



## John Q. Lewis

### Partner

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John Q. Lewis is a lead trial lawyer and strategist responsible for achieving successful results for clients in high-stakes, complex disputes throughout the world.

John often works on high-profile and newsworthy matters, including cases implicating clients' most significant business interests or, for some individual clients, involving life-altering or literally life-or-death scenarios. In John's view, no client matter is too complex to take on or too difficult to solve.

Whatever the legal dispute, John's litigation philosophy begins first with fully understanding the client's dilemma. Next, he works alongside the client to outline achievable goals and outcomes that consider both business and legal interests. Then John carefully designs and executes legal strategy to accomplish pre-defined success.

John prepares for the possibility of trial from Day One and follows through to verdict when necessary. He has secured trial wins for public and private company clients against America's top trial lawyers in jurisdictions as far west as California, as far south as Florida, as far east as Delaware, and as far north as his home state of Ohio. But trial wins are only a fraction of John's courtroom success for clients, as he frequently has spearheaded innovative legal strategies that have led to early pre-trial exits for clients at the motion to dismiss or summary judgment stages of litigation. In many instances, clients have achieved early or impactful victories in broader industry-wide litigation resulting in savings of millions of dollars in litigation expenses and verdicts when compared to industry competitors represented by other law firms.

While proud of these court wins, John realizes that the price for such outcomes may be cost-prohibitive to some clients who might be better served – and still achieve their business goals – with a favorable settlement or resolution. When called upon to do so, John has delivered uniquely creative resolutions to complex disputes, including large-scale business solutions, protective court-approved class action settlements, and global resolution of all or major parts of multidistrict litigation. On multiple occasions, John successfully defended against challenges to class

settlements by objectors claiming the settlements were too favorable to clients, including the U.S. Department of Justice and state attorneys general.

Clients engage John on both plaintiff-side and defense-side matters. On the defense side, John co-chairs the firm's Class Action Litigation Group and often heads up trial teams and national coordinating counsel representations in product liability, class action, and contract-related lawsuits, including those involving FDA-regulated devices and medicines, consumer products, recurring contract and property-related claims, and environmental and toxic tort actions. He also leads defense-side legal teams in one-off sophisticated commercial disputes, including transaction-related shareholder derivative and class actions, employment litigation related to non-compete and trade secret matters, professional liability and ethics-related claims, and complex supply and distribution agreement disputes.

On the plaintiff side, John is responsible for securing tens of millions of dollars for clients and their legal departments in various types of contract and business tort matters, including joint venture, LLC and corporate governance disputes, post-closing disputes involving commercial transactions, pre-closing private equity and sophisticated shareholder class actions, professional negligence claims, trade secret and intellectual property litigation, and vendor and customer supply disputes. John co-founded the Tucker Ellis Commercial Asset Recovery & Protection group and utilizes the firm's longstanding reputation for developing cutting-edge alternative fee arrangements to create win-win scenarios for clients and the firm.

A champion of the justice system, John dedicates a significant amount of time to community and pro bono causes. He has served on several community non-profit boards and represented numerous indigent clients, including tenants in wrongful eviction disputes and wrongfully imprisoned capital defendants in post-conviction proceedings. He has been lead or co-lead counsel in three successful Ohio death penalty matters, including obtaining release and a complete bar of reprosecution through federal court proceedings for an Ohio Death Row inmate that has captured regional and national media attention throughout the past several years.

John serves on the Northern District of Ohio's Advisory Group, a court-appointed committee of attorneys charged with assisting the court with implementing court-adopted programs and bringing to the court's attention matters of interest to the bar and the community. In that capacity, he co-chairs the Access to Justice Committee and is also a member of the Civil Rules Committee.

Ranked in Chambers USA, John is described as a "very talented lawyer" who is "very insightful and has a lot of appeal with juries."

The proud father of three and grandfather of two, John resides in Cleveland's Tremont neighborhood.

