

Legal Ethics | Jury Sophistication | The Simon Law Firm P.C. and The Smoking Gun

Within this document is a summary and commentary with regard to a Medical Malpractice complaint with regard to birth injury that was tried in the 21st Judicial Circuit of St. Louis County Missouri summarily entitled Anyan V. Mercy Hospital, et al and Dr. Daniel McNeive with the full title of the pleading below. The case was tried by plaintiffs Counsel The Simon Law Firm P.C. and Gunn Slater Law Firm in March of 2025.

Case # 21SL-CC03944 | Div. 18 Hon. Ellen H. Ribauda, presiding

R.A. a minor by and through His Next Friends and Natural Parents, Sarah Anyan and Blake Anyan - Plaintiffs

V.

Mercy Hospitals East Communities d.b.a. Mercy Hospital St. Louis, Mercy Clinic East Communities d.b.a. Mercy Clinic Mercy OB/GYN, Dr. Daniel McNeive - Defendants

This Medical Malpractice case is an example of “complex litigation” that was litigated from 8/26/2021 through trial to the rendering of a jury verdict on March 25, 2025.

The nature and scope of this summary and commentary is with regard to the following points.

- 1) The jury verdict award amount
- 2) The high / low agreement that was agreed upon by the litigants and their counsel
- 3) The prolific and prodigious public relations advertisement of the jury verdict by plaintiff counsel post verdict.
- 4) The post trial motions for JNOV by defense counsel and the movement of the case to the appeals court.
- 5) The fact that at the time of the composition of this document February 20, 2026 that the case is yet in the appellate court and an adjudication by the appeals court has not been rendered.
- 6) The primary focus is plausible outcomes and impact upon the plaintiff injured partie(s) and the disparity of the gross jury award amount and the net, net award to the plaintiffs with a particular focus on the lack of candor to the public and misleading presentation of plaintiff counsel capacity and competence of advertising the 48.1 million dollar jury verdict when the “Smoking Gun Evidence” reveals that a cap of 18 million dollars was agreed upon by counsel for plaintiff and defense prior to the jury returning from deliberations to render their verdict.
- 7) This incongruity between advertising 48.1 million dollar jury “award to the plaintiffs and the more plausible, in fact, quite assured real net award amount to the plaintiffs that is

substantially less can be argued to be a violation of the Missouri Model Rules of Professional Conduct Rule: 4-7.1, (Communication Concerning a Lawyers Services)

- 8) The following contents is not an academic scholarly debate on the subject but rather a comprehensive commentary treating the mechanics, metrics and dynamics of the case employing both a colloquial vernacular and high register academic diction and lexicon.

An original post and commentary was posted on various social media platforms such as Reddit, Substack, Facebook, etc. expressing the opinion in particular of Albert B. Pepper Jr. - litigant pro se, citizen journalist, consumer advocate using his personal name and certain pseudonyms.

This “monologue” analysis and commentary is presented to engender discussion and debate and is not presented as legal commentary from a credential academic. However, Albert B. Pepper Jr. having himself been a plaintiff litigant in a medical malpractice complaint that was also represented and litigated by The Simon Law Firm P.C. has primary knowledge and has developed substantial insight into medical malpractice torts and civil procedure particularly with how The Simon Law Firm P.C. litigates such cases and the employment of case theory.

Original Substack, Reddit post February 18, 2026

Substack:

<https://litigantproseadvocate.substack.com/p/poof-301-million-dollars-gone-the>

Reddit:

https://www.reddit.com/r/Lawyer_Review_Organic/comments/1r8k7iw/poof_301_million_dollars_gone_the_simon_law_firm/

"POOF" 30.1 million dollars gone 🤪 | The Simon Law Firm P.C.

The Simon Law Firm P.C. in St. Louis, Mo. paraded all over and through every source of media the largest medical malpractice verdict in Missouri history of 48.1 million dollars -

[Albert B. Pepper Jr.](#)

