



Michael J. Ruttinger

Partner

950 Main Avenue,
Suite 1100,
Cleveland, OH 44113

D 216.696.4456

F 216.592.5009

michael.ruttinger@tuckerellis.com

Michael Ruttinger is a class action litigator and appellate strategist with experience before state and federal courts across the country.

Mike develops strategies to meet our clients' goals at every phase of a case, from pre-litigation consultation to dispositive motion practice, class certification, and appeals. Applying experience gained as a law clerk on the United States Court of Appeals for the Sixth Circuit, Mike translates complex and novel issues of law into clear, concise advocacy, which he has conveyed to more than 20 federal district courts; the Fifth, Sixth, Eighth, and Ninth Circuit Courts of Appeals; and the Supreme Court of Ohio.

Mike represents clients from a wide array of backgrounds and industries, ranging from healthcare services and pharmaceutical manufacturing to consumer-product companies and pension systems. In addition to his significant experience in class certification challenges, Mike successfully advances novel, case-dispositive defenses, such as federal preemption, which he has leveraged to secure dismissal of state-law claims that conflict with federal statutory schemes like the Food, Drug and Cosmetic Act ("FDCA") and the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"). He is a frequent writer and speaker on cutting-edge class-action issues, including the use of jurisdictional challenges to defeat certification of nationwide class actions.

Originally from Kentucky, Mike is now rooted in Cleveland with his wife, Sarah, and their two Cavalier King Charles Spaniels. They are passionate supporters of Cleveland's arts community, and Mike is an established endurance athlete, having completed more than a dozen marathons and two Ironman triathlons.

Education

- University of Michigan Law School (J.D., magna cum laude, 2008); Order of the Coif; Michigan Law Review, Contributing Editor
- The College of Wooster (B.A., summa cum laude, 2005); Phi Beta Kappa; Aileen Dunham Prize in History

State Admissions

- Ohio, 2008

Federal Admissions

- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Fourth Circuit
- United States Court of Appeals, Fifth Circuit
- United States Court of Appeals, Sixth Circuit
- United States Court of Appeals, Eleventh Circuit
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio

Service Areas

- Appellate & Legal Issues
- Class Action Litigation
- Life Sciences Litigation
- Educational Institutions
- Health & Life Sciences

Experience

- Representing a myriad of colleges and universities in class-action litigation involving injuries sustained by college athletes
- Representing a state pension system in class-action litigation involving the interpretation of state statutory requirements
- Briefed novel primary jurisdiction defenses in a nationwide class action where the consumer-product manufacturer is subject to a federal consent decree
- Secured an order denying class certification in a consumer product class-action alleging false advertising under California law, leading to a favorable nationwide settlement
- Obtained dismissal on the pleadings of a consumer-product manufacturer in a nationwide class action alleging fraud, misrepresentation, and breach-of-warranty claims
- Procured a decision from the Northern District of Ohio dismissing with prejudice a putative consumer class-action lawsuit, including claims for breach of warranty, unjust enrichment, and fraudulent concealment
- Collaborated with Tucker Ellis lawyers and outside counsel to procure a decision from the Supreme Court of the United States holding that failure-to-warn claims alleged against the manufacturers of generic drugs are preempted
- Secured affirmance of a summary judgment decision dismissing design-defect claims alleged against a brand-name prescription drug manufacturer as preempted by the FDCA from the United States Court of Appeals for the Sixth Circuit
- Procured a decision from the United States Court of Appeals for the Fifth Circuit affirming a trial court decision dismissing all of the plaintiff's Louisiana state-law claims against a generic prescription drug manufacturer as impliedly preempted by federal law
- Crafted a defendant-appellee's brief to the Fifth Circuit arguing that the mandate rule justified affirmance of a trial court decision denying the plaintiff's motion to alter or amend a judgment rendered on remand from the Supreme Court of the United States
- Prepared briefing for the United States Court of Appeals for the Sixth Circuit encouraging the court to reject a plaintiff's application for a writ of mandamus challenging a transfer decision issued by the Judicial Panel on Multidistrict Litigation
- Drafted motions for summary judgment and to exclude plaintiffs' proffered expert witnesses in consolidated multidistrict litigation involving a complex prescription drug medication that had been part of a recall

Publications & Events

SPEAKING ENGAGEMENTS

- “Defeating Class Certification: Using Personal Jurisdiction to Defeat Litigation Tourism,” Strafford Webinar (December 2019)
- “The Supreme Court Year in Review,” 2019 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (November 2019)
- “Personal Jurisdiction Following the *Bristol-Myers Squibb* Decision,” DRI’s Business Litigation Super Conference, Austin, Texas (May 2019)
- “The Supreme Court Year in Review,” 2018 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2018)
- “When and How Early Summary Judgment Practice Can Help Win Your Class Action,” DRI 2018 Annual Meeting, San Francisco, California (October 2018)
- “Personal Jurisdiction After Bristol-Myers Squibb: Unresolved Issues, Shifting Plaintiff Strategies,” co-presented at a national Strafford webinar (September 2018)
- “Lessons for Data Breach Lawyers from the World of Product Liability,” myLawCLE/Federal Bar Association Video Broadcast, Arlington, Virginia (April 2018)
- “The Supreme Court Year in Review – 2016-2017 Term: Mapping the New Court’s Uncertain Course” and “Data Breach Class Actions,” 2017 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2017)
- “Generation Give,” Ideastream, Cleveland, Ohio (December 2016)
- “U.S. Supreme Court Round-Up,” 2016 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2016)
- “U.S. Supreme Court Round-Up” and “How the Third Wave of the Internet Will Revolutionize Legal Services,” 2015 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2015)

PUBLICATIONS

- “Edging Toward a Circuit Split: Specific Personal Jurisdiction and Nationwide Class Actions,” *For The Defense* (July 2020)
- “5th Circ. Ruling Amplifies Bristol-Myers Class Action Debate,” *Law360* (April 2020)
- “Revisiting the Third Circuit’s Struggles With Design-Defect Preemption,” *Drug & Device Law Blog* (November 2018)
- “‘Injury In Fact’ Standing After Cambridge Analytica,” *Law360* (June 2018)
- “Lessons for Data Breach Lawyers from Product Liability,” *Law360* (January 2018)
- “How Bristol-Myers Squibb May Transform Class Actions,” *Law360* (October 2017)
- “After the BNSF Decision, There’s No Place Like ‘At Home,’” *Law360* (June 2017)
- “Third Circuit Emphasizes the Need to Provide Reasonable Notice of Arbitration Clauses,” American Bar Association, *Class Actions & Derivative Suits* (March 2017)
- “Excluding Regulatory Violations from Defect Cases,” *For the Defense* (August 2011)

MEDIA

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“Class Action Lawsuits Possible After Cyberattack,” *Healthcare Risk Management* (September 2021)

- “Ga. Talc Co. Says Strict Liability Claims Over Cancer Too Late,” *Law360* (April 2021)

Honors

- 2021 G. Duffield Smith Outstanding Publication Award, DRI

In the Community

- Cleveland Metropolitan Bar Association
- Federal Bar Association
- Ohio State Bar Association
- American Bar Association
 - » Class Actions and Derivative Suits Section
- Defense Research Institute
 - » Commercial Litigation Sub-Committee