

Kirby T. Griffis
Partner

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Kirby T. Griffis tries cases for corporate clients in high-stakes pharmaceutical and medical device, and products liability litigation, and in serial litigation cases of national importance. A recent trial victory was to force a favorable settlement on the last day before closing arguments in a 26-year-old personal-injury case in the Civil District Court for Orleans Parish, Louisiana, an American Tort Reform Association-certified hellhole jurisdiction. *Ezeb v. Sandoz Pharm. Corp.*, No. 1992-20622 (La. Civ. D. Ct. June 21, 2016). *The National Law Journal* named Mr. Griffis a "Winning Litigator", one of only twenty lawyers nationwide to be so recognized in the 2015 special report.

Mr. Griffis earlier won a defense verdict in a pharmaceutical personal-injury case in federal court in Tampa, Florida, with the jury out for less than forty-five minutes after a three-week trial. *Dopson-Troutt v. Novartis Pharm. Corp.*, No. 8:06-cv-1708-T-24-EAJ (M.D. Fl. April 9, 2013). He tried a bellwether hernia mesh case in Texas that resulted in a defense victory after the jury was out for less than an hour, putting an end to the entire litigation. See *Crowson v. Davol, Inc.*, No. A-03-CA-668-SS, slip op. (W.D. Tex. June 10, 2004). Mr. Griffis has won other pharma cases, in which plaintiffs were seeking millions in settlement, both at trial and by summary judgment victories as trial approached. He has successfully defended the Firm's victories in multiple appellate forums, and has argued before the Seventh Circuit Court of Appeals.

Mr. Griffis has also helped to resolve many of the Firm's complex matters by engineering *Daubert* victories and other summary dispositions. These include setting up and briefing the first *Daubert* summary judgment in the Parlodel® litigation of 1998-2004 and extensive involvement with the "Parlodel trilogy" of appellate-level *Daubert* wins: *Glastetter v. Novartis Pharm. Corp.*, 252 F.3d 986 (8th Cir. 2001), *aff'g* 107 F. Supp. 2d 1015 (E.D. Mo. 2000); *Hollander v. Sandoz Pharm. Corp.*, 289 F.3d 1193 (10th Cir. 2002), *aff'g* 95 F. Supp. 2d 1230 (W.D. Okla. 2000); and *Siharath v. Sandoz Pharm. Corp. / Rider v. Sandoz Pharm. Corp.*, 295 F.3d 1194 (11th Cir. 2002), *aff'g* 131 F. Supp. 2d 1347 (N.D. Ga. 2001). Two of his significant summary judgment victories are based on proximate causation in a pair of cases in which plaintiffs were seeking approximately one million dollars each in settlement on the eve of judgment for the defense: *Zimmerman v. Novartis Pharm. Corp.*, 889 F. Supp. 2d 757 (D. Md. 2012) and *Ingram v. Novartis Pharm. Corp.*, 888 F. Supp. 2d 1241 (W.D. Okla. 2012).

The depth of his experience is a byproduct of the leadership roles he has played in a number of mass-tort litigation contexts. Leading litigation teams both large and small, Mr. Griffis has coordinated the defense of serial litigation consisting of individual cases, class actions, and consolidated state and federal court proceedings. He was defense liaison counsel for the Composix Kugel MDL in the U.S. District Court for the District of Rhode Island and he has helped clients

Litigation

Complex Litigation
Pharmaceutical Products
Toxic Torts & Products Liability

Education

Emory University (B.A.,
1990, *summa cum laude*)
Emory University, (M.A.,
1990, *summa cum laude*)
University of Virginia School of Law
(J.D., 1995)

Admissions

District of Columbia
United States Courts of Appeals for
the Fourth, Seventh, Eighth, and
Tenth Circuits
United States District Courts for the
Eastern and Western Districts of
Arkansas, Northern District of
Florida, Central District of Illinois,
District of Maryland, Eastern District
of Michigan, and Eastern and
Western Districts of Virginia

effectively respond to massive multi-jurisdictional discovery demands involving international document collections and factual investigations.

Mr. Griffis has spoken and written extensively on issues relevant to the defense of products liability and toxic tort litigation, including electronic discovery, scientific evidence, third-party litigation financing, and punitive damages.

In law school, he was an Editor of the *Virginia Law Review*. Following graduation from law school, he served as a clerk to the Honorable Glen M. Williams of the U.S. District Court for the Western District of Virginia. Mr. Griffis is recognized in the Washington, DC edition of *Super Lawyers*.

Publications

The Role of Statistical Significance in *Daubert*/Rule 702 Hearings

To Tweet or Not to Tweet

Beware the weak argument: "The Rule of Thirteen."

The Chamber Is Right: A Response to the Legal Funding Industry.

Tepid Guidance on a Hot Topic: New York City Bar Ethic Opinion on Litigation Financing

"Follow the Money: Litigation Funders Back Your Foes"

Deciding Whether to Involve the Court in Confidential Matters

The Terminix Case: Causation in Mass Tort Litigation

Be Proactive in Document Production

Separate No More: *Daubert* Brings Common Ground to Diverse Legal Specialties