## Education

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- Duquesne University School of Law (J.D., cum laude, 1996); Order of Barristers; Law Review; Moot Court, Chairman
- Kalamazoo College (B.A., 1993)

## State Admissions

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- Ohio, 1996

## Federal Admissions

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- Supreme Court of the United States
- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Third Circuit
- United States Court of Appeals, Sixth Circuit
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Eleventh Circuit
- United States District Court, Eastern District of Michigan
- United States District Court, Western District of Michigan
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio
- United States District Court, Eastern District of Wisconsin
- United States Court of Appeals, Tenth Circuit

## Service Areas

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- Business Litigation
- Appellate & Legal Issues
- Class Action Litigation
- Corporate Governance
- Financial Services Litigation
- Intellectual Property
- IP Litigation
- Mass Tort & Product Liability
- Life Sciences Litigation
- Commercial Asset Recovery & Protection
- Trade Secret Litigation
- Educational Institutions
- Health & Life Sciences

### **Industries Represented**

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- Aerospace Products
- Air
- Apparel
- Banks
- Consumer Products
- FDA Law & Regulations
- Financial Investment Companies
- Hotels / Resorts
- Legal Services (Law Firms)
- Manufacturing
- Medical Devices
- Pharmaceutical & Medicine
- Plastics & Rubber
- Transportation Equipment

## Experience

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### CLASS ACTION DEFENSE LITIGATION

- *Multiple Academic Institutions – Student-Athlete Class Actions.* Lead trial and coordinating counsel in multiple federal class action lawsuits filed and pending in multidistrict litigation proceeding asserting that student-athletes suffered harm from sport-related concussion injuries.
- *International Consumer Product Distributor – Consumer Class Action.* Hired as trial counsel after federal court certified multi-state class for trial in case involving allegedly defective pressure cookers. After obtaining several favorable pretrial rulings and after one day of trial including cross examination of plaintiffs' key expert, parties negotiated client-friendly court-approved nationwide settlement involving all pressure cooker brands. Successfully defended challenge by U.S. Department of Justice and several state attorneys general that settlement was unfair to the class members. Court of appeals affirmed final approval order, finding that "by the end of the first day of trial, things were not going well for plaintiffs" and "it was not obvious that a defect existed or that the defect . . . made the pressure cookers worthless."
- *International Pre-Moistened Wipe Manufacturer – Consumer Class Actions.* Lead trial and coordinating counsel in multiple federal class action lawsuits brought by individuals and municipalities against several flushable wipe manufacturers and distributors. Obtained multiple, pre-certification partial and complete dismissals and, in another case, after undercutting plaintiff's classwide damage theory, negotiated favorable court-approved settlement saving client millions in litigation expenses as compared to co-defendants represented by other law firms.
- *Law Firm – Investor Class Action.* Lead trial counsel in federal court class action seeking to hold law firm liable under various theories for failed investments in oil and gas industry. Obtained complete dismissal of all claims pre-certification and thereafter negotiated favorable court-approved settlement with no objectors barring any future potential claims.
- *International Cosmetic Wipes Distributor – Consumer Class Action.* Lead trial counsel in federal court class action involving challenge to product labeling. Obtained complete merits dismissal of all claims prior to class certification.
- *International Consumer Product Manufacturer – Consumer Class Action.* Lead trial counsel in class action brought by individual related to "natural" claims. Obtained nuisance resolution prior to protracted litigation.
- *National Food and Animal Product Manufacturer – Consumer Class Action.* Lead trial counsel in federal court class action related to animal product brought by individual. After taking deposition of plaintiff and key expert, obtained summary judgment on all claims in the complaint. Affirmed on appeal.
- *Ohio Public Company – Shareholder Class Action.* Lead counsel defending company and board members in transaction-related shareholder federal class action lawsuit brought by national shareholder plaintiff firm. Defeated claims for injunctive relief and obtained complete dismissal of lawsuit, preserving closing date without delay or extension. Court decision ruled favorably for client in case of first impression relating to so-called "don't ask, don't waive" provisions in

purchase agreement.

