

Andrew T. Bayman (Andy)

Partner

Trial and Global Disputes

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Andy Bayman serves a wide range of clients in life sciences and healthcare, including pharmaceutical and medical device manufacturers, as well as automotive and other manufacturers and retailers in product liability and toxic tort cases. He is a partner and the leader of the firm's Trial & Global Disputes practice group.

Andy is a trial lawyer who has tried over 20 cases in state and federal courts around the country.

Previously, Andy led our Life Sciences & Healthcare area of focus. With more than 300 lawyers and professionals across eleven practice groups – including over 30 M.D.s, Ph. Ds, and others with advanced medical, scientific, and technical degrees – this area of focus serves every segment of the life sciences and healthcare sectors.

In addition to his work with clients, Andy is serving his third term as a member of our firm's management committee, and has previously served in many other firm leadership positions.

Matters

In 2017, Andy represented pharmaceutical giant GlaxoSmithKline (“GSK”) in the first lawsuit ever tried under a theory of “Innovator Liability.” Plaintiff Wendy Dolin alleged that GSK was liable for the suicide of her late husband, Stewart Dolin (the Chair of Reed Smith’s Corporate and Securities practice) following his ingestion of a generic version of GSK’s antidepressant Paxil®. The lawsuit alleged that the company had been negligent in its failure to warn of an increased risk of suicidal behavior in adult patients over the age of twenty-four. The United States District Court for the Northern District of Illinois denied GSK’s motion for summary judgment and the case proceeded to trial with the plaintiff seeking to hold GSK liable for injuries stemming from the ingestion of a product it did not manufacture. The case was the subject of extensive media coverage. After a five-week jury trial of which three days were spent deliberating, the jury came back with a verdict for the plaintiff in the amount of \$3 million. This award was significantly less than the \$39 million in damages that the plaintiff requested and less than the \$14 million in economic losses that was put in front of the jury. The Seventh Circuit reversed the verdict and rendered judgment in GSK’s favor on federal preemption grounds in August 2018. In part because of his work in the Dolin case, Andy was recognized as one of only six Law 360 Product Liability MVPs nationally in 2017.

In the first bellweather trial in a MDL in the U.S. District Court for the District of New Jersey, along with King & Spalding partner Chilton Varner, obtained a complete defense verdict for **Merck** in a bellwether trial alleging the Merck osteoporosis drug Fosamax caused the plaintiff's atypical femur fracture.

Serves as lead counsel of a King & Spalding team that is serving as national coordinating counsel and trial counsel in product liability litigation involving allegations that **GSK's** antidepressant, Paxil®, causes birth defects. Andy has led King & Spalding teams in cases in the City of St. Louis, Los Angeles County and the Philadelphia Court of Common Plea Mass Torts Program. King & Spalding has been successful in defeating certification of both state and national classes of Paxil® consumers on consumer fraud, medical monitoring and personal injury allegations. Facing mass tort litigation of emotionally charged cases that threatened its reputation and business operation, GSK has turned to Andy and his team at King & Spalding to defend one of its franchise medications, Paxil®, and its bottom line for over a decade.

Served as lead counsel for **Allergan** in a case alleging lip lesions and Lyme-disease-like symptoms after receiving injections with Allergan's product Juvederm®, a Class III medical device. The U.S. District Court of South Carolina granted Allergan's motion to dismiss.

Lead trial counsel or second chair trial counsel in 16 automotive product liability cases and in a dealership termination trial in the federal and state courts in New York, New Jersey, Georgia, Mississippi and Alabama.

Representation of pharmaceutical, medical device and foreign automobile manufacturers as well as chemical and energy companies in product liability lawsuits. His clients have included **GlaxoSmithKline (GSK), Merck, Toyota, Allergan, Olympus, Nissan, Chevron, BASF, Porsche, Mercedes-Benz, Isuzu, Mazda, Subaru, Kia, Medtronic Sofamor Danek, Weyerhaeuser, Packaging Corporation of America** and **Club Car**, among others.

Served as national coordinating counsel for **a large consumer healthcare product manufacturer** and has supervised a national document collection and company-wide interviews for that client.

