

Andrew T. Bayman (Andy)

Partner

Trial and Global Disputes

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Andy Bayman is a trial lawyer who represents pharmaceutical companies, medical device manufacturers, retailers, automotive manufacturers and other major companies in complex and novel product liability and toxic tort cases. He has tried over 20 cases in state and federal courts, many of which are first of kind such as the first pharmaceutical products liability lawsuit ever tried under the theory of “Innovator Liability,” and the first MDL bellwether trial involving an atypical femur fracture allegedly caused by Merck’s osteoporosis medicine, Fosamax®.

He is often called upon as coordinating and lead counsel on some of the most brand-threatening, high-profile crisis matters for major manufacturers, many of which are in MDLs. Andy has frequently been recognized for his leading practice including by being named as a Product Liability MVP by *Law360* and in Chambers Nationwide and Legal 500. He is notably a fellow of the Litigation Counsel of America, an honorary society limited to less than .05% of U.S. lawyers.

In addition to his client work, Andy also is the Practice Group Leader of King & Spalding’s Trial & Global Disputes practice group, a diverse group of over 500 litigators who span 22 offices globally.

Matters

Acting as lead counsel for Boehringer Ingelheim Pharmaceuticals, Inc. and as one of four Defense Co-Leads in personal injury and class actions in the *In Re Zantac* MDL with more than 70,000 claimants in the United States District Court for the Southern District of Florida, as well as in various state courts and States Attorneys General actions.

Acting as lead counsel for a Fortune 50 company in an MDL pending in the Northern District of California alleging that it marketed and sold purportedly defective JUUL e cigarette products, including to minors.

Acting as co-lead counsel for The Renco Group, Inc. and Doe Run Resources Corp. in connection with thousands of lawsuits pending in the E.D. Missouri (St. Louis) filed on behalf of Peruvian children allegedly injured from exposure to lead and other contaminants at a metallurgical facility in La Oroya, Peru.

Represented pharmaceutical giant GlaxoSmithKline (“GSK”) in the first lawsuit ever tried under a

theory of “Innovator Liability” in which the plaintiff alleged that GSK was liable for the suicide of her late husband, 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.

Obtained a complete defense verdict for Merck in the first bellweather trial in an MDL in the U.S. District Court for the District of New Jersey, in a case alleging that Merck’s osteoporosis drug Fosamax® caused the plaintiff’s atypical femur fracture.

Serves as lead, national coordinating counsel and trial counsel in product liability litigation involving allegations that **GSK’s** antidepressant, Paxil®, causes birth defects. In this role, which has spanned more than a decade and involves emotionally charged cases that are brand and business threatening, Andy and the King & Spalding team have defeated certification of both state and national classes of Paxil® consumers on consumer fraud, medical monitoring and personal injury allegations.

Acting as trial counsel for an international medical device company in female pelvic mesh litigation.

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

Acted as 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.

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 class actions and individual lawsuits involving a recalled medical device in which death or serious injury was alleged.

Achieved a 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.

Acted as 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 or the loss of fertility.

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 Seventh 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 Western District of Tennessee
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
Court of Appeals of 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, 2009–2020

Selected as a Georgia “Super Lawyer”

LAW & POLITICS AND ATLANTA MAGAZINE, 2006–2020

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

2006–2020

Insights

ARTICLE

March 11, 2021

Biden Administration - What's Ahead for the Life Sciences Industry?

March 27, 2015 • Source: Washington Legal Foundation

First Circuit Breathes New Life Into Branded Drug Preemption Defense

CLIENT ALERT

March 24, 2020

Tort Immunity under PREP Act and COVID-19 Response Declaration

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Events

CONFERENCE

November 12, 2019

12th Annual King & Spalding Pharmaceutical University

SPEAKING ENGAGEMENT

December 7, 2020

Andy Bayman, Kristen Fournier, Adam Spicer to Speak on ACI's Annual Conference on Drug & Medical Device Litigation

December 9, 2019

Andy Bayman, Geoff Drake, Bobby Woo to Speak at ACI's Annual Conference on Drug & Medical Device Litigation

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News

IN THE NEWS

October 11, 2021 • Source: Law.com

Andy Bayman discusses the use of administrative dockets and registries in the context of the Zantac MDL

RECOGNITION

October 13, 2021

Benchmark Litigation Recognizes King & Spalding as a Leading Litigation Firm

October 5, 2021

LMG Life Sciences Recognizes King & Spalding With Multiple Rankings in its 2021 Guide

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