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Goodell, DeVries, Leech & Dann, LLP

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PROFILE

Mr. Goodell is one of the firm's founding partners. He has an extensive products liability and litigation management practice, especially in the defense of pharmaceutical, medical device and toxic tort litigation. He is a Fellow of the American College of Trial Lawyers. Mr. Goodell's representations have included:

A. H. ROBINS CO. (1975 -- 1985)

Mr. Goodell's representation included the defense of product liability suits alleging serious personal injuries arising out of the use of the Dalkon Shield intrauterine device. He served as a member of the national trial team for Robins with responsibility for the trial of cases in various states, development and implementation of national defense strategies, development and management of experts, and management of an active docket of 450 individual cases in the state of Maryland. Mr. Goodell assisted Canadian counsel as both an advisor and an expert witness in a class action in Montreal. He tried several cases on behalf of A. H. Robins, one during the course of a nationally publicized withdrawal from the market, and one to a defense verdict.

VERMONT TALC, INC., a subsidiary of PLUESS-STAUFER INDUSTRIES, INC. (1987 -- 2004)

Mr. Goodell served as national coordinating counsel in connection with 3500 products liability suits alleging lung injury from commercial talc. He was responsible for the development and implementation of coordinated defense strategy, the hiring and management of local counsel, the creation of a document repository, the review, analysis and computerization of all documentation relevant to the litigation, the coordination of discovery, the development of medical defenses and experts, and served as the lead trial counsel. As a result of the strategy developed, virtually all lawsuits were dismissed by plaintiffs.

PFIZER INC. (1985 -- Present)

During the period 1985 to 1999, Mr. Goodell was retained to defend the client and its subsidiary in product liability suits alleging death and personal injury from the failure, or the fear of failure, of a mechanical heart valve. As a member of the national trial team, Mr. Goodell was responsible for the development of the defense strategy, development of the experts, and trial of cases. He tried a death case for three weeks, resulting in a settlement. Other responsibilities include the instruction of European counsel in defense strategy and themes, the review and analysis of technical and regulatory documents for the defense of suits. That litigation has concluded.

In 2000, Mr. Goodell was retained to defend litigation involving the Type II diabetes drug, Rezulin, as a member of the national trial team. He tried two month-long trials involving Rezulin, the most recent resulting in a defense verdict. He also served as regional counsel to Pfizer Inc. and Warner-Lambert in the Rezulin litigation. That litigation has concluded.

In 2004, Mr. Goodell and the firm were retained as a member of the national trial team and the "virtual law firm" to defend litigation involving Provera, a medication used in Hormone Replacement Therapy. He was lead counsel in the first MDL trial in 2008. After Pfizer's acquisition of Wyeth, he is now a member of the national trial team for Wyeth, maker of Prempro.

In 2005, Mr. Goodell and the firm were retained as a member of the "virtual law firm" and as a member of the national trial team in connection with the Celebrex litigation, involving claims of cardiac events as a result of the medicine.

In 2006, Mr. Goodell and the firm were retained as a member of the "virtual law firm" in connection with the Neurontin litigation, involving claims of suicide as a result of medicine. He is also one of the lead trial counsel. He was co-counsel in the first Neurontin MDL trial in 2009 which plaintiffs dismissed after two days of trial.

Mr. Goodell and the firm have been retained in 2009 as one of 20 firms in the U.S. in the Pfizer Legal Alliance to provide a broad range of services to Pfizer.

BAYER CORPORATION (1987 -- present)

Mr. Goodell was co-national trial counsel for Bayer in litigation involving hemophiliacs claiming exposure to HIV and AIDS from the use of blood factor products. He was responsible for the development and coordination of the defense of over 125 individual actions as well as a pending nationwide class action. Mr. Goodell successfully argued against certification of a statewide class action against Bayer and other defendants in New Jersey, and successfully argued to the Maryland Court of Appeals that Comment k to the Restatement of Torts, Section 402A is applicable to blood products in Maryland. Mr. Goodell tried a six week case in Indianapolis involving a hemophiliac claiming infection with AIDS from blood products. That litigation has concluded.

