



M. Gabrielle Hils

Of Counsel
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Gabrielle's diverse experience and knowledge of complex litigation, including class action proceedings, has allowed her to guide a variety of clients through the legal labyrinth, ranging from small manufacturers to multinational corporations. With a thorough understanding of multidistrict, class action and mass tort proceedings, she is adept at tailoring her approach to meet the unique needs of her clients. She has developed her skills over many years of service as a lead case management attorney directing pretrial discovery and motion practice in product liability actions filed in state and federal courts throughout the country. As a tenacious litigator, she effectively manages large volumes of cases to successful conclusion.

By leveraging an understanding of science, medicine and the law, Gabrielle has helped many clients find success in multidistrict litigation proceedings including MDL 1507: In re: Prempro Product Liability Litigation, MDL 1023: In re: Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Product Liability Litigation, MDL 1057: In re: Teletronics Pacing Systems, Inc., Accufix Atrial "J" Leads Product Liability Litigation, and MDL 926: In re: Silicone Gel Breast Implant Product Liability Litigation. Additionally, she has defended companies in toxic tort and premises liability cases, mitigating the client's risk while finding the appropriate resolution to meet the client's goals in an efficient and cost-effective manner.

Gabrielle is a frequent author on topics relating to defense of mass tort and class action litigation. Her articles have been featured in nationally-recognized publications, including DRI's In-House Defense Quarterly.

Services

- Product Liability
- Litigation
- Class Action
- Mass Tort
- Tort
- Toxic Tort

- Life Sciences Industry
- Transportation Industry
- Insurance Industry

Education

- University of Kentucky College of Law (J.D., 1984)
 - Order of the Coif
 - Kentucky Law Journal, managing editor
- Thomas More College (B.A., *summa cum laude*, 1981)

Bar Admissions

- Ohio
- Kentucky

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky

Affiliations/Memberships

- Cincinnati Bar Association
- Northern Kentucky Bar Association
- Kentucky Bar Association
- Ohio State Bar Association
- Federal Bar Association
- Litigation Counsel of America, fellow
- Thomas More College, foundation board
- Villa Madonna Academy, Board of Trustees

Distinctions

- *Best Lawyers*[®]
 - "Lawyer of the Year" in Cincinnati for Mass Tort Litigation/Class Actions - Defendants (2012, 2017)
 - "Lawyer of the Year" in Cincinnati for Product Liability Litigation - Defendants (2015)
 - Mass Tort Litigation, Class Actions - Defendants and Product Liability Litigation (2021-2022)
- Peer Review Rated AV in *Martindale-Hubbell*

- Ohio *Super Lawyers*®
- Life Science Star by *LMG Life Sciences* (2013)

Experience

OxyContin Litigation

Defense of Purdue Pharma, LP in multiple state court cases involving product liability claims based on the marketing of the prescription pain relief medication Oxycontin. In the course of that defense, we successfully obtained one of the first judgments in favor of the company based upon the defense of misuse of the product. We also obtained the dismissal of a significant number of individual claims, and negotiated a resolution of one of the first actions instituted by a state attorney general against the company.

In re: Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Product Liability Litigation

Represented a generic drug manufacturer in thousands of product liability cases where plaintiffs alleged pulmonary and cardiac injury from ingestion of diet drugs. The cases were pending in federal multidistrict litigation proceedings in E. D. of Pennsylvania, and in various state courts in Texas, Alabama, Mississippi, Louisiana, Pennsylvania and California.

MDL 1407: In re: Phenylpropanolamine Product Liability Litigation

Served as national coordinating counsel for Procter & Gamble Distributing Company and Procter & Gamble Pharmaceuticals, Inc. in personal injury cases where plaintiffs alleged injury from the ingestion of over the counter and prescription cough/cold medications. The cases were filed in federal multidistrict litigation proceedings in the W. D. of Washington, and in various state courts.

Asbestos Premises Litigation

Served as national coordinating counsel, for defendant premises owners in asbestos premises cases pending in state and federal courts. Our client owned and operated facilities where plaintiffs alleged they were exposed to asbestos while working on the premises. We successfully resolved numerous cases through voluntary dismissals and motion practice.

