



Richard M. Barnes

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Related Practices

Intellectual Property
Litigation

Product Liability

Pharmaceutical and
Medical Device
Litigation

Toxic Tort and
Environmental Litigation

Class Action Litigation

Commercial and
Business Tort Litigation

General Tort Liability
Litigation

Richard M. Barnes

Mr. Barnes is a founding partner of the firm and a graduate of the Georgetown University Law Center. He represents clients in complex tort, commercial, and product liability litigation. He has been recognized as a leading practitioner in these fields and most recently was awarded 2015's Leadership in Law Award from *The Daily Record*. During his career, he has represented a variety of clients in disputes involving pharmaceuticals, medical devices, patents, trademarks and the Lanham Act, antitrust, breach of contract, unfair trade practices, aviation, commercial torts, covenants not to compete, and state procurement laws. He has defended companies in federal and state court class actions in Maryland, West Virginia, Alabama, Ohio, Pennsylvania, and California. His recent experience follows:

In June of 2017, Mr. Barnes and Ms. Woolf obtained a preliminary injunction on behalf of a medical device client preventing a consultant and former employer from competing. Also, in June 2017, he, Ms. Woolf, and Mr. Stikeleather successfully defeated plaintiffs' motion for class certification in a decade-long class action pending in the Eastern District of Pennsylvania.

In 2015, Mr. Barnes and Ms. Woolf defeated a multi-million dollar claim for patent royalties based on various endodontic patents and inventions. His client, Dentsply International, was also relieved of its obligation to pay future royalties on several of the disputed patents and inventions. In December of 2013, Mr. Barnes and Ms. Woolf successfully defended Dentsply International in a three-week California UCL class action trial in San Francisco Superior Court. In 2013, he also successfully litigated a complex state procurement dispute before the Maryland Board of Contract Appeals on behalf of an institutional pharmacy. Mr. Barnes has also tried to verdict complicated multi-plaintiff product liability, pharmaceutical, and medical device cases. He has briefed or argued cases before the United States Supreme Court and various state and federal appellate courts. He is currently serving as national counsel in two pharmaceutical litigations involving over-the-counter medications.

Representative clients include Pfizer Inc, Wyeth, Telectronics Pacing Systems, Inc., Pacific Dunlop, Ltd., Dentsply Sirona, Danaher Corporation, Johnson & Johnson, DePuy Orthopedics, L. Perrigo Company, Nissan Motor Credit Corporation, Lafarge, ARINC, Vermont Talc, A.H. Robins Co., Gruss & Co., Correct Rx Pharmacy, and several local businesses.

Mr. Barnes' significant representations include trials for Pfizer Inc and/or Wyeth relating to the Bjork Shiley Mechanical Heart Valve (1985-1999), Rezulin (2000-2004), the Howmedica Unicompartamental Knee (2001-2004), Diet Drugs (2003-2005), and Neurontin (2007-2011). He is currently representing Pfizer in several matters including litigation involving Advil and Reglan. Mr. Barnes has represented Pfizer in the hormone therapy litigation in cases in several jurisdictions including Maryland, Pennsylvania, Minnesota, West Virginia, and Virginia. He also had significant responsibilities for preparing and presenting scientific evidence in the Celebrex, Bextra, and Chantix Litigations. He has briefed and argued several Daubert motions in pharmaceutical cases. Mr. Barnes served as national counsel to Pfizer Inc and its subsidiaries for claims and disputes arising from the manufacture and sale of the Duracon Unicompartamental Knee and over-the-counter pain relievers. In addition, he obtained a temporary restraining order and permanent injunction against the owner of a

pornographic web site in Maryland for the infringement and dilution of Pfizer's "Viagra" trademark.

Mr. Barnes served on the firm's national counsel team representing Telectronics Pacing Systems, Inc. in connection with hundreds of claims arising out of the alleged failure of pacemaker leads. See In Re Telectronics Pacing Systems, Accufix Atrial "J" Leads Litigation, MDL-1057. In this role, he was responsible for the presentation of scientific, engineering, and regulatory evidence.

Mr. Barnes represents L. Perrigo Company in cases in California, Maryland, Virginia, Pennsylvania, New Jersey, and the District of Columbia involving over-the-counter medications including aspirin (Reyes Syndrome), acetaminophen, and ibuprofen.

