



Life Sciences Litigation

Overview

The Tucker Ellis Life Sciences Litigation Group represents and counsels clients in the local, regional, and national defense of medical device and pharmaceutical liability cases. Our exceptional lawyers, paralegals, and nurse paralegals work at the forefront of science and medicine with nationally known experts to defend litigation and assist our clients with regulatory matters, such as developing appropriate warnings and evaluating pharmacovigilance practices. In 2020, legal analytics firm Lex Machina rated Tucker Ellis third in the number of non-MDL product liability cases handled for defendants between 2015 and 2019. Our scope of clients, our national leadership roles for those clients in headline litigation, and our exceptional trial attorneys make ours an outstanding practice.

We routinely litigate cases throughout the United States, and have tried to verdict cases for our clients in dozens of states. We serve as national coordinating counsel as well as regional and local counsel on behalf of our clients. Experienced in multidistrict litigation, we serve as liaison defense counsel in numerous state MDLs, including California-coordinated proceedings, in the defense of large groups of cases. Our team also assists foreign lawyers in the defense of cases and class actions filed outside the United States.

We have obtained significant appellate and trial court decisions limiting the liability of our clients, particularly in obtaining broad-based decisions in the preemption and *Daubert* areas, and obtained a major victory for a client in the United States Supreme Court.

As part of its 9th Annual LMG Life Sciences Americas Awards, LMG Life Sciences named Tucker Ellis the 2021 Product Liability Firm of the Year. Our practice is ranked in The Legal 500 United States (Product Liability, Mass Tort and Class Action – Defense: Pharmaceuticals and Medical Devices) and at the Nationwide level in Chambers USA in the area of Product Liability & Mass Torts: The Elite. Clients comment that “Tucker Ellis is a very responsive and practically minded firm. They engage in strategic and critical thinking and come up with practical solutions to issues.” Other clients praise our “very strong” team for our understanding of client needs and preferences, responsiveness, and business acumen. “They provide diverse and exceptional teams” and “think strategically, are excellent communicators and consistently deliver results aligned with business strategy.”

OUR TEAM:

- Routinely tries cases across the United States
- Coordinates and supervises the defense of major medical device and pharmaceutical companies on a national and regional basis

- Has extensive MDL experience as lead defense counsel
- Represents manufacturers and distributors in product recalls
- Selects and develops technical experts and coordinates scientific studies
- Has significant experience in Medicare reporting and compliance
- Has successfully challenged plaintiffs' experts on "junk science" grounds

Experience

- National lead counsel in product liability litigation involving SGLT-2 inhibitor diabetes prescription medication; responsible for day-to-day management of all aspects of federal and state court litigation, overseeing briefing and discovery, working up and retaining experts, case reviews, and preparation of trial strategy
- National coordinating and lead counsel in multidistrict litigation involving pelvic sling products, managing all state court proceedings across the country; responsible for all aspects of this litigation, including complaint monitoring and processing, fact discovery, expert witness retention and work-up, corporate witness deposition preparation and defense, legal writing, case reviews and settlement negotiations, pre-trial preparation, and trial
- National counsel in litigation involving a prescription pain-relieving opioid medication, coordinating all aspects of the defense of more than 350 federal and state court cases, most of which involved allegations of wrongful death
- National counsel in product liability cases involving saline and silicone gel breast implants and tissue expanders; responsible for all aspects of the litigation, including the drafting of summary judgment briefing
- National coordinating and lead counsel in multidistrict litigation involving pelvic support systems, managing all of the state court proceedings across the country; responsible for all aspects of this litigation, including complaint monitoring and processing, fact discovery, and case reviews and settlement negotiations
- National co-lead and liaison counsel in multidistrict litigation involving metal-on-metal hip implants and co-lead counsel in the coordinated state court proceeding in California; coordinate and defend various state court proceedings across the country; responsible for coordinating all facets of the litigation, including legal writing, sales and distributors, regulatory, clinical, marketing, expert witness retention and work-up, corporate witness deposition preparation and defense, device preservation, written discovery, factual investigation, trial preparation, and trial
- National lead counsel for litigation involving birth control patch; responsible for the day-to-day management of the litigation, preparing for and defending all company witness depositions, working up and retaining all experts, handling legal issues in the MDL – including discovery issues and Daubert motions, addressing FDA regulatory issues, handling appellate issues, managing the coordinated proceedings in California in the

JCCP, and conducting with co-counsel case reviews and settlement negotiations with over 100 law firms, resulting in the resolution through dismissal, summary judgment, or settlement of approximately 5,000 cases

- National coordinating counsel in litigation involving product used to treat gastroesophageal reflux disease; In 2011, the Supreme Court of the United States found failure-to-warn claims advanced against generic manufacturers to be preempted based on the duty of sameness
- National coordinating counsel in litigation involving a medication used to treat heart failure; responsible for managing a federal multidistrict litigation with over 600 personal injury cases and coordinated state court litigations in New Jersey, Pennsylvania, West Virginia, and Texas
- National counsel in federal multidistrict litigation in fungal meningitis cases
- Co-lead counsel and court liaison counsel for California's talcum powder coordinated proceeding, handling the day-to-day management of over 700 cases, including drafting and negotiating case management orders, participating in JCCP-wide discovery, attending court hearings, and developing JCCP-wide strategy
- Co-lead trial counsel in the first bellwether case involving a diabetes drug, obtaining a defense verdict
- Co-lead trial counsel in litigation involving a diabetes drug, securing a defense verdict on three of four claims
- Lead role on regulatory issue team in diabetes drug litigation, responsible for providing support to clients and outside counsel, including preemption defenses applicable to brand manufacturers post Wyeth v. Levine; lead counsel in the California Coordinated Proceedings
- National coordinating counsel in product liability litigation involving anti-epileptic medication, claiming injury as a result of serious cutaneous adverse reactions allegedly caused by the use of medications