- *International Heating and Air-Conditioning Unit Manufacturer – Consumer Class Action.* Lead counsel in federal court consumer class action involving air-conditioning unit design. Obtained complete dismissal of lawsuit prior to discovery and class certification.
- *Ohio-Based Public Company – Shareholder Class Action.* Co-lead counsel defending company against fiduciary duty class action claims brought against directors in connection with unsolicited proposal by third party. Obtained complete dismissal of lawsuit.
- *International Auto Manufacturer – Employment Class Actions.* Lead or co-lead regional counsel in series of class action employment and discrimination lawsuits, obtaining seven pre-trial wins (with no defeats), including Sixth Circuit precedent-setting decisions relating to reverse discrimination claims.
- *International Tire Manufacturer – Consumer Class Actions.* Key member of team defending hundreds of consumer class actions involving alleged tire failures and SUV rollover accidents.

#### **COMMERCIAL ASSET RECOVERY AND PLAINTIFF-SIDE LITIGATION**

- *International Steel Supplier.* Lead trial counsel pursuing claims for breach of contract in dispute with scrap supplier under incentive-based alternative fee arrangement. After one-week trial, obtained complete jury verdict for entire amount requested (\$1M+), plus interest, after less than two hours of deliberation. Verdict affirmed on appeal.
- *International Auto Parts Supplier.* Lead trial counsel asserting breach of contract and seeking specific performance under ESOP-related purchase agreements against private shareholders and asserting legal malpractice claims against former attorneys under incentive-based alternative fee arrangement. After negotiating successful resolution of shareholder claims, obtained favorable settlement on eve of trial for entire amount demanded in malpractice action.
- *Private Equity Firm.* Lead counsel in multiple post-transaction disputes under Delaware law involving commercial fraud, breach of contract, and rights to post-closing escrow funds. Recovered multiple millions of dollars in pre-trial settlements for each matter utilizing incentive-based alternative fee arrangements.
- *International Pharmaceutical Manufacturer.* Co-lead counsel in Delaware Chancery Court case involving contract reformation and breach of joint venture agreement. After personally taking pretrial deposition of opposing executive, obtained favorable resolution for entire amount claimed in complaint on eve of trial.
- *Electricity Storage Manufacturer.* Lead counsel in dispute with municipality over battery supply contract. After taking deposition of key municipal former employee, favorably resolved claims for client prior to trial.
- *National Outdoor Product Manufacturer.* Lead counsel in trade secret theft and non-compete lawsuit involving initially unknown former employee. After filing complaint and conducting third-party electronic discovery, determined identity of former employee and obtained agreed permanent injunction and payment of all expenses and fees by defendant.
- *International Precision Photonic and Motion Control Manufacturer.* Lead trial counsel in Delaware Chancery Court case filed on behalf of client/purchaser of technology company. After

defeating defendant's motion to dismiss, obtained favorable settlement on behalf of plaintiff/client for entire amount claimed in complaint.

- *Shareholder of Ohio Private Company*. Lead trial counsel in corporate dissolution proceedings on behalf of 50% shareholder in deadlock with co-owner. After bench trial, obtained all relief requested in complaint and secured sale of company, preserving significant asset valuation for client.