Asbestos Product Liability Litigation

Served as national coordinating counsel for defendant product manufacturers in multiple asbestos product liability cases pending in state and federal courts. The cases involved claims of alleged exposure to asbestos-containing products manufactured by our clients. We successfully resolved these cases either through voluntary dismissals or motion practice.

Automobile Class Action Litigation

Dinsmore & Shohl represented a large automobile distributor in class action litigation initiated in Ohio and Kentucky, alleging the automobiles distributed by our client that were subject of a nationwide recall, unintentionally accelerated or were prone to such an alleged defect. The class action plaintiffs alleged a variety of claims, including fraud, breaches of express and implied warranties, negligence, and violations of consumer protection statutes. Plaintiffs also sought compensatory relief in the form of diminished value of the subject vehicles or

injunctive relief. Dinsmore & Shohl either successfully removed all such actions to federal court, where they were consolidated in multi-district litigation, or obtained a dismissal of the entire suit.

Chemical Exposure Class Action Litigation

Successfully resolved class action litigation against our client, the operator of a resins manufacturing facility, where plaintiffs asserted claims for personal injury and diminution in property value from the alleged aerial release of chemicals into a surrounding residential neighborhood. After extensive discovery and pretrial motion practice, a *Daubert* hearing, and the commencement of a jury trial, the case was settled.

Consumer / Commercial Litigation

Successful defense of financial institutions, loan servicers and finance companies in multiple claims and cases involving borrower allegations of predatory lending and violation of state and federal consumer protection statutes. Our representation also included the resolution of force-placed insurance claims and title defects.

Criminal Prosecution

Served as Assistant Special Prosecutor for the State of Ohio in the successful prosecution of a bank's owner and its officers for the misapplication of bank funds and for securities law violations which led to the collapse of a state chartered savings and loan association

Health Insurance Subrogation Litigation

Representation of health care insurers seeking enforcement of their contractual subrogation rights in tort litigation.

Insurance Defense Litigation

Retained by insurance company to defend its insureds in a variety of personal injury and property damage cases pending in Ohio and Kentucky.

Insurance Premium Tax Class Action Litigation

We defended a national insurance company in a putative class action case regarding the application of an insurance premium tax in the state of Kentucky. Kentucky statutes authorize Kentucky cities and counties to impose and collect a tax on insurance premiums. The statute permits insurance companies to collect the tax and keep a portion of the amount they have collected upon remittance of the appropriate amount to the taxing body. The proposed class consisted of all persons or entities in the state who paid a surcharge on their insurance premiums pursuant to a tax imposed by a local government. The proposed class definition contained no time limit as to the claims asserted.

The plaintiffs argued that the insurance premium tax should have been paid by the insurance companies, and not the policyholders. They also alleged that the tax had been miscalculated by the insurance company in some jurisdictions. The plaintiffs sought both declaratory and injunctive relief that the insurance companies be prohibited from collecting the tax from the policyholders. Alternatively, if it was determined that the companies were permitted to collect the tax from policyholders, the plaintiffs sought an accounting to determine if the tax had been properly calculated for each policyholder, with the cost of the accounting to be paid by the insurance companies.

We removed the case to federal court pursuant to the Class Action Fairness Act. The plaintiffs' motion to remand was denied. We also filed a motion to dismiss asserting that under the applicable state statutes the insurance premium tax was properly charged to the policyholders. We also argued that the plaintiffs had failed to exhaust administrative remedies before the appropriate state agency prior to filing suit, as required by state statute. The motion to dismiss was granted.

MDL 1057: In re: Telectronics Pacing Systems, Inc., Accufix Atrial "J" Leads Product Liability Litigation

Served as local counsel for defendant product manufacturer where plaintiffs claimed personal injury from allegedly defect atrial leads in federal multidistrict litigation in the S.D. of Ohio.

MDL 1507: In re: Prempro Product Liability Litigation

Served as national coordinating counsel for manufacturer of generic hormone replacement therapy drugs in federal multidistrict litigation proceedings in the E. D. of Arkansas, as well as other state court consolidated proceedings.

MDL 926: In re: Silicone Gel Breast Implant Product Liability Litigation

Served as national coordinating counsel for Dow Corning Corporation, a leading silicone medical products manufacturer, in thousands of product liability cases pending in federal multidistrict litigation in the N.D. of Alabama, as well as in numerous state courts.