In 1998, Mr. Goodell and the firm were retained as counsel for Bayer Corporation in litigation arising from hemophiliacs' allegations of exposure to hepatitis C from the use of blood factor products. That litigation has ended.

In 2002, Mr. Goodell was retained for the national trial team for the drug Baycol, a statin withdrawn from the market in 2001. That litigation has concluded.

In 2002, Mr. Goodell was retained for the national trial team for PPA, an ingredient of cough and cold medicines. That litigation has concluded.

In 2004, Mr. Goodell and the firm were retained as counsel in the Cipro litigation, defending, in part, a claim action by postal workers exposed to anthrax who were given Cipro, and thereafter claimed injury from the Cipro. The class action was defeated and the litigation abandoned by plaintiffs.

In 2010, Mr. Goodell and the firm were retained as members of the national trial team in the Yaz litigation, involving claimed injuries from birth control pills.

DALKON SHIELD CLAIMANTS TRUST (1991 -- 1996)

Mr. Goodell was the Southeast Regional Counsel, representing the Trust in cases tried involving claimed injuries from the Dalkon Shield. He tried several cases on behalf of the Trust in Florida and Maryland.

TELECTRONICS PACING SYSTEMS (1995 -- 2003)

Mr. Goodell and the firm were retained as national counsel for Telectronics in connection with claims arising from fractures in pacemaker leads. His representation included the development of the nationwide defense, managing MDL proceedings and numerous class actions, retention of local counsel, managing individual cases throughout the U.S., and serving as lead trial counsel. That litigation has concluded.

WYETH (2004 -- 2007)

Mr. Goodell was retained for the national trial team for diet drug litigation, and served as trial counsel. He tried one of the first cases in Philadelphia to a defense verdict. The firm managed a docket of cases in Philadelphia. That litigation has concluded.

U.S. SILICA (2003 -- 2010)

Mr. Goodell and the firm have been retained as a national counsel in the silica litigation to develop national strategy for the management of the litigation. They have developed the national defense strategy and worked with local counsel to implement that strategy, resulting in the dismissal of the vast majority of cases.

ASTRAZENECA (2008 -- 2010)

Mr. Goodell has been retained as part of the national trial team defending the medicine Seroquel against claims that it leads to development of diabetes. He has also been retained as trial counsel in the pain pump litigation defending against claims that a local anesthesia caused deterioration of shoulder cartilage.

GENERAL

Mr. Goodell has also advised clients on overall and end-game strategy in mass-tort litigation.

SELECTED PHARMACEUTICAL AND MEDICAL TRIAL EXPERIENCE

CHESTNUT LODGE PSYCHIATRIC HOSPITAL (1979)

Lead counsel in 4 week trial involving claim of wrongful diagnosis of patient resulting in wrongful hospitalization for 4 years in U.S.D.C for Maryland, resulting in defense verdict.

A. H. ROBINS (1977-1983)

Lead attorney in 5 week trial in state court in Maryland involving claim of pelvic inflammatory disease and infertility caused by the Dalkon Shield, resulting in defense verdict.

Lead attorney in 3 week trial in state court in Maryland involving claim of pelvic inflammatory disease and infertility. The trial was conducted in the middle of the national recall of the Dalkon Shield and attendant publicity. The case settled after that trial period.

A. H. ROBINS CLAIMANTS TRUST (1985-1992)

Lead attorney in 10 day trial in U.S. District Court of Florida involving claim of pelvic inflammatory disease and infertility caused by Dalkon Shield, resulting in a hung jury. Plaintiff's counsel, active in pursuing claims against the Trust, declined to try further cases and settled all his remaining cases.

Lead attorney in one week arbitration involving same subject matter, resulting in verdict for plaintiff.

