

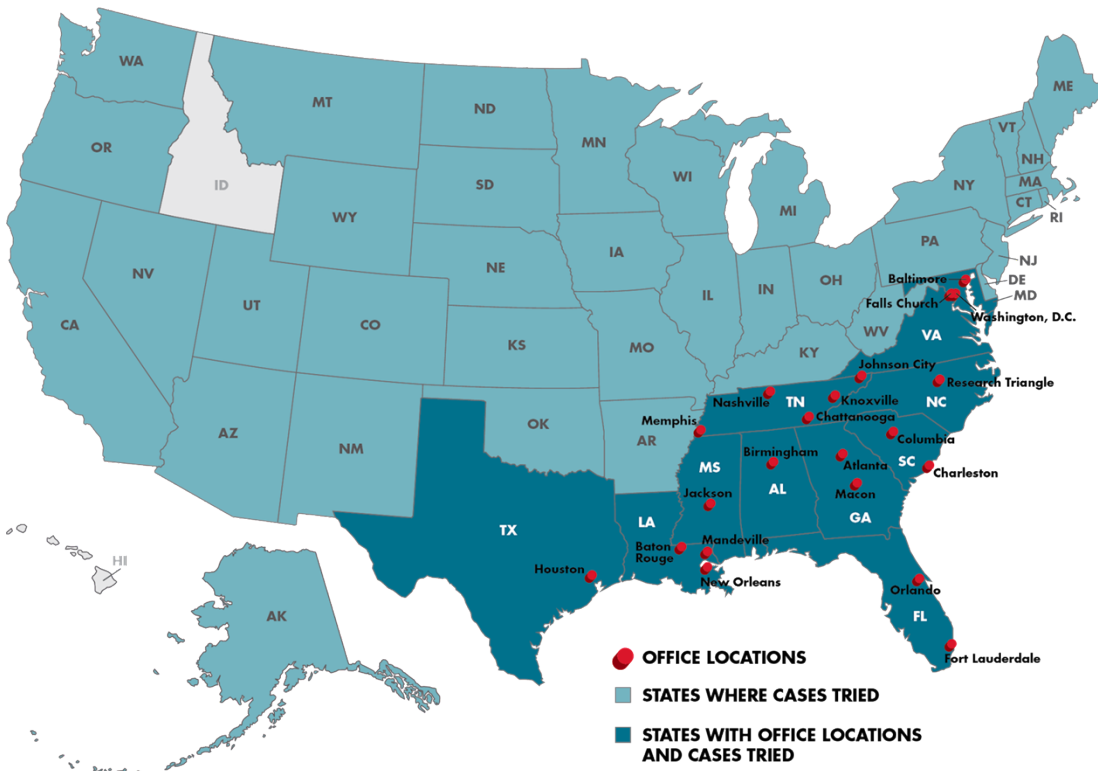
# OUR PRACTICE

## Trials

**Most litigation matters are resolved short of trial, but the ability to try a case and the skill for doing it well should be a prerequisite to the engagement of any law firm.**

Most large firms have lawyers who have worked on litigation involving claims for significant damages or the potential for unfavorable exposure to the client. In that sense, most firms have lots of "litigators." What distinguishes Baker Donelson is that we have lawyers spread out across our footprint who have tried these cases. The difference is crucial. While the number of contested matters actually proceeding to trial or an arbitration has been declining for several years, the necessity of having experienced lawyers capable of doing this, and the credibility this gives clients involved in these disputes, could not be more important.

At Baker Donelson, our attorneys boast impressive trial credentials that rival any other firm in the country. Litigators across our footprint have deep trial experience throughout the country, in cases of all sizes.



## Case Studies

- Minimal Damages in \$1.2 Billion Class Action Trial - Class Action Litigation
- Trial Victory Secures Leverage in Negotiation with Opponents Involving a \$100 Million Portfolio of Assets - Bankruptcy Litigation
- Unanimous Jury Defense Verdict for Ford in Product Liability Trial - Product Liability Litigation
- Verdict of More than \$1 Million in Fee Dispute Case for Professional Services Firm - Fee Dispute Litigation