## **BUSINESS AND TORT LITIGATION DEFENSE**

- *International Pharmaceutical Manufacturer – Type 2 Diabetes Medicine*. Lead trial and national coordinating counsel in pharmaceutical litigation filed in state and federal courts throughout United States. Obtained partial or complete dismissal in several individual cases without defeat, including cutting-edge decisions in areas of personal jurisdiction and preemption in multiple jurisdictions. Successfully removed over 100 actions from Philadelphia state court (and eventually transferred to MDL) using novel “mass action removal” strategy. Oversaw successful multi-year management of MDL proceedings.
- *International Medical Device Manufacturer – Transvaginal Mesh*. Lead trial counsel and national coordinating counsel in state and federal coordinated MDL proceedings. First-chair trial counsel in two defense verdicts (Oakland, California and Columbus, Georgia). Obtained dismissal of medical monitoring class action and over 60 complete summary judgment decisions, and achieved over 200 “no pay” voluntary dismissals. Oversaw successful multi-year management and eventual shutdown of MDL.
- *Communications Infrastructure Firms – Joint Defense*. Lead trial counsel in multiple state and federal court disputes with landowners concerning communications infrastructure equipment and land leases. Obtained summary judgment and favorable lease language interpretation in two matters, including one in which the court awarded attorney fees.
- *National Hydrocarbon Exploration Company*. Lead trial counsel defending claims by state environmental agency that land activities violated terms of grant. Obtained summary judgment and complete dismissal of all claims prior to trial.
- *International Pharmaceutical Manufacturer – Anticoagulant Therapy*. Lead or co-lead trial counsel in multiple actions in federal courts and state coordinated proceedings.
- *Delaware-Based Technology Company*. Lead trial counsel in multimillion-dollar business dispute in Delaware federal court. After one-week trial, jury deliberated two hours and found in favor of client on all claims asserted by plaintiffs, including breach of contract, breach of fiduciary duty and promissory estoppel claims, and found in favor of client on counterclaim for misappropriation of trade secrets.
- *International Pharmaceutical and Medical Device Manufacturer – Orthopedic Devices*. Trial counsel and member of two national coordinating teams defending manufacturer of metal hip implant system in state and federal coordinated multidistrict litigation with cross-border parallel litigation. Involved in all aspects of litigation, including fact and expert witness work and regulatory and trial strategy.
- *International Engine Manufacturer*. Lead counsel in obtaining dismissal of \$40-million claim alleging breach of contract, breach of express and implied warranties, fraud, and negligent

misrepresentation with respect to sale of allegedly defective engines to OEM.

- *International Medical Device Manufacturer – Aesthetic Medical Device.* Lead trial counsel and international coordinating counsel for over 15 years in individual and class action proceedings throughout the world. Lead trial counsel in two defense verdicts (Punta Gorda, Florida and Tupelo, Mississippi). Obtained dismissal or summary judgment in over 20 different matters throughout the country, including in individual plaintiff lawsuits, commercial contract disputes, and unfair trade practices claims. Lead or co-lead appellate counsel in multiple affirmances in state and federal circuit courts.
- *International Pharmaceutical Manufacturer.* Summary judgment granted for pharmaceutical manufacturer in case alleging defective warnings (N.D. Ohio).
- *Ohio-Based Public Company.* Regional coordinating counsel representing major paint supplier in several toxic tort-based municipal public nuisance lawsuits throughout Ohio. All cases dismissed.
- *International Engine Manufacturer.* Lead regional counsel in individual warranty and commercial litigation matters, obtaining pre-trial dismissal in a half dozen cases and acting as lead counsel in international arbitration (Paris, France) involving marine engines, achieving enforcement of repair/replacement warranty and avoiding multimillion-dollar claim for lost profits and economic losses.
- *Ohio-Based Cosmetic Supplier.* Lead counsel in obtaining summary judgment for client in alleged breach of distribution agreement brought by supplier (W.D. Michigan).



## Publications & Events

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### **SPEAKING ENGAGEMENTS**

