



Mary-Jo Pullen

Partner
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Mary-Jo's practice focuses on the defense of medical malpractice, toxic tort and product liability litigation. She has represented hospitals and individual health care providers in professional negligence cases and product manufacturers in complex claims. She has extensive experience serving in regional and national coordinating roles involving food flavorings, smoking and health, chemicals and drugs and medical devices. Mary-Jo's experience with complex litigation in state and federal courts includes case management, discovery, ediscovery, resolution and/or trial. She is active in the development of defense themes involving medical and scientific strategies and corporate conduct. Her jury trial experience includes representation of a cigarette manufacturer in a medical monitoring class action which went to verdict and an global manufacturer of flavor and fragrances in multiple trials. Mary-Jo has a degree in nursing and practiced in that field prior to becoming an attorney.

Services

- Product Liability
- Mass Tort
- Toxic Tort
- Class Action
- Tort
- Litigation
- Health Care Industry
- Medical Malpractice

Education

- University of Cincinnati College of Law (J.D., 1991)
- Xavier University (B.S.N., *magna cum laude*, 1984)

Bar Admissions

- Ohio

- Kentucky
- Missouri

Court Admissions

- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Northern District of Ohio
- 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
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the District of Colorado
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois

Affiliations/Memberships

- Ohio State Bar Association
- Cincinnati Bar Association
- Kentucky Bar Association
- Northern Kentucky Bar Association
- Missouri Bar Association
- Defense Research Institute
- Sigma Theta Tau, Omicron
- Omicron Chapter at Large

Distinctions

- *Best Lawyers*[®]
 - "Lawyer of the Year" in Cincinnati for Mass Tort Litigation / Class Actions – Defendants (2015, 2020)
 - Mass Tort, Personal Injury, Class Actions and Product Liability Litigation - Defendants (2021-2022)

Experience

Medical Malpractice Defense Litigation

The cases involving our client, a large regional pediatric medical center and its employees and employed physicians, have ranged from simple personal injury claims to allegations of catastrophic injury and death. All

cases were fully litigated and either dismissed, settled or tried. Dinsmore & Shohl has developed special skill in the handling of pediatric medical negligence claims, including analysis of complex pediatric medical issues, and development of and relationship with numerous experts nationwide.

Fixodent Denture Cream Litigation

Dinsmore's Product Liability Team recently received a ruling in favor of The Procter & Gamble Defendants ("P&G") which is the first in the country to assess and reject the scientific basis for lawsuits filed by a number of Fixodent® users.

Frank C. Woodside, III, and his team serve as counsel for P&G defendants concerning Denture Adhesive Litigation. In that litigation, Judge Cecilia Altonaga oversees discovery in the Multi-District Litigation involving more than 150 plaintiffs who seek damages for personal injuries that allegedly resulted from their use of excessive amounts of Fixodent, manufactured by P&G, and/or Poligrip, manufactured by GlaxoSmithKline. The current litigation was initiated in 2009 against P&G. The Federal cases were eventually consolidated in Miami with a number of other cases pending in state courts throughout the country. P&G has steadfastly defended the safety of Fixodent.

On June 13, 2011 Judge Altonaga issued a *Daubert* opinion granting P&G's motion to exclude virtually all of the Plaintiffs' proposed expert opinion testimony that purportedly supported the link between extremely excessive use of Fixodent denture adhesive and neurological disease.

David Burton v. American Tobacco and R.J. Reynolds

Dinsmore & Shohl represented a major cigarette manufacturer (American Tobacco) in a smoking and health case involving allegations of peripheral vascular disease causation and corporate misconduct that was tried in Federal Court in Kansas City, Kansas in 2002. The case resulted in a small compensatory damages verdict against American Tobacco in the amount of \$1984.00 (yes, that is the correct number) and no punitive damages. After the verdict was rendered the case against American Tobacco was dismissed without payment.

In re: Tobacco Litigation: Medical Monitoring

A medical monitoring action tried to a defense verdict in state court in Wheeling, West Virginia in 2001 that was instituted against multiple tobacco companies by a class of West Virginia smokers who sought medical monitoring in the form of CT scanning and spirometry to screen for smoking related disease. In this action (which was affirmed on appeal) Dinsmore & Shohl represented The American Tobacco Company and Brown & Williamson Tobacco Corporation. In addition to acting as trial counsel, Dinsmore & Shohl consulted with and retained pre-eminent experts in the fields of public health, preventive medicine and pulmonology to develop and present a scientifically sound defense in emerging areas of law and medicine.

Linda Welch v. Brown & Williamson, et al.

Dinsmore & Shohl served as trial counsel for Brown & Williamson in a smoking and health case involving allegations of bronchioloalveolar cancer causation and corporate misconduct that was tried in state court in Missouri in 2005. The case resulted in a verdict for the defense after a two-week trial.

Mal-Sarkar v. Advance, et al; Tumbleson v. Hubbell; Mock v. CG&E, et al

Counsel for Hubble in several personal injury cases alleging injuries from electrical products. All cases resolved favorably for Hubble.

Michael Thompson v. Brown & Williamson, et al.

Dinsmore & Shohl served as trial counsel for Brown & Williamson in a smoking and health case involving allegations of laryngeal cancer causation and corporate misconduct that was tried in state court in Independence, Missouri in 2005. The case resulted in a small compensatory verdict for plaintiffs against Brown & Williamson (\$200,000.00); no punitive damages were awarded.

Popcorn Flavoring / Diacetyl Litigation

Dinsmore & Shohl represents International Flavors & Fragrances in the butter flavoring litigation that arose after a NIOSH investigation found a significant lung disease, bronchiolitis obliterans, in a Missouri popcorn plant. The firm's trial team, consisting of Frank C. Woodside, III, Mary-Jo Middelhoff and J. David Brittingham, has taken 8 cases to trial since 2003 and continues to litigate numerous cases in a variety of jurisdictions.

Silicone Breast Implant Litigation

Dinsmore & Shohl coordinated on a national basis thousands of lawsuits in state and federal courts. We developed and presented complex medical and scientific evidence on emerging issues, involving silicone chemistry, product integrity, immunology and rheumatology.

Smoking and Health Litigation

Dinsmore & Shohl represented its tobacco clients in cases in a variety of state and federal courts participating in out of town trials in six cases. The cases ranged from medical monitoring class action to a major consolidated personal injury matter to individual lawsuits involving claims of lung cancer, peripheral vascular disease, laryngeal cancer, etc. The cases involved significant document management, as well as complex legal, factual and medical issues. All cases were fully litigated and either dismissed, disposed of on motion or tried to a verdict. In no case handled by Dinsmore & Shohl were the clients subject to punitive damages.

Tampon Product Liability Litigation

Defense of The Procter & Gamble Company against claims of Toxic Shock Syndrome and other illnesses alleged to have resulted from the use of tampons.

Publications

January 26, 2016

Coffee and Diacetyl: Is Nothing Sacred Anymore?