemnation jury trial.

MHTC v. Pitman

St. Charles County Circuit Court, Cause No: 11V019801781

Date of jury verdict: December 8, 2000

Party represented: Jim Pitman as second chair.

Opposing counsel: Kim Reid

Missouri Department of Transportation

Case description: Condemnation jury trial.

City of Peerless Park v. Dennis

St. Louis County Circuit Court, Cause No: 97CC-002549

Date of jury verdict: April 26, 2000

Party represented: City of Peerless Park as second chair.

Opposing counsel: Charles A. Seigel, III

Case description: Condemnation jury trial.

City of Springfield v. Thompson Sales Co.

Greene County Circuit Court, Cause No: 198CC4586

Date of jury verdict: February 7, 2000

Party represented: Thompson Sales Co. as second chair.

Opposing counsel: Charles Cowherd

Case description: Condemnation jury trial.

MHTC v. Straher, et al. (Exceptions of Noll)

Jefferson County Circuit Court, Cause No: CV196-6446CC

Date of jury verdict: October 13, 1999

Party represented: Larry Noll as second chair.

Opposing counsel: Milton Spaulding

Case description: Condemnation jury trial.

MHTC v. Rufkahr

St. Charles County Circuit Court, Cause No: 11V019406736

Date of jury verdict: January 14, 1999

Party represented: Albert J. Rufkahr as second chair.

Opposing Counsel: Philip E. Morgan, Jr.

Case description: Condemnation jury trial.

APPLICATION OF STANLEY J. WALLACH
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Appellate Experience

The following cases are representative of my appellate experience.

St. Louis County v. River Bend Estates Homeowners Association, Appeal No. ED101472 (Mo.App.E.D. 2015)

I represented the River Bend Estates Homeowners Association. Assistant County Counselor Carl Becker represented the County.

St. Louis County took part of the subdivision's common ground for a highway project. At trial, the expert for the property owner and the expert for the County used different methodologies, and reached dramatically different opinions of the amount of damages due the subdivision. The jury returned a verdict within the range of evidence. The County appealed, alleging trial court error in the admission of expert testimony on behalf of the owner. I tried the case, and briefed and argued the appeal.

Glaze Creek Sewer Dist. of Jefferson County v. Gorham
335 S.W.3d 590 (Mo.App.E.D. 2011)

I represented Gary and Sheila Gorham, Defendants/Appellants.
Robert Sweeney represented the Plaintiff/Respondent.

The appeal arose out of the condemnation of a portion of the Gorhams' property for a sewer line. The Sewer District believed it owed no money for the easements it sought. At trial on the issue of damages, the District put on an expert witness, who testified over the objection of the Gorhams that the easements did not have "an adverse impact" on the Gorhams' property. The jury returned a verdict of zero dollars. I was not involved in the trial, but briefed and argued the appeal. The Court of Appeals agreed with my proposition that the expert's testimony lacked foundation and failed to conform to the jury instruction. The Court reversed and remanded the case for a new trial.

Dobson v. Mortgage Electronic Registration Systems, Inc.
259 S.W. 3d 19 (Mo.App.E.D. 2008)

I represented John and Samatherith Dobson, Plaintiffs/Respondents.
Andrew Kasnetz represented First National Bank of Arizona and Mortgage
Electronic Registration Systems, Inc., Defendants/Appellants.

The Dobsons brought a wrongful foreclosure action against several entities,
including First National Bank of Arizona (“FNBA”), the lending institution that
initiated the loan. FNBA was served with the petition, but did not file an answer.
The trial court entered a default judgment against FNBA, from which it appealed.
I got involved with the case after the entry of the default judgment, and I briefed
and argued the appeal.

State ex rel. Missouri Highway and Transp. Comm’n v. Lundry
(Exceptions of Lillian B. Oberle), 213 S.W.3d 197 (Mo.App.E.D. 2007)

I represented Lillian B. Oberle, Appellant.
John Koenig represented the Missouri Highway and Transportation Commission,
Respondent.

The case involved a partial taking of rural property for highway purposes. I did
not participate in the jury trial on the issue of damages. I briefed, but did not
argue the appeal, which challenged the trial court’s exclusion of a portion of the
proffered testimony of the owner’s expert.