BAYER CORPORATION

Co-lead attorney in 6 week trial to verdict in state court in Indianapolis, IND., involving claim that a minor hemophiliac contracted AIDS from contaminated blood product resulting in his death, resulting in verdict for plaintiffs. The case was settled on appeal. (1996)

PFIZER INC.

Lead attorney in 3 week trial in U.S. District Court for Pennsylvania in Pittsburgh involving claim of fracture of mechanical heart valve resulting in the death of plaintiff, resulting in settlement of the case after that period of trial. This was one of only two cases tried in part or in total nationwide involving the heart valve. (1999)

Lead attorney in 5 week trial in state court in Liberty, Mo. involving claim that the diabetes drug Rezulin caused liver failure. The case was tried to verdict, but settled while awaiting plaintiff's arrival to receive the jury verdict. (2000)

Lead attorney in 5 week trial to verdict in state court in Maryland involving claim that the diabetes drug Rezulin caused liver failure and the death of plaintiff. This death had previously been determined by FDA to have been caused by Rezulin. The jury returned a defense verdict in less than one hour of deliberations. (2001)

Lead attorney in 3 week trial in state court in Manhattan, NY involving the same subject matter and the death of plaintiff, the case settling after that trial period. (2003)

Lead attorney for Upjohn in 5 week trial in U.S. District Court for Arkansas before MDL judge involving claim that HRT caused breast cancer. Wyeth and Upjohn were defendants. Trial resulted in verdict for plaintiff affirmed in part by the 8th Circuit Court of Appeals. (2008)

Lead attorney for Upjohn in 3 week trial in state court in Las Vegas, Nevada involving claim that HRT caused breast cancer. Upjohn was only remaining defendant. Case settled after that period of trial. (2009)

Co-lead attorney in 4 week trial in state court in Philadelphia, PA involving claim that HRT caused breast cancer. The trial resulted in a verdict for plaintiff and is currently on appeal. (2009)

Co-lead counsel in U.S.D.C for Mass. in first case to be tried in U. S. involving claim that Neurontin caused patient to commit suicide. Plaintiff, represented by Mark Lanier, who tried first Vioxx case resulting in a \$250 million verdict, dismissed the case after two days of trial. (2009)

Lead counsel in U.S.D.C. for the Southern District of West Virginia in 3 week trial involving claims that hormone therapy caused breast cancer, resulting in defense verdict. (2011)

WYETH

Lead attorney in 2 week trial to verdict in state court in Philadelphia, PA., involving claim that diet drug caused heart defect and potential of future heart surgery, resulting in defense verdict. (2005)

Lead attorney in several other trials in state court in Philadelphia, PA involving same subject matter that were either dismissed or settled before completion of trial. (2005-2006)

MISC.

Prior to specializing in medical and pharmaceutical cases, tried a variety of cases to verdict involving industrial equipment, insurance coverage and general liability. For example, tried a 3 week trial involving claim that faulty brakes on forklift led to forklift falling on plaintiff causing severe injuries, resulting in defense verdict. For example, tried two week case where claim that faulty fire protection system cause hospital flood, resulting in defense verdict.

EDUCATION

Johns Hopkins University (B.A., 1969)

George Washington University (J.D., with Honors, 1972)

COURT ADMISSIONS

- 1999 United States Court of Appeals for the Ninth Circuit
- 1997 United States Court of Appeals for the Sixth Circuit
- 1993 Supreme Court of the United States
- 1993 United States Court of Appeals for the Eleventh Circuit
- 1989 United States Court of Appeals for the Third Circuit
- 1983 United States Court of Appeals for the Fourth Circuit
- 1974 United States District Court for the District of Maryland
- 1972 Court of Appeals of Maryland

PROFESSIONAL ORGANIZATIONS

- American College of Trial Lawyers
- American Bar Association: Vice Chairman, Products Liability Committee, Torts and Insurance Practice Section, 1984-1985
- Advocate, National Board of Trial Advocates
- Maryland State Bar Association: Co-Chairman, Products Liability Committee, Litigation Section, 1985-1988
- Federal Bar Association
- Defense Research Institute
- Maryland Association of Defense Trial Counsel
- National Institute of Trial Advocacy
- Federation of Defense and Corporate Counsel
- Product Liability Advisory Council (PLAC)
- Baltimore City Bar Association
- International Association of Defense Counsel (IADC)

