



## **RICHARD A. DEAN**

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### **Service Areas**

Antitrust & Competition Law; Business Litigation; Mass Tort & Product Liability; Medical & Pharmaceutical Liability

### **Bar Admissions**

Ohio, 1973

Texas, 1986

District of Columbia, 1991

Maryland, 1992

Supreme Court of the United States

United States District Court, Northern District of Ohio

United States District Court, Southern District of Ohio

United States District Court, District of Maryland

United States District Court, District of Columbia

United States Court of Appeals, Fourth Circuit

United States Court of Appeals, Fifth Circuit

United States Court of Appeals, Sixth Circuit

United States Court of Appeals, Eighth Circuit

United States Court of Appeals, District of Columbia

### **Education**

Indiana University School of Law (J.D., 1973)

*Order of the Coif*

DePauw University (B.A., 1970)

*Phi Beta Kappa*

### **Bio**

Richard Dean is a Partner in the Cleveland office of Tucker Ellis & West LLP. He is a trial lawyer specializing in complex litigation. He has tried pharmaceutical, antitrust and business litigation cases all over the United States. He has been active in the defense of class action cases.

He is currently national counsel for a generic defendant in the metoclopramide litigation. He is lead counsel for the principal defendants in *In Re Digitek Products Liability Litigation*, a litigation involving a recall based on alleged manufacturing defect. He has defended a number of other cases based on product recall. The litigation teams which he heads are prolific filers of Daubert motions.

### **Representative Decisions**

*Pliva, Inc. v. Mensing*, 131 S. Ct. 2567 (2011). Failure to warn claims against generic drug manufacturers are preempted.

*In Re Digitek Products Liability Litigation*, No. 2:08-md-01968, 2010 WL 2102330 (S.D. W. Va. May 25, 2010). Consumer class action rejected in Digitek® recall.

*Myers-Armstrong v. Actavis Totowa, LLC*, 2009 WL 1082026 (N.D. Cal. 2009). Consumer cannot recover purchase price of drug deemed to be adulterated where drug was consumed without incident.

*Clark v. Actavis Group Hf*, 567 F. Supp. 2d 711 (D. N.J. 2008). Plaintiffs' attempt to amend recall notices were barred by primary jurisdiction since this was within province of FDA.

*Giddings v. Bristol-Myers Squibb Co.*, 192 F. Supp. 2d 421 (D. Md. 2002). Daubert decision barring key plaintiff's expert in breast implant litigation.

*Kurcz v. Eli Lilly & Company*, 160 F.R.D. 667 (D. Ohio 1995). Class action denied in DES cases.

### **Representative Trials**

*Heights Community Congress v. Hilltop Reality, Inc.*, United States District Court for Northern District of Ohio; Federal Housing Act discrimination case; bench trial.

*Noyola v. McNeil*, United States District Court for Northern District of Illinois; prescription drug case involving claim for inadequate warning; jury trial.

*Hawkins v. McNeil*, Superior Court for District of Columbia; prescription drug case involving claim for inadequate warning; jury trial.

*RLH v. SBC*, Superior Court for Orange County California; state antitrust claim; jury trial.

### **Civic & Professional Involvement**

International Association of Defense Counsel

Defense Research Institute