- [Bench Trial Victory for Contractor](#) - Construction Litigation
- [Unanimous Jury Defense Verdict for Nursing Home in Medical Negligence Trial](#) - Medical Negligence Litigation
- [Unanimous Jury Defense Verdict in Premises Liability Trial](#) - Product Liability Litigation
- [Jury Trial Victory for Investor in Breach of Contract Litigation](#) - Breach of Contract Litigation
- [Successful Trial in Defense of Reverse Mortgage Business Model](#) - Real Property Litigation
- [Successfully Defended Eco-Energy in Breach of Contract Trial](#) - Breach of Contract Litigation
- [Successful Casualty Trial in Defense of Motor Freight Trucking Company](#) - Casualty Litigation
- [Trial Victory for LIHTC Investors](#) - Litigation
- [Summary Judgment Victories for Choice Hotels International, Inc.](#) - TVPRA Litigation



## Representative Trials

### Class Action and Multi-District Litigation

- Working with a number of different law firms who were representing co-defendants, defended a class action regarding approximately 1200 sets of casketed human remains that were allegedly crushed, stacked in single graves, lost, buried off-site or otherwise mishandled. After about a month of trial, the jury returned a verdict of one percent liability for minimal damages.
- Successfully defended major government contractor in the second of five bellwether cases to be tried in federal multidistrict litigation comprising tens of thousands of individual lawsuits alleging injuries due to formaldehyde exposure while living in FEMA trailers following the devastation from Hurricane Katrina. Received unanimous jury verdict after two-week trial. Following verdict, obtained dismissal of contractor from third bellwether case as well.
- Appointed by a Federal Court to serve as Liaison Counsel to contractor defendants in multi-district litigation comprising more than 80,000 claimants who allege injury due to exposure to formaldehyde while living in travel trailers and other emergency housing provided by FEMA following Hurricanes Katrina and Rita. Obtained a defense verdict in a two-week "bellwether" federal jury trial, further resulting in the dismissal of the Firm's client from a second bellwether prior to trial. Defended two contractor defendants in the multi-district litigation.
- Represented an international building products manufacturer in the defense of thousands of class action claims associated with its allegedly defective Chinese-manufactured drywall. The multi-district litigation was assigned to the Eastern District of Louisiana, and involved complex issues regarding construction, product liability, and international law. After conducting several bellwether trials, a settlement was reached.
- Defeated a class action claiming FCRA violations arising out of alleged improper access of credit reports; the federal court granted a motion to dismiss for lack of standing, finding that the alleged injuries (invasion of privacy, related emotional distress, and increased risk of data breach) were insufficiently concrete.

### Commercial/Business Litigation

- Secured the dismissal of \$50 million tort and punitive damages claims for malicious prosecution brought by a former network provider against a health insurer, resolving an issue of first impression under a Tennessee statute. Following remand, represented the insurer in a 12-day jury trial on the remaining breach of contract claim, resulting in a jury verdict of zero.
- Successfully represented a financial institution in a post-merger federal lawsuit challenging merger disclosures; the plaintiff voluntarily dismissed the case after the bank supplemented its disclosures, and the court denied the plaintiff's motion for attorney's fees.

### Construction

- Won a full defense judgment in a multimillion-dollar trial in federal court involving personal injury arising from the construction, installation, and maintenance of a hotel's facilities.

## **Eminent Domain**

- Obtained a \$20.3 million verdict on behalf of a privately owned water utility company in a five-day jury trial in Indiana, in which a municipality sought to take the water utility through eminent domain. This verdict was over 200 percent of the \$9.5 million valuation advocated by the municipality at trial.
- Represented a large, privately owned water utility company in Montana in an eleven day "right-to-take" condemnation trial, and subsequent six day "valuation" trial. Obtained judgment of \$88.6 million plus attorney's fees – far above the condemnor's proof at trial of a \$45 million value.

## **Employment**

- Defended a sports radio network in an action by shareholders and officers who alleged that a merger improperly forced them out of the company. The plaintiffs claimed their shares were worth several million dollars. The court dismissed the plaintiffs' claims at trial.

## **Environmental**

- Defended a soil stabilization contractor in a case involving an allegedly sinking shipyard; owner claimed more than \$45 million in damages, and after a two-week trial, district court ruled in contractor's favor and granted net award to contractor.
- Defended \$3.8 million personal injury negligence and toxic tort claims arising from water chemistry induced exposures involving claims of Spasmodic Dysphonia, Spasmodic Dysphagia and Thrombocytic Thrombocytopenic Purpura. The defense resulted in complete dismissal in the trial court based on defenses developed through toxicology, chemistry and epidemiologic evidence.
- Represented an international driller in a four-month trial involving one of our nation's largest environmental disasters, in which thousands of plaintiffs, federal, state and local governments were seeking damages under the Clean Water Act and Oil Pollution Act, with the result that the driller was found not grossly negligent under the Clean Water Act, and that the operator of the well was obligated to indemnify the driller for all Oil Pollution Act Damages.

