

## David B. Bartel

### Retired Partner

David Bartel has devoted the past 30 years of his practice to the defense of medical device, prescription/OTC drug, mass tort, chemical exposure, related product liability matters, and claims management. He practiced in state and federal courts in the majority of states in the United States and tried mass tort, toxic tort, multi-plaintiff, related product liability, and other personal injury cases to defense verdict or directed verdict. As a former toxicologist (including Toxicology section head) for the Wisconsin State Crime Laboratory and Milwaukee County Medical Examiner, and holding an M.S. in Pathology, Mr. Bartel brought a unique perspective and experience to his practice of law that few attorneys in the country have.

Representations in drug and medical device cases included vaccines, prescription and OTC products, amalgam restorations, surgical gels, latex gloves, joint replacement components, contraceptives and narcotic products.

Representations in chemical exposure cases included products containing isocyanates, benzene, chlorinated solvents, PCBs, silica, and lead.

### Showcase Wins/Decisions:

- Obtained Sixth Circuit Court of Appeals decision in *Barnes v. Kerr* (6th Cir. 2005) affirming District Court's decision granting Kerr's motion for summary judgment and determining that Kerr's MSDS and warning labels were adequate and protective as a matter of law.
- Obtained defense verdict in mass toxic tort case, tried during summer 2004 in Ascension Parish, LA, along with other members of Q&B's toxic tort team, ten (10) test cases in mass toxic tort case alleging myriad of problems from chemical release consisting of chlorinated methanes and HCl. Test cases were taken from a larger group of plaintiffs, initially numbering 5,300, that had been reduced by pre-trial motions, prior to trial, to some 3,300 plaintiffs.
- Obtained summary judgment on some 2,000 additional plaintiffs in this same Ascension Parish mass toxic tort matter after summer 2004 trial by demonstrating that these 2,000+ plaintiffs could not establish sufficient exposure to cause harm.
- Obtained exclusion and limitation orders, prior to summer 2004 trial in Ascension Parish, LA mass toxic tort matter, following multi-day *Daubert* hearing, of key plaintiff medical causation experts, including toxicologists and pulmonary experts.



david.bartel@quarles.com

### Milwaukee Office

Tel: (414) 277-5369

Fax: (414) 978-8870

- During the opening phase of trial in *Hemenez v. Vulcan* (D. La. 2002) obtained exclusion of plaintiffs' causation experts on *Daubert* grounds, which led to dismissal of case.
- Obtained defense verdict following four-week jury trial in *Nigh v. Dow Chemical* (E.D. Wis. 1986), in case where plaintiffs claimed debilitating neurologic injuries from chronic exposure to grain fumigants.
- Obtained summary judgment in mass tort case of *Maddy v. Vulcan* (D. Kansas 1990), where community plaintiffs claimed illness and increased risk of cancer as a result of living near a chloralkali plant in Wichita.
- Obtained summary judgment on causation grounds in *Hitson v. Kerr* (M.D. Tenn. 1993), in a case where plaintiff claimed mercury poisoning in connection with the placement and removal of dental amalgams.
- Obtained plaintiff's verdict in *Phillips Petroleum Co. v. Bucyrus-Erie Co.*, 131 Wis. 2d 21, 388 N.W.2d 584 (1986), a multimillion commercial dispute arising out of a crane failure at an oil platform in North Sea.

#### Representative Clients:

- American Cyanamid
- American Home Products
- BASF
- Baxter Healthcare
- Covidien/U.S. Surgical
- C.R. Bard
- Davol
- DuPont
- DePuy Orthopaedics
- Eastman Chemical
- Ethicon
- GE Healthcare
- General Electric
- Hydrite Chemical
- Johnson & Johnson
- Merck & Co.
- Miller Brewing Company
- Milwaukee Metropolitan Sewerage District
- Monsanto
- Muscletech
- Philip Morris
- Phillips Petroleum
- The Sherwin-Williams Company
- Stauffer Chemical Co.

- Sybron Dental
- Valspar Corporation
- Vulcan Materials Co.

### **Education and Honors**

- Marquette University Law School (J.D., 1981)
  - Marquette Law Review (1980-1981).
- University of Wisconsin (M.S., 1976)
  - Graduate training: Master's of Sciences in Pathology at Department of Pathology, University of Wisconsin Medical School. Course work included: general and advanced pathology, physiology, anatomy, histology, biochemistry, toxicology and neuroanatomy.
- University of Wisconsin (B.S., 1972)
  - Undergraduate training: vertebrate biology and chemistry with special focus on organic chemistry, quantitative analysis, physical chemistry, developmental biology (embryology) and vertebrate anatomy.

### **Bar Admissions**

- Wisconsin

### **Court Admissions**

- U.S. Court of Appeals, 6th Circuit, 2004
- U.S. District Court, Eastern District of Wisconsin, 1981
- U.S. District Court, Western District of Wisconsin, 1981

### **Professional and Civic Activities**

- Product Liability Advisory Council (Member)
- Defense Research Institute (Member, Drug and Medical Device Committee and Toxic Tort and Environmental Law Committee)
- Trial Attorneys of America (Member)
- American Academy of Forensic Scientists (Member, Toxicology and Jurisprudence Sections)
- Milwaukee Bar Association (Member)
- American Bar Associations (Member)
- State Bar of Wisconsin (Member)
- Guest House of Milwaukee (Board of Directors)
- Bethesda Lutheran Home and Services (Member, Human Concerns Committee)
- Capitol Drive Lutheran Church (Council Member)

### **Professional Recognition**

- State Bar of Wisconsin – Pro Bono Honor Society (2015)

- 
- Listed in The Best Lawyers in America® (2003-present: Mass Tort Litigation/Class Actions - Defendants / Personal Injury Litigation - Defendants / Product Liability Litigation - Defendants)
  - Selected for inclusion in the 2007-2009, 2011-2012, 2014-2016 Wisconsin Super Lawyers® lists (Personal Injury Defense: Products)
  - Martindale-Hubbell AV® Peer Review Rated
  - Recipient of the Milwaukee Bar Association's 2014 Pro Bono Publico Individual Attorney Award
  - Recognized as *Best Lawyers*® 2016 Milwaukee Mass Tort Litigation/Class Actions - Defendants "Lawyer of the Year"

#### **Selected Presentations/Publications**

- Co-chair, Trial of a Benzene Case Conference, HarrisMartin Publishing, New York, NY, December 2008