Feb 18, 2026



anyan v mercy hospital simon law firm



AI Mode All Images News Short videos Videos Shopping More Tools

- 5** KSDK
<https://www.ksdk.com/article/news/local/medical-...>
Jury awards family \$48.1M in Missouri's largest malpractice ...
Mar 26, 2025 — According to press releases from the law firms that represented the Anyans, Gunn | Slater and Simon Law, Dr. McNeive let Sarah Anyan continue ... [Read more](#)
- 2** FOX 2
<https://fox2now.com/news/missouri/jury-awards-4...>
Jury awards \$48.1M in malpractice case against Mercy ...
Mar 26, 2025 — The case tried by Simon Law and Gunn Slater attorneys said that there were warning signs that the child was distressed. Before the baby boy was ... [Read more](#)
- M** Missouri Lawyers Media
<https://molawyersmedia.com/2025/April/7>
\$48.1M birth injury verdict sets Missouri record
Apr 7, 2025 — A St. Louis County jury returned the state's highest medical malpractice verdict in a birth injury case, awarding \$48.1M to a permanently ...
- C** PRWeb
<https://www.prweb.com/releases/st-louis-county-jur...>
St. Louis County Jury Awards Record \$48.1 Million Verdict ...
Mar 26, 2025 — A St. Louis County jury rendered a \$48.1 million verdict to a permanently brain injured child of a woman who was a nurse at Mercy Hospital. [Read more](#)

With Regard to The Simon Law Firm P.C. in St. Louis, Missouri Simon Law boasted prolifically and prodigiously about their 48.1 million dollar “nuclear verdict” in the medical malpractice Anyan v. Mercy Hospital et al. that was tried in the 21st Judicial Circuit of St. Louis County in March of 2025 Case # 21SL-CC03944

CaseNet: Missouri -

<https://www.courts.mo.gov/casenet/cases/newHeader.do?inputVO.caseNumber=21SL-CC03944&inputVO.courtId=CT21#header>

Now the reveal -

After taking this case to an eleven day trial before a sworn jury, right in the very midst of jury deliberations as the jury wrest with all of the evidence and testimony, plaintiff counsel and defense counsel were negotiating what is know as a “high / low” agreement. The terms were that if the jury came back with less than an 8 million dollar award that the defense agrees to a minimum of 8 million dollars. The high end was that if the jury came back with over an 18 million dollar award that the pay out by the defense would be capped at the 18 million dollars.

This is known as a “high / low” agreement and can be negotiated at any time during litigation up to and during trial as long as it is agreed upon “a meeting of the minds” before the jury returns from deliberations and presents to the trial court to render their verdict.

The jury found in favor of the plaintiff for the departure of the standard of care and awarded the plaintiff": 28.1 million dollars in compensatory damages and an additional 20 million dollars in punitive damages for a total of 48.1 million dollars. - Gunn | Slater and Simon Law Firm P.C,

(whereas by now The Simon Law Firm is just a bit player) just minutes before the jury rendered their verdict agreed to the 8/18 high low settlement. Therefore, why is Simon Law boasting and advertising their 48.1 million dollar “nuclear verdict” to the public when these “power litigators” lost their nerve and gave up 30.1 million dollars? Ladies and gentlemen they gave up over 60 percent of the case value. “POOF”....it’s gone. Under stress, “Super Lawyer” cracked and gave up 30.1 million dollars. —- They would never tell YOU that. —- But I will.

The Smoking Gun - The 8 - 18 million high / low agreement that was agreed to before the jury returned from deliberations and rendered their verdict. [Plaintiffs Memo in Support of Motion to Enforce Settlement.PDF](#)

But wait, there’s more...!

With the grin of the Cheshire Cat the Simon Law Firm is all over the media being featured by KSDK channel five (the cozy relationship the Simon Law has with KSDK is another subject of controversy) KMOV,

Missouri Lawyers Media (who seems to have a fetish for anything Simon Law) Legal Talk Network (Sponsored by Simon Law), all of them heralding the 48.1 million dollar verdict. And why do they do it? Because it is “bait and switch”. It is the Public Relations Industrial Complex of personal injury law firms whose sole purpose is to make merchandise of you, the consumer. The injured party who cannot navigate personal injury law and civil procedure. - In reality, by the time the checks are cut the plaintiff, injured party will receive a fraction of the amount they thought would be available to them.

They are trying to sell the public and potential clients a “lottery ticket” of which few people win. In fact, they will never tell you about the cases they lost. I know of several which they have lost. I have the testimony from within The Simon Law Firm itself. From current associate attorneys. Namely, Elizabeth S. Lenivy and Timothy M. Cronin. I have captured it in telephone audio recordings and have executed sworn affidavits to the truth thereof.

So where are they now?

The case is now on appeal and defense counsel is arguing that the high / low does not apply whereas it appears the defense counsel is confident that the punitive award will not be affirmed upon appeal and yet further, that the compensatory damages are arguably subject to remittitur based upon statutory caps. - The Gunn | Slater, Simon Law Firm team has potentially even more to lose than the 18 million dollar negotiated cap. As a consequence, plaintiff counsel is fighting aggressively at the appellate level to uphold and enforce the 8/18 high low agreement that was cut during jury deliberations at the trial court level. The 30.1 million dollars? - Fudgedaboutit.