## **Government Enforcement and Investigations**

- Served as a member of the trial team that defended a health care provider where the U.S. District Court for the Northern District of Mississippi found the DOJ failed to carry its burden of proof in an \$895 million suit. The DOJ alleged that one of the country's largest skilled nursing facilities and an affiliate entered an AKS/FCA scheme with a pharmaceutical company. The case was significant because it was a rare FCA defense trial verdict and for the amount alleged.
- Represented a congressman and cabinet secretary in a U.S. House of Representatives Committee on Financial Services investigation, Federal Elections Commission review of records and Independent Counsel investigation of gifts. Won acquittal after trial with Washington co-counsel.
- Defended a NASA contractor accused of submitting false claims for reimbursement of labor charges incurred under cost reimbursement contract, three-month trial in federal district court, resulting in a verdict for less than three percent of amount sought by the government.

## **Product Liability and Personal Injury**

- Defended a gas utility in a two-week jury trial in Louisiana state court against claims by an individual who survived a residential gas explosion with second and third degree burns over more than 80 percent of his body.
- Extensive experience in defending major automobile manufacturers against product defect claims, including defense verdict after five-week jury trial involving 18-year-old driver who was ejected from an SUV and rendered a paraplegic and defense verdict after two-week trial involving deaths of three children who were ejected from an SUV.
- Successfully defended a major automobile manufacturer in a product liability action involving a quadriplegic plaintiff who sought \$9.5 million in damages. The plaintiffs alleged that a sport utility vehicle was unstable while towing and the seatbelt was defectively designed. After a two-week trial in one of the most plaintiff-friendly venues in the country, the jury found that the vehicle was not defective, and the accident was caused by the driver.

- Successfully defended the first reported Legionella wrongful death case against a chemical water treater and the first known Legionella lawsuit in the state of Mississippi. This multi-fatality action involved alleged damages exceeding \$20 million. The case was defended at the federal trial court level resulting in complete dismissal and then again successfully defended in the United States Fifth Circuit Court of Appeals.

#### Trade Secrets

- Represented the client in a trade secret misappropriation case involving software and algorithms trade secrets, which resulted in a month-long jury trial, a successful jury verdict awarding significant compensatory damages award, and a finding of willful and malicious misappropriation leading to an award of attorney's fees and exemplary damages.



### Attorneys with 20 Trials or More – By State

- Alabama
- Florida
- Georgia
- Louisiana
- Maryland
- Mississippi
- Tennessee
- Texas
- Washington, D.C.



### All Attorneys with 20 Trials or More

- Roy C. Cheatwood
- Ferdose al-Taie
- Katherine M. Anderson
- Thomas J. Aumann
- Mark A. Barber
- Gary A. Barnes
- Mark A. Baugh
- Sam Blair
- Gregory E. Bodin
- John R. Branson
- Ivy N. Cadle
- Scott D. Carey
- Brigid M. Carpenter
- Bradley E. Chambers
- Edward Franklin Childress
- Jonathan Cole
- Jennifer G. Cooper
- Christopher O. Davis
- Gary L. Edwards
- James E. Edwards Jr.
- Blair B. Evans
- Samuel Lanier Felker
- Charles K. Grant
- Russell W. Gray
- Steven F. Griffith, Jr.
- Steven G. Hall

- Jonathan Cromwell Hancock
- John S. Hicks
- R. Andrew Hutchinson
- Ty Kelly
- Kenneth Marc Klemm
- Joseph C. Kovars
- David Kurtz
- Kent A. Lambert
- Hal Kemp Litchford
- David W. McDowell
- John Goode McJunkin
- Bruce Anthony McMullen
- J. Scott Newton
- Sean B. O'Connell
- Michael C. Patton
- Scott W. Pedigo
- Paul E. Pratt
- Ronald S. Range, Jr.
- Clarence Risin
- Phillip Sharp
- Gary C. Shockley
- William G. Somerville
- Jill Menuskin Steinberg
- Justin Sveadas
- J. Carter Thompson, Jr.
- Christopher E. Thorsen
- Bradley E. Trammell
- Chad E. Wallace
- Kenneth A. Weber
- Buckner Wellford
- Lang Wiseman
- Anne D. Wittmann
- Brent B. Young
- Wendy M. Yoviene