Mr. Barnes also represented ARINC, a provider of Advanced Information Management, for a rail control center in the matter of the Fort Totten Metrorail Accident Cases in the United States District Court for the District of Columbia. He was primarily responsible for preparing and presenting technical and scientific evidence pertaining to software design, train tracking algorithms, alarm management, and accident reconstruction.

Mr. Barnes is a member of the Maryland and the District of Columbia bars, and is admitted to practice before the United States District Court for the District of Maryland, the United States District Court for the District of Columbia, the United States Supreme Court, and the United States Court of Appeals for the Fourth, Sixth, Ninth, and Eleventh Circuits.

Education

- Western Maryland College (B.A., *magna cum laude*, 1977) Honors: Omicron Delta Kappa, Pi Gamma Mu
- Georgetown University Law Center (J.D., *cum laude*, 1981) Editor, American Criminal Law Review

Court Admissions

- District of Columbia
- Maryland
- United States District Court for the District of Columbia
- United States District Court for the District of Maryland
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States Supreme Court

Professional and Civic Associations

- The Defense Research Institute
- American Bar Association
- Law Business Research: An International Who's Who of Product Liability Defense Lawyers
- Maryland Defense Counsel, Inc.
- Maryland State Bar Association (Committees on Budget & Finance and Pattern Jury Instructions, and Special Committee on Citizenship Law Related Education)
- Bar Association of Baltimore City

- District of Columbia Bar Association
- Elder, Central Presbyterian Church (2001 - Present)
- Board of Directors, Charlestown Retirement Community (2009 - Present)
- Board of Trustees, Rodgers Forge United Methodist Church (1986 – 1998)
- Treasurer: Dumbarton Middle School PTSA (1999 – 2000)
- Towson Recreation Council, Girls Softball and Soccer Coach (1989 – 2004)

Selected Cases and Decisions

United States Supreme Court case

- Morrison-Knudsen Constr. Co. v. U.S. Dep't of Labor, 461 U.S. 624 (1983)

Federal Appellate Court cases

- Quillin v. C.B. Fleet Holding Co. (4th Cir. May 14, 2009)
- Zinser v. Accufix Research Inst., Inc., 253 F.3d 1180 (9th Cir. 2001); 273 F.3d 1266 (9th Cir. 2001)
- In re Telectronics Pacing Systems, Inc., 221 F.3d 870 (6th Cir. 2000); 148 F. Supp. 2d 936 (S.D. Ohio 2001); 137 F. Supp. 2d 985 (S.D. Ohio 2001); 137 F. Supp. 2d 1029 (S.D. Ohio 2001); 186 F.R.D. 459 (S.D. Ohio 1999); 172 F.R.D. 271 (S.D. Ohio 1997)
- Bullard v. Dalkon Shield Claimants Trust, 74 F.3d 531 (4th Cir. 1996); 845 F. Supp. 328 (D. Md. 1994)
- Hagepanos v. Shiley, Inc., 846 F.2d 71 (4th Cir. 1988)
- Bonstingl v. Maryland Bank, N.A., 841 F.2d 1122 (4th Cir. 1988); 662 F. Supp. 882 (D. Md. 1987)
- Kontoulas v. A.H. Robins Co., Inc., 745 F.2d 312 (4th Cir. 1984)

Federal District Court cases

- Quillin v. C.B. Fleet Holding Co., (D. Md. 2008)
- Moore v. Wyeth-Ayerst Laboratories, 236 F. Supp. 2d 509 (D. Md. 2002)
- Ramada Franchise Systems, Inc. v. Capitol View II Ltd. P'ship Venture, 132 F. Supp. 2d 358 (D.Md. 2001)
- L.M.P. Service, Inc. v. Shell Oil Co., 128 F. Supp. 2d 287 (D. Md. 2000); 116 F. Supp. 2d 645 (D.Md. 2000)
- Chertkov v. TPLC, Inc., 916 F. Supp. 608 (N.D. Tex. 1996)
- In re Telectronics Pacing Systems, Accufix Atrial "J" Lead Litig., 168 F.R.D. 203 (S.D. Ohio 1996); 164 F.R.D. 222 (S.D. Ohio 1995)
- Kemp v. Pfizer Inc., 851 F. Supp. 269 (E.D. Mich. 1994); 152 F.R.D. 556 (E.D. Mich. 1993)
- Pfizer Inc v. FDA, 753 F. Supp. 171 (D.Md. 1990)
- EKA AB, Conteka B.V. v. Union Carbide Corp., 699 F. Supp. 77 (D.Md. 1988)
- Pottratz v. Davis, 588 F. Supp. 949 (D.Md. 1984)
- In re Dalkon Shield Litig., 599 F. Supp. 1351 (D.Md. 1984); 581 F. Supp. 135 (D.Md. 1983)

