



MICHAEL C. ZELLERS

Partner, Los Angeles

213.430.3301 (direct dial)

213.430.3409 (fax)

michael.zellers@tuckerellis.com

Service Areas

Medical & Pharmaceutical Liability; Medical Privacy ;
Business Litigation; Antitrust & Competition Law;
Insurance

Bar Admissions

Ohio, 1980

California, 1990

United States Court of Appeals, Sixth Circuit

United States Court of Appeals, Ninth Circuit

United States District Court, Northern District of Ohio

United States District Court, Southern District of Ohio

United States District Court, Central District of California

United States District Court, Eastern District of California

United States District Court, Northern District of California

United States District Court, Southern District of California

United States District Court, Northern District of Texas

United States District Court, Western District of Texas

Education

The Ohio State University College of Law (J.D., 1980)

Grove City College (A.B., 1977)

Bio

Michael Zellers is a Partner in the Los Angeles office of Tucker Ellis & West LLP. He is a trial lawyer who has tried to verdict numerous cases in the areas of antitrust, business, insurance, medical device, pharmaceutical, professional liability, trade secret and unfair competition.

Mr. Zellers is former President of the Cleveland Association of Civil Trial Attorneys. He has lectured to national groups on health care and employment issues, has worked for state and national medical associations on legal issues involving health care providers, and has served as in-house counsel to a major teaching hospital.

Representative Trials

Atlanta Aircraft Sales v. Mercury Aviation, Court of Common Pleas, Cuyahoga County, Ohio; defended aviation company in breach of contract action arising out of sale of aircraft; jury trial.

Cerda v. Olive View Medical Center, Los Angeles Superior Court, Los Angeles, California; defended County health care providers in a trial alleging negligence in the diagnosis and treatment of ectopic pregnancy resulting in infertility of plaintiff; jury trial.

Cochran v. Cleveland Clinic Foundation, Court of Common Pleas, Cuyahoga County, Ohio; defended Cleveland Clinic ENT physician in action arising out of esophageal perforation during an esophagoscopy; jury trial.

Cooper v. Nationwide Insurance Company, Court of Common Pleas, Cuyahoga County, Ohio; defended Nationwide in action for breach of insurance contract procured by fraud; jury trial.

Fosdick v. Trice, Portage Common Pleas Court, Ravenna, Ohio; represented teenage driver involved in motor vehicle accident on the interstate with a semi-trailer truck that resulted in two deaths and significant injuries to third passenger; jury trial.

Garcia v. Olive View Medical Center, Los Angeles Superior Court, Los Angeles, California; defended County health care providers in trial alleging birth brain injury as a result of negligence in the delivery of an infant; jury trial.

Griggy v. Ravenna Savings Bank, Portage Common Pleas Court, Ravenna, Ohio; defended Ravenna Savings in claim that plaintiffs lost their life savings as a result of fraud committed by branch manager; jury trial.

Gurman v. Ethicon Endo Surgery, Los Angeles Superior Court, Los Angeles, California; defended Ethicon Endo Surgery in three week trial in case involving wrongful death from allegedly defective surgical clips; jury trial.

Hendelson v. Alza Corporation, U.S. District Court, Southern District of Florida; defended Alza Corporation and J&J in trial involving death of young man allegedly caused by defective fentanyl patch; jury trial.

Hernandez v. County of Los Angeles, Los Angeles Superior Court, Los Angeles, California; defended County of Los Angeles health care providers in birth brain injury case involving brachial plexus and brain injuries; jury trial.

Hodgemire v. Janssen Pharmaceutica, Seminole County Circuit Court, Sanford, Florida; defended Janssen and J&J in trial involving death of mother of 4 minor children allegedly caused by defective fentanyl patch; jury trial.

Hollingsworth v. Akron City Hospital, Court of Common Pleas, Summit County, Ohio; defended anesthesiologist and nurse anesthetist in wrongful death case arising out of alleged misplacement of endotracheal tube and failure to monitor 45 year old decedent; jury trial.

IREF v. Pfizer, Santa Clara Superior Court, Santa Clara, California; represented Pfizer in five week trial arising out of the alleged theft of trade secrets from a database as part of a clinical trial to have a new drug indication approved; jury trial.