Represented **a major medical device manufacturer** as national coordinating counsel and lead trial counsel in product liability litigation involving a recalled medical device. Andy has represented the company in class actions and individual lawsuits alleging death or serious injury due to a defect in the device.

Achieved defense verdict for **Nissan** as trial counsel in the first-ever case tried involving an alleged defect in a motorized seatbelt system (*Smith-Green v. Nissan*).

Served as national trial counsel for **Quest Diagnostics Incorporated**, the country's largest private clinical laboratory company, in lawsuits arising out of the interpretation of laboratory specimens.

Lead trial counsel in cases in Missouri and Ohio in which it was alleged that a misread Pap smear led to a delay in the diagnosis of cervical cancer and caused wrongful death and the loss of fertility.

Has argued before the Tenth Circuit, Eleventh Circuit and in the appellate courts of Georgia and Pennsylvania. Obtained a successful result as lead appellate counsel on behalf of **Mazda** in the case of *James v. Mazda Motor Corporation, et. al.*, 222 F. 3d 1323 (11th Cir. 2000).

Credentials

EDUCATION

J.D., Vanderbilt University
AB, Miami University-Oxford, magna cum laude

ADMISSIONS

Supreme Court of the United States
U.S. Court of Appeals for the Third Circuit
U.S. Court of Appeals for the Tenth Circuit
U.S. Court of Appeals for the Eleventh Circuit
U.S. District Court for the Western District of Michigan
U.S. District Court for the Central District of Illinois
U.S. District Court for the Eastern District of Wisconsin
U.S. District Court for the District of Colorado
U.S. District Court for the Middle District of Georgia
U.S. District Court for the Northern District of Georgia
U.S. District Court for the Southern District of Georgia
Georgia
Supreme Court of Georgia

ASSOCIATIONS

American Bar Association
State Bar of Georgia
Atlanta Bar Association
Federal Bar Association

Recognition

Named National Practice Area Star for Health Care and Mass Tort; Local Litigation Star.
BENCHMARK, 2019

Named a 2017 Product Liability MVP
LAW360

Named Atlanta Product Liability Litigation-Defendants “Lawyer of the Year”
BEST LAWYERS, 2015

Ranked in Product Liability and Mass Torts (Nationwide)
CHAMBERS USA

“Accessible, responsive and will move heaven and earth to accommodate the client’s needs.”
CHAMBERS USA

Ranked as a top defense lawyer in the nation
SUPER LAWYERS CORPORATE COUNSEL, 2009–2016

Selected as a Georgia “Super Lawyer”
LAW & POLITICS AND ATLANTA MAGAZINE, 2006–2019

Recognized as having “substantial lead trial expertise”
LEGAL 500

An “excellent lawyer” who “gets results at a great value in automotive and pharmaceutical products litigation.”
LEGAL 500

Elected Fellow of the Litigation Counsel of America, an honorary society limited to less than .05% of U.S. lawyers
LITIGATION COUNSEL OF AMERICA, 2014

Named by The Best Lawyers in America
2006–2016

Insights

ARTICLE

March 27, 2015 • Source: Washington Legal Foundation

First Circuit Breathes New Life Into Branded Drug Preemption Defense

CLIENT ALERT

March 2, 2015

First Circuit Finds Federal Preemption of State Tort Claims That Conflict With A Medication’s FDA-Approved Labeling & Warning

Events

CONFERENCE

November 13, 2018

11th Annual King & Spalding Pharmaceutical University

SPEAKING ENGAGEMENT

November 28, 2018

Andy Bayman, Lana Varney to Speak at ACI’s Annual Conference on Drug & Medical Device Litigation

WEBINAR

June 25, 2019

Building a Winning Federal Preemption Defense – Implications of Merck v. Albrecht and Lessons Learned from Trials of Dolin v. GSK and Glynn v. Merck

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News

RECOGNITION

October 4, 2019

LMG Life Sciences Recognizes King & Spalding With Multiple Rankings in its 2019 Guide

October 3, 2019

Latest Benchmark Litigation Guides Recognize King & Spalding as a Leading Litigation Firm

August 16, 2019

The Best Lawyers in America Recognizes 115 King & Spalding Lawyers in its 2020 Guide

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