SELECTED REPORTED CASES

In re Teletronics Pacing Systems, Inc., 186 F.R.D. 459 (S.D. Ohio 1999)

In re Teletronics Pacing Systems, Inc., 172 F.R.D. 271 (S.D. Ohio 1997)

Bullard v. Dalkon Shield Claimants Trust, 845 F.Supp. 328 (D. Md. 1994) (vacated 74 F.3d 531 (4th Cir. 1996))

In re Teletronics Pacing Systems Accufix Atrial "J" Lead Litigation, 168 F.R.D. 203 (S.D. Ohio 1996)

In re Teletronics Pacing Systems Accufix Atrial "J" Lead Litigation, 164 F.R.D. 222 (S.D. Ohio 1995)

Jane Doe v. Miles Laboratories, 927 F.2d 178 (4th Cir 1991)

Robertson, et al. v. Allied Signal, Inc., et al., 914 F.2d 360 (3rd Cir. 1990)

Miles Laboratories, Inc., et al. v. Doe, 315 Md. 704, 556 A.2d 1107 (1989)

Bonstingl v. Visa International, et al., 841 F.2d 1122 (4th Cir. 1988)

Hagepanos v. Shiley, 846 F.2d 71 (Table), 1988 WL35752 (4th Cir. 1988)

Kontoulas v. A.H. Robins Co., Inc., 745 F.2d 312 (4th Cir. 1984)

Furr, et al. v. Spring Grove State Hospital, et al., 55 Md. App. 474, 454 A.2d 414 (1983)

Sims v. Ryland Group, Inc., 37 Md. App. 470, 378 A.2d 1 (1977)

TEACHING ACTIVITIES

Maryland Institute of Continuing Legal Education, Intensive Trial Practice Course for practicing attorneys, Faculty Member
1985 – 2006

International Association of Defense Counsel (IADC), 2004: "Keys to Winning"

Network of Trial Law Firms, 2003: "Preventing Litigation"

Network of Trial Law Firms, 2003: "Lesson for Mass Tort Litigation"

Judicial Institute of Maryland, 1995: "Theories of Recovery and Proof of Causation in Cases Involving Exposure to Hazardous Substances"

Defense Research Institute, February 1994: "Electromagnetic Fields"

Defense Research Institute, May 1993: "The Concept of Acceptable Risk"

Defense Research Institute, November 1992: "Discovery"

Maryland Trial Lawyers Association, March 1992: "Settling Large Cases"

American Bar Association, 1992: Judge, National Appellate Advocacy Regional Competition

Maryland Judicial Institute, 1991: "Warnings in Product Liability"

Regulatory Affairs Professional Society Annual Meeting, 1989: "Products Liability"

Defense Research Institute 1988 Product Liability Seminar: "Recalls in Products Liability"

Maryland Institute of Continuing Legal Education, 1985 -- 1998: Issues related to Products Liability, including the Statute of Limitations, the application of Comment k of the Restatement of Torts, Section 402A, and general trends of Products Liability in the U.S.

Maryland Institute of Continuing Legal Education, 1985-1992: Faculty member for program on taking and defending depositions

PUBLICATIONS

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

HONORS/AWARDS

- Best Lawyers in America, Mass Tort Litigation/Class Action, 2006 - present
- Best Lawyers in America, Best Lawyer of the Year Award for Mass Tort Litigation, Baltimore, 2011
- Chambers USA, Products Liability and Mass Tort, Nationwide
- Chambers USA, Products Liability: Pharmaceutical, Spotlight Table
- Super Lawyers, Personal Injury Defense: Products, 2007 - present
- Super Lawyers, Business Edition, Attorney Top List, 2011-present