



## Rita A. Maimbourg

### Partner

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For more than 40 years, Rita Maimbourg has focused her practice on medical-related litigation, defending hospital systems, physicians, and manufacturers of medical devices and pharmaceuticals.

Based on her significant courtroom experience, Rita was inducted in 2012 as a Fellow of the American College of Trial Lawyers, recognized as the preeminent organization of trial lawyers in North America. Over the course of her career, she has received accolades and awards from many organizations, including Chambers USA, ALM, Benchmark Litigation, LMG Life Sciences, Lawdragon 500, Who's Who Legal, Ohio Super Lawyers, and The Best Lawyers in America® – and *Crain's Cleveland Business* has named Rita among both its Women of Note and Notable Women in Law.

Rita is passionate about mentoring and training junior lawyers. She created the “learn by doing” format of the Tucker Ellis Litigation Institute, which teaches pretrial and trial skills to the firm’s associates, and, in 2023, she will lead the Tucker Ellis Trial Academy, a more intense program focusing on courtroom skills. She has also served as an adjunct professor of Trial Tactics at her alma mater, Case Western Reserve University School of Law, and presents to physician groups on various medical-legal topics.

A transplant to Cleveland in 1978, Rita grew up in Erie, Pennsylvania. She and her husband enjoy live theatre, golf, and spending time in Niagara-on-the-Lake in Ontario, Canada, where they are frequent visitors. Rita is known to all as an avid dog lover and she tries hard to be a sports fan.

### **Education**

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- Case Western Reserve University School of Law (J.D., 1981); Order of the Coif
- University of Pittsburgh (B.A., magna cum laude, 1978)

### **State Admissions**

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- Ohio, 1981

### **Federal Admissions**

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- United States Court of Appeals, Sixth Circuit
- United States District Court, Northern District of Illinois
- United States District Court, Eastern District of Michigan
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio

### **Service Areas**

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- Life Sciences Litigation
- Medical Malpractice Litigation
- Business Litigation
- Mass Tort & Product Liability
- Health & Life Sciences

### **Industries Represented**

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- Apparel
- Broker / Dealer & Securities
- Chemical
- Construction
- Hospitals
- Legal Services (Law Firms)
- Machinery Manufacturing
- Medical Devices
- Medical Professionals (Doctors & Nurses)
- Nonprofit Organizations
- Pharmaceutical & Medicine

## Experience

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- 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 (2022).
- Led defense of a major hospital system against hundreds of claims and lawsuits alleging the destruction of human eggs and embryos in a laboratory accident (2018-2022).
- Represented medical device company in product liability case involving a polypropylene sling to treat incontinence and alleged permanent incontinence. Jury trial 2017 (Philadelphia, Pennsylvania).
- Represented pharmaceutical company in wrongful death product liability suit involving a fentanyl pain patch. Jury trial 2015, first chair (Chicago, Illinois).
- Represented hospital in medical malpractice case involving burn injuries from administration of antibiotic. Jury trial 2014, first chair.
- Represented family practice physician in medical malpractice case involving below-the-knee amputation due to allegedly improper treatment of a foot wound in an urgent care setting. Jury trial 2012, first chair.
- Represented pharmaceutical company in wrongful death product liability suit involving recalled fentanyl pain patch. Jury trial 2008, first chair (Chicago, Illinois).
- Represented major healthcare system in contribution action against joint tortfeasor for liability due to facial burns from a surgical fire. Jury trial 2006, first chair.
- Represented oncologist in wrongful death medical malpractice suit involving alleged misdiagnosis of lymphoma. Jury trial 2006, first chair.
- Represented general surgeon in medical malpractice action involving permanent bowel injury from hernia surgery. Jury trial 2005, first chair.
- Represented small business owner as plaintiff in complex commercial case including RICO counterclaims. Bench trial 2004, first chair.