Javaheri v. Johnson & Johnson, Los Angeles Superior Court, Los Angeles, California; defended J&J and medical product companies in first fentanyl pain patch case tried; 4 week trial involving a claim of permanent brain injury as a result of an alleged defective fentanyl patch; jury trial.

Kolesar v. Norfolk & Western Railway Company, Court of Common Pleas, Cuyahoga County, Ohio; defended N&W in claim that it failed to maintain railroad right-of-way causing plaintiff's home to slide down an embankment onto railroad tracks; jury trial.

Lipsky v. Smith, Court of Common Pleas, Cuyahoga County, Ohio; represented defendant in alleged breach of contract action involving sale of real property; jury verdict.

Mercer v. Cleveland Clinic Foundation, Court of Common Pleas, Cuyahoga County, Ohio; defended Cleveland Clinic orthopedic surgeon in case arising out of removal of a tumor from a young woman's leg which resulted in sciatic nerve injury; jury trial.

Miller v. FDML, San Francisco Superior Court, San Francisco, California; represented a boutique intellectual property law firm in a contentious trial involving partnership claims arising out of the recruitment of a partner by a

large national law firm; jury trial.

P&R Metals v SBC (AT&T), Los Angeles Superior Court, Compton, California; represented SBC over an alleged breach of a contract for scrap metal recovery in 7 states, fraud and punitive damages; jury trial.

Peters v. St. Luke's Hospital, Court of Common Pleas, Cuyahoga County, Ohio; defended hospital and residents in claim that plaintiff sustained permanent injuries following bilateral hip replacement; jury trial.

Pro-Guard v. Underwriters Insurance Company/Swiss Re, Los Angeles Superior Court, Los Angeles, California; defended insurance companies in an eight week trial involving claims for breach of contract, fraud and punitive damages arising out of insurance agreements related to vehicle service contracts written in 50 states; jury trial.

RLH v. AT&T, Orange County Superior Court, Santa Ana, California; defended AT&T in a lengthy trial involving antitrust claims brought against AT&T's subsidiaries in 13 states; jury trial.

Romero v. County of Los Angeles, Los Angeles Superior Court, Los Angeles, California; defended County of Los Angeles health care providers in a claim involving brachial plexus nerve injury; jury trial.

Santana v. Accupress, Orange County Superior Court, Los Angeles, California; defended press manufacturer in case involving loss of body parts from alleged defective heavy machine press; jury trial.

Smith v. St. Luke's Hospital, Court of Common Pleas, Cuyahoga County, Ohio; defended hospital residents and nurses in wrongful death action involving 54 year old man who died following a closed reduction of his dislocated hip; jury trial.

Teague v. St. Luke's Hospital, Court of Common Pleas, Cuyahoga County, Ohio; defended hospital and its nurses in claim arising out of alleged neurologic injuries resulting from blood drawing procedure; jury trial.

Thomas v. Intermedics, Los Angeles Superior Court, Los Angeles, California; defended medical product manufacturer in trial alleging negligence in supplying hip prosthesis for hip replacement surgery; jury trial.

Thompson v. Alza Corporation, Harris County Superior Court, Houston, Texas; defended Alza Corporation and J&J in 4 week trial involving death of single mother of a minor child allegedly caused by defective fentanyl patch; jury trial.

Trevena v. University Hospitals of Cleveland, Court of Common Pleas, Cuyahoga County, Ohio; defended hospital and perfusionist in claim involving substantial brain injury to twelve year old boy during open heart surgery; jury trial.

Vargo v. Travelers Insurance Company, Jefferson Common Pleas Court, Jefferson County, Ohio; defended Travelers in case involving accidental death insurance policy in which plaintiff alleged decedent died as a result of an automobile accident rather than from a heart attack before the accident; jury trial.

Wilson v. California Clinical Trials, Los Angeles Superior Court, Los Angeles County, California; defended clinical trial company in trial alleging negligence in an experimental drug study caused study participant to sustain stroke, seizure and brain damage; jury trial.

Civic & Professional Involvement

Defense Research Institute