Kagan v. Master Home Products Limited
193 S.W.3d 401 (Mo.App.E.D. 2006).

I represented Andrew Kagan, Plaintiff/Respondent.
Jerome Raskas and Peter Love represented Master Home Products Limited and
Smart Living Products, Inc., Defendants/Appellants.

Andrew Kagan, an inventor, sued Master Home Products and Smart Living
Products for an accounting of royalties under a contract he had with them to make
and market his invention, the “Mister Misty” showerhead humidifier. Defendants
moved to dismiss the action, because the contract contained an arbitration
provision. The trial court denied the motion to dismiss, and the Defendants
appealed. The Court of Appeals held that the dispute fell within the scope of the
contract’s mandatory arbitration clause, and reversed and remanded with
instructions to dismiss the petition and compel arbitration. I assisted with the brief
and I argued the appeal, but was not involved at the trial court level.

St. Charles County v. Wegman
90 S.W.3d 142 (Mo.App.E.D. 2002)

I represented Respondent Paul Wegman.
Harold Ellis represented the Appellant, St. Charles County.

St. Charles took 2 acres of a 9 acre property owned by Paul Wegman. It offered him \$125,000, which he refused. The matter proceeded to condemnation, and the appointed Commissioners returned their award of \$166,000 in damages. Both parties filed exceptions, seeking a jury trial. The jury returned a verdict of \$1,105,730, to which the trial court added statutory interest in the amount of \$136,000. The County satisfied the judgment by wire transfer the day after the trial court entered it. The County thereafter appealed, alleging errors in the admission of the owner's expert testimony. I filed a motion to dismiss the appeal on the basis that the controversy was moot because the County satisfied the judgment. The Court of Appeals took that motion up with the rest of the appeal, which was then fully briefed by both sides. After completion of the briefing, the Court dismissed the appeal and ordered the County to pay Mr. Wegman \$2,500 as a sanction for filing a frivolous appeal. I was second chair at the jury trial, and I briefed the appeal. There was no oral argument.

City of Springfield v. Thompson Sales Company
71 S.W.3d 597 (Mo.banc. 2002)

I represented Appellant Thompson Sales Company.
Charles Cowherd and JoAnn Tracy Sandifer represented the City of Springfield.

The City condemned the Thompsons' Cadillac dealership in downtown Springfield as part of a redevelopment project. The case proceeded to trial by jury, which awarded the Thompsons \$2,543,000 for their 5.5 acres and dealership improvements. The Thompsons appealed, claiming that the trial court should have granted their request for a mistrial during jury selection, in light of the City's lawyer's reference to jurors' taxes going up as a result of the condemnation award and reference to "greedy landowners." The Thompsons also claimed that the trial court erred in the manner in which it permitted jurors to ask questions of witnesses. The Court of Appeals, Southern District of Missouri, reversed and remanded on the basis that the trial court committed error with regard to juror questions. The Supreme Court of Missouri accepted transfer of the case, and reversed and remanded because of the prejudicial statements by the City's counsel during voir dire. I second chaired the jury trial. I briefed and argued the case before the Southern District, and I authored the brief before the Supreme Court.

Block v. Gallagher

71 S.W.3d 682 (Mo.App.E.D. 2002)

I represented Michael Gallagher, Respondent.
Tracy Gilroy represented Gerald Block, Appellant.

Gerald Block sued Michael Gallagher, alleging that Mr. Gallagher exceeded his rights under a road easement when he upgraded the road from a gravel driveway to a two-lane, paved street. The trial court granted Mr. Gallagher's motion for summary judgment, and Mr. Block appealed. The Court of Appeals held that Mr. Gallagher, as holder of the dominant estate, had the right to pave the road. I handled the case at the trial court level, including the summary judgment motion and hearing, and I briefed and argued the appeal.

City of Peerless Park v. Dennis

42 S.W.3d 814 (Mo.App.E.D. 2001)

I represented the City of Peerless Park, Appellant/Cross-Respondent.
Charles A. Seigel, III represented Central Holding Corporation,
Respondent/Cross-Appellant.

