



## Michael C. Zellers

### Partner

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Michael Zellers is a trial lawyer who has tried to verdict numerous cases in the areas of antitrust, business, clinical trials, contract, fraud, insurance, medical device, partnership, pharmaceutical, professional liability, product liability, trade secret, and unfair competition.

He has extensive experience defending individual and mass tort pharmaceutical and medical device litigation while serving as national, state, and trial counsel.

In *Who's Who Legal*, where he is recognized in the areas of Product Liability Defence and Life Sciences – Product Liability, sources say that Michael is “fantastic to work with,” highlighting his “very active practice” in the field of medical device disputes.

Ranked in Chambers USA in the area of Product Liability & Mass Torts (Nationwide), clients comment that Michael is “a brilliant trial lawyer. His vast experience is beneficial to clients and also unparalleled by many – he has an ease in the courtroom that commands the attention of judges and juries and instills trust.” Another client comments that he is “very effective in dealing with hard witnesses and working with them on developing testimony – he is a very able lawyer in this area.”

Michael is former President of the Cleveland Association of Civil Trial Attorneys. He has lectured to national groups on trial practice, health care and employment issues, has worked for state and national medical associations on legal issues involving health care providers, and has served as in-house counsel to a major teaching hospital.

### Education

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- The Ohio State University College of Law (J.D., 1980)
- Grove City College (A.B., 1977)

### **State Admissions**

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- California, 1990
- Ohio, 1980

### **Federal Admissions**

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- United States Court of Appeals, Sixth Circuit
- United States Court of Appeals, Ninth Circuit
- United States District Court, Central District of California
- United States District Court, Eastern District of California
- United States District Court, Northern District of California
- United States District Court, Southern District of California
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio
- United States District Court, Western District of Texas
- United States District Court, Northern District of Texas

### **Service Areas**

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- Life Sciences Litigation
- Medical Privacy
- Business Litigation
- Insurance
- Trade Secret Litigation
- Health & Life Sciences

## Experience

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- Defended Janssen Pharmaceuticals in case involving alleged life-threatening bleed caused by Xarelto; jury trial
- Defended aviation company in breach of contract action arising out of sale of aircraft; jury trial
- Defended County health care providers in a trial alleging negligence in the diagnosis and treatment of ectopic pregnancy resulting in infertility of plaintiff; jury trial
- Defended Cleveland Clinic ENT physician in action arising out of esophageal perforation during an esophagoscopy; jury trial
- Defended Nationwide in action for breach of insurance contract procured by fraud; jury trial
- Represented teenage driver involved in motor vehicle accident on the interstate with a semi-trailer truck that resulted in two deaths and significant injuries to third passenger; jury trial
- Defended County health care providers in trial alleging birth brain injury as a result of negligence in the delivery of an infant; jury trial
- Defended Ravenna Savings in claim that plaintiffs lost their life savings as a result of fraud committed by branch manager; jury trial
- Defended Ethicon Endo Surgery in three week trial in case involving wrongful death from allegedly defective surgical clips; jury trial
- Defended Alza Corporation and J&J in trial involving death of young man allegedly caused by defective fentanyl patch; jury trial
- Defended County of Los Angeles health care providers in birth brain injury case involving brachial plexus and brain injuries; jury trial
- Defended Janssen and J&J in trial involving death of mother of four minor children allegedly caused by defective fentanyl patch; jury trial
- Defended anesthesiologist and nurse anesthetist in wrongful death case arising out of alleged misplacement of endotracheal tube and failure to monitor 45-year-old decedent; jury trial
- Represented Pfizer in five-week trial arising out of the alleged theft of trade secrets from a database as part of a clinical trial to have a new drug indication approved; jury trial
- Defended medical product companies in first fentanyl pain patch case tried; four-week trial involving a claim of permanent brain injury as a result of an alleged defective fentanyl patch; jury trial
- Defended N&W in claim that it failed to maintain railroad right-of-way causing plaintiff's home to slide down an embankment onto railroad tracks; jury trial
- Defended DePuy Orthopaedics and J&J in first ASR-XL case tried post-recall; six-week trial involving claim of injury from alleged defective metal-on-metal hip implant; jury trial
- Represented defendant in alleged breach of contract action involving sale of real property; jury verdict
- Defended Cleveland Clinic orthopedic surgeon in case arising out of removal of a tumor from a young woman's leg which resulted in sciatic nerve injury; jury trial
- Represented a boutique intellectual property law firm in a contentious trial involving partnership claims arising out of the recruitment of a partner by a large national law firm; jury trial
- Represented SBC over an alleged breach of a contract for scrap metal recovery in seven states,

fraud and punitive damages; jury trial

- Defended hospital and residents in claim that plaintiff sustained permanent injuries following bilateral hip replacement; jury trial
- Defended insurance companies in an eight-week trial involving claims for breach of contract, fraud and punitive damages arising out of insurance agreements related to vehicle service contracts written in 50 states; jury trial
- Defended AT&T in a lengthy trial involving antitrust claims brought against AT&T's subsidiaries in 13 states; jury trial
- Defended County of Los Angeles health care providers in a claim involving brachial plexus nerve injury; jury trial
- Defended press manufacturer in case involving loss of body parts from alleged defective heavy machine press; jury trial
- Defended hospital residents and nurses in wrongful death action involving 54-year-old man who died following a closed reduction of his dislocated hip; jury trial
- Defended hospital and its nurses in claim arising out of alleged neurologic injuries resulting from blood drawing procedure; jury trial
- Defended medical product manufacturer in trial alleging negligence in supplying hip prosthesis for hip replacement surgery; jury trial
- Defended Alza Corporation and J&J in four-week trial involving death of single mother of a minor child allegedly caused by defective fentanyl patch; jury trial
- Defended hospital and perfusionist in claim involving substantial brain injury to 12-year-old boy during open heart surgery; jury trial
- Defended Travelers in case involving accidental death insurance policy in which plaintiff alleged decedent died as a result of an automobile accident rather than from a heart attack before the accident; jury trial
- Defended clinical trial company in trial alleging negligence in an experimental drug study caused study participant to sustain stroke, seizure and brain damage; jury trial

## **Publications & Events**

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### **SPEAKING ENGAGEMENTS**

- “[Regulatory Compliance: Global Edition](#),” DRI Drug and Medical Device Seminar, San Francisco, California (May 2015)

### **Honors**

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- Chambers USA
  - » Product Liability & Mass Torts (Nationwide) (2021)
- Who's Who Legal
  - » Product Liability Defence (2016-2020)
  - » Life Sciences – Product Liability (2014-2021)
- The Best Lawyers in America® (2014-2022)
  - » 2016 Los Angeles Lawyer of the Year (Product Liability Litigation – Defendants)

### **In the Community**

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- Defense Research Institute