Anyan v. Mercy Hospital - Appellate: Case # ED114232

Anyan v. Mercy Hospital - Appellate

https://www.courts.mo.gov/casenet/cases/newHeader.do?inputVO.caseNumber=ED114232&inputVO.courtId=SMPDB0005_EAP#header

In conclusion:

You never know what a case is worth until the checks are cut and the advertisements of personal injury law firms are an illusion and quite

often the net result to the injured party is far less than what they had anticipated. - But they'll never tell you that.

Opinion - Editorial

Albert B. Pepper Jr. - litigant pro se

consumer advocate - citizen journalist

Phoenix Rising Productions LLC

Shout it Out Loud -

Shout It Out Loud <https://shoutitoutloud.org/>

Jury-Watch -

Jury-Watch <https://jury-watch.org/>

(Not) The Friedman Law Firm Saint Charles

(Not) The Friedman Law Firm Saint Charles

<https://notthefriedmanlawfirmsaintcharles.com/>



**The Simon Law Firm P.C. is trying to sell you a lottery ticket
and they take the top 40% of everything**

They take 40% of punitive damages right off the top
then you and the State of Missouri split 50/50
the remaining 60%

But that's not all....

Your punitive damages award is subject to
income tax at a rate of about 37-40%

One million dollars punitive damages awarded
Simon law - \$400,000 | You - \$180,000

Follow up commentary and to the original Substack, Reddit post:

[Albert B. Pepper Jr.](#)

[2h](#)

Further commentary on the subject Anyan v Mercy Hospital | The Simon Law Firm P.C. | Gunn Slater Law firm ---

Preliminary thoughts: The non-economic compensatory damages at the trial court level was \$20,000,000 dollars. This is after the future economic life care plan metrics are calculated over 55 years. Therefore, the trial court is suggesting that \$363,000 a year for 55 years is required to make the injured party "whole"? - I would consider that a "quality of life" factor is reasonable beyond "maintenance" but it requires \$363,000 annually to enhance the minors quality of life? - Now for the cynicism. - 1) Plaintiff counsel is going to take 40% leaving \$217,800 to plaintiff. 2) Though I make no statement of fact there is a likelihood that the minor will be deposited in a residential care facility by age 21 (the parents most likely will not, be caring for the minor for the next 55 years. 3) 55 years - 21 years = 34 years therefore, who is being "enriched" for the remaining 34 years at \$217,800? --- Again, who is being

enriched for 34 years at \$217,800? That minor, now deposited in a residential care facility will not have their quality of life enhance by \$217,800 annually. You may infer who. The maxim, of equity is to make someone "whole". To be overtly enriched may be well beyond the maxim of equity. - This is the potential outcome if the appellate court uphold the 28.1 million dollar compensatory part of the trial court verdict. - Forget about the 20 million dollar punitive. I did not sit in at trial, see the evidence nor hear the testimony but what I am able to ascertain is that plaintiff counsel did not meet the threshold for a punitive damages award and it appears that plaintiff counsel is well aware of that. - They are fighting just to hold on to the 18 million dollar high / low ceiling knowing quite well that even the compensatory is subject to statutory caps. --- That is the reality and the 48.1 million dollar celebration was bullshit before the jury even came back from deliberations. --- The Simon Law Firm P.C. and Gunn | Slater Law Firm. --- They both lack candor.

Further commentary and final thoughts:

[Albert B. Pepper Jr.](#)

2h

Final Thoughts --- One more comment that establishes my criticism of the process and what I observe to be occurring in this Anyan v Mercy controversy. --- During my deposition prep. being conducted by Anthony R. Friedman in 2023 while he was acting as lead counsel in the matter of Pepper v Gelfand while under the employ of The Simon Law Firm P.C. I made the commentary and question stating to Friedman: "I often wondered how much of litigation wherein the attorneys are acting as "finders of fact" and how much of it is sophistry?" --- Anthony R. Friedman replied to me: "We save sophistry for the jury." --- The jury is simply not sophisticated enough to discern between the logos and the appeal to pathos. --- That is where the appellate court corrects the error. --- You can be quite assured that once The Simon Law Firm P.C. and Gunn Slater law firm wrings this case out for every drop that Anyan will be a byword and a legacy in the Simon / Gunn Slater trophy case. ---

Compassionate advocacy, justice and all of the other nouns, adverbs and adjectives employed in their public relations marketing materials extends only to the time until the checks are cut. Then they kiss you good bye. The Siren Song of the Abyssian Maid has lost its allure once the attorneys fees have been paid.