State Appellate Court cases

- In re: West Virginia Rezulin Litig., 585 S.E.2d 52 (W. Va. 2003)

- Moore v. Nissan Motor Acceptance Corp., 831 A.2d 12 (Md. 2003)
- Sterry v. Bethlehem Steel Corp., 494 A.2d 748 (Md. App. 1985)
- Furr v. Spring Grove State Hosp., 454 A.2d 414 (Md. App. 1983)

Honors and Awards

- Best Lawyers in Baltimore, 2017 "Lawyer of the Year" for Mass Tort Litigation / Class Actions
- Leadership in Law Award 2015, *The Daily Record*
- Best Lawyers in America, Mass Tort Litigation/Class Actions - Defendants (2011 - Present)
- Best Lawyers in America, Product Liability Litigation - Defendants (2011 - Present)
- Best Lawyers in America, Commercial Litigation (2011 - Present)
- Maryland Super Lawyer, Class Action/Mass Torts, Personal Injury Defense: Products, Business Litigation (2007 - Present)
- International Who's Who of Product Liability Defense Lawyers, 2011, 2016 (nominated for 2012)

Publications

- Co-author of book chapter "Impact of Insurance Policies on Product Litigation" in Current Law, Strategies and Best Practices in Product Litigation (Pract. Law Inst. 2009).

Class Action and Other Litigation Matters

Center City Periodontists, P.C. v. Dentsply International, Inc., --- F.R.D. ----, 2017 WL 3142119 (E.D. Pa. July 24, 2017) Mr. Barnes was part of the Goodell team that, in 2017, successfully defeated a motion for class certification filed against the same dental device manufacturer in a decade-long class action in Pennsylvania federal court. The 36-page memorandum opinion, which followed six days of hearings on the motion to certify, denied class certification on a multitude of bases. The district court judge found that the plaintiffs failed to meet three of the four requirements under Rule 23(a): typicality, adequacy, and numerosity and Rule 23(b)(3)'s requirements that common questions of law or fact predominate over individual questions and that a class action is superior to other available methods for adjudicating the dispute. The court further agreed with Goodell's argument that the proposed class and subclasses were not objectively ascertainable and granted the *Daubert* motions to exclude the plaintiffs' economic damages and FDA regulatory experts. In 2013, the team had obtained dismissal of claims for negligence and alleged violations of the New Jersey Consumer Fraud Act. That opinion, 2013 WL 3956284, is believed to be the first to hold that the NJCFA does not apply to the sale of prescription medical devices, which are not "merchandise" available to the public under the Act.

Honors and Recognitions

- Best Lawyers Recognizes Goodell DeVries in 2018 Edition
- Five of Goodell DeVries' Attorneys Identified as Being Among the World's Leading Product Liability Practitioners by *Who's Who Legal: Life Sciences 2017*
- 13 Goodell DeVries Partners Recognized by Best Lawyers 2016
- Richard M. Barnes Receives 2015's Leadership in Law Award from *The Daily Record*
- Goodell DeVries is Proud to Announce the 12 Attorneys Named to 2015 *Best Lawyers in America* List

- 12 Goodell DeVries Attorneys Named to 2014 *Best Lawyers in America* List
- Twelve Goodell DeVries Attorneys Selected for *Best Lawyers* 2013

Speaking Engagements

- Richard M. Barnes Speaks at ABA Pharmaceutical/Medical Device Regional Workshop

Recent Case Results

- Successful Enforcement of Noncompete and Defense Against Counterclaim
- Medical Devices Manufacturer Successfully Defended Against Product Liability Claim
- Medical Device Manufacturer Prevails in Unfair Competition Class Action in California Court of Appeal
- Goodell DeVries Prevails in Manufacturer's Ten-Year Class-Certification Battle with Purchasers of Prescription Medical Device
- Goodell DeVries Attorneys Obtain Injunctive Relief in a Trademark Infringement Action Involving Counterfeit Medical Devices
- Goodell DeVries' Client Prevails on Key Issues in Complex Commercial Arbitration
- Partial Summary Judgment Obtained In Complex Commercial Arbitration
- DENTSPLY International Inc. Prevails in UCL Class Action Trial in San Francisco Superior Court