## **Publications & Events**

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### **SPEAKING ENGAGEMENTS**

- “Legal Issues Facing Nurses in the OB Care Setting,” Southwest General Health Center, Cleveland, Ohio (April 2022)
- “Walking the Tightrope: Ethics Dilemmas Encountered by In-House Counsel and How to Manage Them,” 2019 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (November 2019)
- “Lessons Learned from the Dr. Persaud Healthcare Fraud Case,” Health Care Law Update & Medical/Legal Summit 2017, Cleveland Metropolitan Bar Association/Academy of Medicine Education Foundation/The Academy of Medicine of Cleveland & Northern Ohio, Cleveland, Ohio (March 2017)
- “The New Federal Civil Rules Package – ‘Big Deal’ Changes to Discovery, Case Management, Culture, and E-Discovery – Coming to a Courthouse Near You!”, Federal Bar Association Annual Meeting and Convention, Cleveland, Ohio (September 2016)
- “Cross Examination,” 2016 Litigation Institute, Cleveland Metropolitan Bar Association, Cleveland, Ohio (June 2016)
- “Federal Civil Rule One and More – A Change in Culture, Cost, and Complexity (New Federal Rules of Civil Procedure),” Federal Bar Association, Northern District of Ohio Chapter, Cleveland, Ohio (December 2015)
- “GC Panel: Hot Topics as 2015 Winds Down and We Head into 2016,” Moderator, 2015 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2015)
- “Lessons Learned from E-Discovery Sanctions in Mass Tort Litigation: Where Do We Go from Here?,” DRI Annual Meeting, Washington, D.C. (October 2015)
- American College of Trial Lawyers (ACTL) Ethics, Professionalism and Substance Abuse Program, Columbus, Ohio (December 2013)
- “Early Career: Networking, Building Your Brand, Attracting Sponsors,” Women’s Law & Leadership Conference, Case Western Reserve University School of Law, Cleveland, Ohio (November 2013)

## Honors

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- American College of Trial Lawyers, Fellow
- Chambers USA
  - » “Recognised Practitioner” in Product Liability & Mass Torts (Nationwide) (2018, 2019)
- Lawdragon 500 Leading Litigators in America
- Who’s Who Legal
  - » Product Liability Defence (2018–2020)
  - » Life Sciences – Product Liability (2015–2021)
- Benchmark Litigation
  - » National Practice Area Star (Product Liability and Recall)
  - » Local Litigation Star (Product Liability and Recall)
- LMG Life Sciences
  - » Leading Life Sciences Lawyer (Product Liability)
  - » Life Sciences Star (Product Liability)
- Crain’s Cleveland Business
  - » “Notable Women in Law” (2018)
  - » “Women of Note” (2009)
- Case Western Reserve University School of Law, Office of Alumni Relations & Development, Joan Gross ’76 Annual Fund Award (2019)
- ALM, Women Leaders in the Law (2015)
- Ohio Super Lawyers® (2005–2023)
  - » Top 100 Ohio Super Lawyers® (2022)
  - » Top 50 Women Ohio Super Lawyers® (2007–2014, 2016–2023)
  - » Top 50 Cleveland Ohio Super Lawyers® (2022)
  - » Top 25 Women Cleveland Ohio Super Lawyers® (2007–2009, 2012–2014, 2016–2023)
- The Best Lawyers in America® (2012–2023)
  - » 2023 Cleveland Lawyer of the Year (Mass Tort Litigation/Class Actions – Defendants)
  - » 2013 Cleveland Lawyer of the Year (Mass Tort Litigation/Class Actions – Defendants)
  - » 2012 Cleveland Lawyer of the Year (Medical Malpractice Law)

### **In the Community**

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- The Honorable William K. Thomas American Inn of Court, Master of the Bench
  - » President (2004-2005)
- Cleveland Metropolitan Bar Association
  - » Professional Ethics Committee (1992-2001)
  - » Chair (1997-1998)
- Judicial Conference of the Eighth Judicial District of Ohio, Life Member
- Leadership Cleveland Class of 2011
- Case Western Reserve University School of Law
  - » Society of Benchers
  - » Treasurer (2022-2023)
  - » Alumni Association, Board Member (2007-2010)
- Cleveland Animal Protective League
  - » “Unleash the Dream” Capital Campaign, Co-Chair (2020-2021)
  - » Board of Directors
    - » Past Chair (2021)
    - » Chair (2019-2020)
    - » Vice Chair (2017-2018)
    - » Secretary (2015-2016)
- The Legal Aid Society of Cleveland, Board of Directors
  - » Board President (2021)