- “Winning Strategies During Trials: What You Need to Know and Consider,” The Knowledge Group (October 2020)
- “Inappropriately Filed Cases and Bundling of Filing Fees,” Documenting and Seeking Solutions to Mass-Tort MDL Problems, Duke Law Judicial Studies Center/Bolch Institute, Atlanta, Georgia (April 2018)
- “‘Lions and Tigers and Bears, Oh My!’ The Importance of Following the Yellow Brick Road in Corporate Representative Depositions,” 2017 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2017)
- “Recent Decisions Relating to Front-Loading Plaintiff Discovery in Mass Tort Litigation,” IADC Webinar (September 2017)
- “Principles of Civil Post-Judgment Motions and Appeals as Illustrated by the Habeas Proceedings of Former Death-Row Inmate Joe D’Ambrosio,” Cleveland Metropolitan Bar Association, Appellate Practice 2014 (June 2014)
- “Exclusion of FDA Evidence in Medical Device Trials,” IADC Drug, Device and Biotechnology Committee Webinar (May 2014)
- “Northern District of Ohio Federal Court Training,” chair and speaker, Cleveland, Ohio (numerous engagements)
- “A Retrospective Approach: Placing Your Jury in a Time Capsule,” DRI Drug & Device (May 2013)
- “Enforcing Employment Agreements (Non-Compete, Non-Solicitation, Non-Disclosure Agreements) – Getting the Most Out of What You Bargained For,” Cleveland, Ohio (December 2010)
- “Fundamentals of Medical Device Regulations and Litigation,” internal client presentation, Cleveland, Ohio (November 2010)
- “Ohio Malpractice Law Update,” Cleveland Metropolitan Bar Association, Cleveland, Ohio (April 2010)
- “Defending Executive Depositions,” Cleveland, Ohio (December 2009)
- “Trial by Fire – The Winning Strategy for Medical Device Product Liability Litigation,” Cleveland, Ohio (April 2009)
- “Pharmaceutical and Medical Device Litigation – Trends,” Cleveland, OH (August 2007)
- “Discovery Issues in Product Liability Litigation,” internal client presentation, Cleveland, Ohio (July 2007)
- Instructor, National Institute for Trial Advocacy (NITA) Deposition Workshop, Atlanta, Georgia (June 2007)
- “Ohio Product Liability Law,” internal client presentation, Cleveland, Ohio (June 2007)
- “Taking and Defending Effective Depositions,” Lorman Education, Independence, Ohio (April 2007)
- Instructor, National Institute for Trial Advocacy (NITA) Advanced Motions Program, Denver,

Colorado (March 2007)

- Brady Symposium, Case Western Reserve University School of Law, Cleveland, Ohio (January 2007)
- “Ethics and Advocacy in the Courtroom,” Ohio State Bar Association, Cleveland, Ohio (December 2006)
- “Tactics for Use of Technology at Trial,” Cleveland Bar Association Litigation Institute, Cleveland, Ohio (November 2006)
- “Effective Use of Courtroom Technology,” Cleveland, Ohio (June 2006)
- “Cleveland Bar Association Appellate Courts Committee: One Lawyer’s Perspective on Arguing Before the Sixth Circuit (En Banc) and the United States Supreme Court,” Cleveland, Ohio (May 2006)

## **PUBLICATIONS**

- [“Deadline Looms for NCAA Schools to Certify Compliance and Benefit From Concussion-Related Medical Monitoring Settlement,”](#) Tucker Ellis Client Alert (March 2020)
- [“Effective Use of FDA Evidence,”](#) DRI’s *For the Defense* (September 2014)

## **MEDIA QUOTES**

- “Why the Fall Will Be a Liability Minefield,” *The Chronicle of Higher Education* (May 2020)
- [“Security Class-Action Suits Rise; Settlement Figures Stagnate,”](#) *InsuranceNewsNet* (March 2017)

## **Honors**

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- Chambers USA
  - » Litigation: General Commercial (Ohio) (2015-2021)
- Benchmark Litigation
  - » Local Litigation Star (Intellectual Property, Product Liability and Recall, Commercial)
- Who’s Who Legal
  - » Life Sciences – Product Liability (2016-2020)
- Legal 500 United States – recognized as “thorough and dependable” (2010)
- Ohio Super Lawyers® (2012-2021)
- Ohio Super Lawyers Rising Stars® (2005-2011; featured 2005)
- The Best Lawyers in America® (2013-2022)

## **In the Community**

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- Legal Aid Society, Board Member
- Cleveland Metropolitan Bar Association
  - » Judicial Selection Committee, Past Section Chair
- The Judge John M. Manos American Inn of Court
- Defense Research Institute
- Ohio State Bar Association