



Michael J. Ruttinger

Partner

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Michael Ruttinger brings an extremely high level of skill and expertise to class action and complex litigation matters. He is especially well-known for his ability to successfully litigate matters featuring unique fact issues or novel questions of law.

Mike's experience covers a broad spectrum of practice areas. He has, for example:

- Obtained summary judgments and denials of class certification in cases filed against hospital systems;
- Successfully defended class action and constitutional claims brought against public utilities, pension systems, and other state agencies;
- Advanced the law by procuring preemption and jurisdictional decisions supporting the position of drug and medical device manufacturers;
- Secured class certification denials and dismissals against consumer product manufacturers in cases involving warranty and false advertising claims; and
- Served as appellate monitoring counsel at trial in high-stakes personal-injury and products-liability litigation.

Mike has a nationwide class action practice in these areas and beyond. He advocates for clients in cases where novel legal issues and questions of first impression are entangled with complicated factual disputes, such as cases involving extensive scientific or regulatory records. There, he draws on experience gained during his federal appellate clerkship and years of federal practice to streamline the complex into clear, concise advocacy. This often helps minimize costly discovery and narrow the case.

Mike joined Tucker Ellis in 2009 after having served as a law clerk for the Honorable Deborah L. Cook of the United States Court of Appeals for the Sixth Circuit. He earned his law degree from the University of Michigan Law School, where he graduated *magna cum laude* and as a member of the Order of the Coif. He is a regular speaker on topics involving class action procedure and

has earned recognition for his publications on cutting-edge legal developments. He currently serves as the Chair of DRI's Specialized Litigation Group for class actions.

Originally from Kentucky, Mike and his family are now rooted in Cleveland. Mike is a veteran endurance athlete, having completed more than a dozen marathons and three Ironman triathlons. Mike believes that if you can face the closing miles of an Ironman with a smile and sense of humor, there is nothing litigation can throw at you that you can't handle.

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

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 Court of Appeals, Eleventh Circuit
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio
- United States District Court, Northern District of Illinois

Service Areas

- Appellate & Legal Issues
- Class Action Litigation
- Life Sciences Litigation
- Educational Institutions
- Health & Life Sciences

Experience

- Representing a defendant in a class action involving claimed racial discrimination and causes of action brought under the Due Process Clause, Equal Protection Clause, and a novel theory of liability under the federal Fair Housing Act and Ohio Civil Rights Act
- Secured denial of class certification, an order striking class action allegations, and favorable resolution of an issue of first impression regarding class-action tolling under Ohio law in a putative class action based on a variety of state tort- and contract-based claims alleged against a major hospital system
- Obtained dismissal on the pleadings of a class action challenging the constitutionality of Ohio statutory provisions setting special registration fees for owners of hybrid and electric motor vehicles
- Successfully petitioned a federal appellate court under 28 U.S.C. § 1292(b) for interlocutory review of a summary judgment denial, which raised issues of first impression regarding federal preemption affecting thousands of cases pending in a federal MDL proceeding
- Served as appellate monitoring counsel at a high-stakes personal injury and product liability trial, securing dismissal as a matter of law of the plaintiff's claims for punitive damages en route to a defense verdict and denial of the plaintiff's post-judgment motion for a new trial
- Obtained a summary judgment decision, and affirmance on appeal, in a class action alleging that a major hospital system overcharged for copies of medical bills in violation of Ohio law; the Court's decision decided as an issue of first impression that itemized medical bills are not "medical records" under Ohio law
- Representing a myriad of colleges and universities in class-action litigation involving injuries sustained by college athletes
- Representing a state pension system in class-action litigation involving the interpretation of state statutory requirements
- Briefed novel primary jurisdiction defenses in a nationwide class action where the consumer-product manufacturer is subject to a federal consent decree
- Secured an order denying class certification in a consumer product class-action alleging false advertising under California law, leading to a favorable nationwide settlement
- Obtained dismissal on the pleadings of a consumer-product manufacturer in a nationwide class action alleging fraud, misrepresentation, and breach-of-warranty claims
- Procured 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
- 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

Publications & Events

ORAL ARGUMENT

- *Hickey v. Hospira*, U.S. Court of Appeals for the Fifth Circuit (March 2024)

SPEAKING ENGAGEMENTS

- “Personal Jurisdiction and Venue in the 6th Circuit,” Federal Court Practice Update 2023, Cleveland Metropolitan Bar Association (November 2023)
- “2022–2023 Supreme Court Term in Review,” Tucker Ellis In-House Counsel Summit (October 2023)
- “Eight Tips for Preserving Error in Ohio Courts,” Office of the Ohio Attorney General, Columbus, Ohio (May 2023)
- “Class Certification Evidence: Standards of Admissibility and Probative Value Among the Circuits,” Strafford Webinar (March 2023)
- “Viability of Nationwide Class Actions and Settlements in Light of Contracted Federal Jurisdiction and Standing,” Strafford Webinar (January 2023)
- “Supreme Court Year in Review,” Tucker Ellis In-House Counsel Summit (October 2022)
- “Multidistrict Class Actions: Consolidating Class Actions Without Conceding Certification,” Strafford Webinar (September 2022)
- “Fixin’ to Use a Special Master? Advice You Can Hang Yer Hat On,” Moderator, 25th Annual National Institute on Class Actions, American Bar Association, Austin, Texas (April 2022)
- “Class Certification Evidence: Standards of Admissibility and Probative Value Among the Circuits,” Strafford Webinar (February 2022)
- “Defeating Class Certification: Using Personal Jurisdiction to Defeat Litigation Tourism,” Strafford Webinar (December 2019)
- “The Supreme Court Year in Review,” 2019 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (November 2019)
- “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)
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“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

- “Edging Toward a Circuit Split: Specific Personal Jurisdiction and Nationwide Class Actions,” *For The Defense* (July 2020)
- “5th Circ. Ruling Amplifies Bristol-Myers Class Action Debate,” *Law360* (April 2020)
- “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)

MEDIA

- “Legal Lions of the Week,” *Law360* (May 2024)
- “Fifth Circ. Weighs ‘Very Complex’ Chemo Hair Loss Dispute,” *Law360* (March 2024)
- “Class Action Lawsuits Possible After Cyberattack,” *Healthcare Risk Management* (September 2021)
- “Ga. Talc Co. Says Strict Liability Claims Over Cancer Too Late,” *Law360* (April 2021)

Honors

- 2021 G. Duffield Smith Outstanding Publication Award, DRI
- Lawdragon 500 Leading Litigators in America (2023, 2024)

In the Community

- Cleveland Metropolitan Bar Association
- Federal Bar Association
- Ohio State Bar Association
- American Bar Association
 - » Class Actions and Derivative Suits Section
- Defense Research Institute
 - » Commercial Litigation Sub-Committee