

Michael J. Ruttinger

Counsel

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education

University of Michigan Law School

(J.D.), *magna cum laude*, 2008;

Order of the Coif; *Michigan Law Review*, Contributing Editor

The College of Wooster (B.A.),

summa cum laude, 2005; Phi Beta

Kappa; Aileen Dunham Prize in

History

services

Appellate & Legal Issues

Class Action Litigation

Medical & Pharmaceutical Liability

Drug & Device Regulatory Issues

Michael Ruttinger develops and implements strategies for clients in class action, commercial, and complex litigation across the country.

Applying experience gained as a law clerk on the United States Court of Appeals for the Sixth Circuit and honed through years of practice before more than 20 federal district courts, Mike advises and advocates for clients at all phases of a case, from pre-litigation consulting on regulatory issues to dispositive and class-certification motions to appeals.

Mike has prepared briefs in the United States Courts of Appeals for the Fifth, Sixth, Eighth, and Ninth Circuits. He regularly handles complicated, high-stakes issues for clients ranging from challenges to class certification to developing strategies for seeking summary judgment and excluding unreliable expert opinions. Mike also consults on federal regulatory schemes and preemption defenses, which he has leveraged to secure dismissal of state-law claims that conflict with federal statutory schemes such as the Food, Drug and Cosmetic Act. He is a frequent writer and speaker on the application of class action and product liability laws to emerging technologies.

Mike grew up in Kentucky before moving to Ohio and later Michigan to attend law school at the University of Michigan. He and his wife, Sarah, reside in Cleveland Heights, where they frequently volunteer with and support Cleveland's arts community. Mike is an 11-time marathoner and long-course triathlete who recently completed his first Ironman triathlon.

state admissions

- Ohio (2008)

federal admissions

- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Fourth Circuit
- United States Court of Appeals, Fifth Circuit
- United States Court of Appeals, Sixth Circuit
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio

experience**REPRESENTATIVE MATTERS**

- Currently representing a myriad of colleges and universities in a class action involving injuries sustained by college athletes
- Collaborated with Tucker Ellis lawyers and outside counsel to procure a decision from the Supreme Court of the United States holding that failure-to-warn claims alleged against the manufacturers of generic drugs are preempted
- Secured affirmance of a summary judgment decision dismissing design-defect claims alleged against a brand-name prescription drug manufacturer as preempted by the FDCA from the United States Court of Appeals for the Sixth Circuit
- Procured a decision from the United States Court of Appeals for the Fifth Circuit affirming a trial court decision dismissing all of the plaintiff's Louisiana state-law claims against a generic prescription drug manufacturer as impliedly preempted by federal law
- Crafted a defendant-appellee's brief to the Fifth Circuit arguing that the mandate rule justified affirmance of a trial court decision denying the plaintiff's motion to alter or amend a judgment rendered on remand from the Supreme Court of the United States
- Prepared briefing for the United States Court of Appeals for the Sixth Circuit encouraging the court to reject a plaintiff's application for a writ of mandamus challenging a transfer decision issued by the Judicial Panel on Multidistrict Litigation
- Drafted motions for summary judgment and to exclude plaintiffs' proffered expert witnesses in consolidated multidistrict litigation involving a complex prescription drug medication that had been part of a recall
- Obtained a decision from the Northern District of Ohio dismissing with prejudice a putative consumer class-action lawsuit, including claims for breach of warranty, unjust enrichment, and fraudulent concealment

publications & events**SPEAKING ENGAGEMENTS**

- "Personal Jurisdiction Following the *Bristol-Myers Squibb* Decision," DRI's Business Litigation Super Conference, Austin, Texas (May 2019)
- "The Supreme Court Year in Review," 2018 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2018)

- "When and How Early Summary Judgment Practice Can Help Win Your Class Action," DRI 2018 Annual Meeting, San Francisco, California (October 2018)
- "Personal Jurisdiction After Bristol-Myers Squibb: Unresolved Issues, Shifting Plaintiff Strategies," co-presented at a national Strafford webinar (September 2018)
- "Lessons for Data Breach Lawyers from the World of Product Liability," myLawCLE/Federal Bar Association Video Broadcast, Arlington, Virginia (April 2018)
- "The Supreme Court Year in Review – 2016-2017 Term: Mapping the New Court's Uncertain Course" and "Data Breach Class Actions," 2017 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2017)
- "Generation Give," Ideastream, Cleveland, Ohio (December 2016)
- "U.S. Supreme Court Round-Up," 2016 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2016)
- "U.S. Supreme Court Round-Up" and "How the Third Wave of the Internet Will Revolutionize Legal Services," 2015 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2015)

PUBLICATIONS

- "Revisiting the Third Circuit's Struggles With Design-Defect Preemption," Drug & Device Law Blog (November 2018)
- "'Injury In Fact' Standing After Cambridge Analytica," *Law360* (June 2018)
- "Lessons for Data Breach Lawyers from Product Liability," *Law360* (January 2018)
- "How Bristol-Myers Squibb May Transform Class Actions," *Law360* (October 2017)
- "After the BNSF Decision, There's No Place Like 'At Home'," *Law360* (June 2017)
- "Third Circuit Emphasizes the Need to Provide Reasonable Notice of Arbitration Clauses," American Bar Association, *Class Actions & Derivative Suits* (March 2017)
- "Excluding Regulatory Violations from Defect Cases," *For the Defense* (August 2011)

in the community

CIVIC & PROFESSIONAL INVOLVEMENT

- Cleveland Metropolitan Bar Association
- Federal Bar Association
- Ohio State Bar Association
- Legal Alumni of Wooster
 - College Committee, Chair
- Column & Stripe: The Young Friends of the Cleveland Museum of Art, Vice President