

Megan McCurdy Quoted on New MO Consumer Protection Law in *Kansas City Business Journal*

In the News

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Partner and Business Litigation division Co-Chair [Megan McCurdy](#) was [recently quoted](#) in the *Kansas City Business Journal* on Missouri Senate Bill 591, which made several changes to the Missouri Merchandising Protection Act (MMPA), including making it easier for defendants to win an early dismissal under the MMPA by claiming a “reasonable consumer” would not have been misled by the product.

“Some of the cases that have been allowed to proceed in the past might not happen anymore under the new law,” Megan said. “Ultimately, plaintiffs’ lawyers are going to have to figure out how to plead that a reasonable consumer would look at a situation and be harmed.”

Megan went on to discuss changes to standards for being awarded punitive damages under the MMPA, which require proof that the defendant intentionally harmed the plaintiff or disregarded the safety of others. This makes it more challenging to earn punitive damages, but also makes it more difficult to move a case to federal court.

“One advantage for defendants is that a large MMPA lawsuit with punitive damages often gets you into federal court,” Megan said. “But because plaintiffs can no longer assert punitive damages at the outset, you end up focused entirely on actual damages. Often, those are between a few cents and \$10,000. Without a punitive damages claim at the outset, you’re not going to meet the \$75,000 threshold to get into federal court.”

Megan concentrates her practice on financial services, contract disputes, business torts and product liability actions. She often handles complex lawsuits and arbitrations, encompassing all aspects of the litigation process. Additionally, Megan was named to the 2019 Women Who Mean Business class by the *Kansas City Business Journal*.

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