The City instituted condemnation proceedings to acquire a parcel of land in which Central Holding Corporation held a leasehold interest. The lease contained a purchase option, which Central Holding never exercised. The case presented an issue of first impression in Missouri: is an unexercised option to purchase a compensable interest when the subject property is condemned, and, if so, what is the measure of damages for such interest? The trial court ruled that the unexercised option was compensable, and that the tenant should receive the difference between the market value of the property at the time of taking and the option price at the end of the lease. The City, having settled with the fee owner, appealed the trial court's distribution order. Central Holding cross-appealed. The Court of Appeals held that the option to purchase was a compensable interest, but that the value of the option should be measured at the time the lease is terminated through condemnation, not at the end of the lease term. I participated at the trial court level, and briefed and argued the appeal.

Carpenter Outdoor Advertising Co. v. City of Fenton
251 F.3d 686 (8th Cir. 2001)

I represented the City of Fenton, Respondent.
Patrick Dowd represented Carpenter Outdoor Advertising, Appellant.

Carpenter Outdoor Advertising applied for permits to erect two billboards along Highway 44 in the City of Fenton. When the City denied the permit applications based on the terms of its ordinances, Carpenter pursued remedies, first through the state court system, and then in federal court. This appeal arose from the U.S. District Court's grant of the City's motion to dismiss Carpenter's complaint. The 8th Circuit affirmed, holding that Carpenter failed to state a claim for violation of free speech, denial of procedural due process, denial of substantive due process, or denial of equal protection. I handled the case throughout the state and federal systems, and briefed and argued the appeal before the 8th Circuit.

City of St. Charles v. Imperial Catering Company, Inc.
6 S.W.3d 151 (Mo.App.E.D. 1999)

I represented Imperial Catering Company, Appellant/Cross-Respondent.
James Erwin represented the City of St. Charles, Respondent/Cross-Appellant.

Planning to develop a convention center, the City of St. Charles condemned several parcels of land in which Imperial Catering Company had an interest. When the commissioners' awards came in too high, the City abandoned condemnation of all but one of the parcels. That abandonment occurred within 30 days after commissioners' report was filed, but the City did not abandon the final parcel until 475 days later. When the final abandonment occurred, Imperial Catering sought an award of interest on the commissioners' awards pursuant to section 523.045, R.S.Mo., which provides for an interest award if the abandonment occurs more than 30 days after the filing of the report of commissioners. The trial court held that the Imperial Catering was entitled to interest on the award for the parcel abandoned 475 days after the commissioners' report, but not on the awards for parcels abandoned within 30 days of the report. Both sides appealed this decision. The Court of Appeals affirmed. I argued the motion before the trial court, and briefed and argued the appeal.

State ex rel. Career Aviation Sales, Inc. v. The Honorable Robert S. Cohen
952 S.W.2d 324 (Mo.App.E.D. 1997).

I represented Relator Career Aviation Sales, Inc.
Burton Shostak represented Respondent Judge Cohen.

The JODA Partnership sued Career Aviation Sales in St. Louis County Circuit Court, alleging breach of contract and fraud arising out of a joint venture to sell an airplane. JODA Partnership had its principal place of business in St. Louis County, Missouri. Career Aviation had its offices in California. The plane was in Nevada. Career Aviation moved to dismiss the suit for lack of personal jurisdiction because the requirements of Missouri's long-arm statute had not been met. The trial court denied the motion, and Career Aviation filed a petition in prohibition in the Court of Appeals. The Court of Appeals held that, because the contract was made in California, Missouri courts lacked jurisdiction to entertain the contract action. It therefore made permanent its preliminary order of prohibition, and directed the trial judge to sustain Career's motion to dismiss. I briefed and argued the appeal.

APPLICATION OF STANLEY J. WALLACH
TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE VACANCY

Biographical Sketch

Stan Wallach is a resident of Kirkwood, Missouri, and has been practicing law for 24 years. He is an attorney with The Wallach Law Firm in Town & Country, where his practice focuses on representing property owners in eminent domain cases and real estate disputes. He attended Lindbergh High School, received his undergraduate degree from Duke University, and graduated from The University of Chicago Law School.