

# Val Leppert

Partner

*Trial and Global Disputes*

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Val Leppert is an appellate lawyer in King & Spalding’s Atlanta office. Besides briefing and arguing appeals, Val often provides strategic advice to trial teams and handles legal arguments in high-stakes product liability trials, including in the most plaintiff-friendly venues in the country. Val has worked on a variety of legal questions, such as federal preemption, excessive compensatory and punitive damages, attorney’s fees in class actions, the nonparty fault defense, Daubert challenges to expert testimony, the jury-selection process, and the scope of permissible closing arguments. He frequently develops new and creative arguments and has achieved a number of significant victories—including dismissal of his clients before trial in some cases, favorable evidentiary rulings and jury instructions during trial in others, and reversal of large judgments after trial in several appeals that have set favorable precedent for future litigation.

Val served as law clerk to the Honorable Frank M. Hull, United States Circuit Judge for the Eleventh Circuit Court of Appeals. He graduated, *magna cum laude*, from Mercer University School of Law where he received the George W. Woodruff Award of Excellence as the top-ranked student in his class. While in law school, Val served as Articles Editor of the *Mercer Law Review* and as Research Assistant to Professor Harold S. Lewis, Jr. While in college, he was named the *2004 Upper Midwest Athletic Conference South Most Valuable Player on Offense* after quarterbacking the Blue Jays to consecutive football conference championships.

Val is a native of Frankfurt, Germany, and is fluent in German.

## Matters

### Representative Appellate Work

Co-authored petition for stay in *Philip Morris USA Inc. v. Scott*, 131 S. Ct. 1 (2010) (Scalia, J., in chambers) (granting stay of state court judgment in product-liability class action)

Authored brief for appellee in *Toole v. Georgia-Pacific, LLC*, 2011 WL 7938847 (Ga. App. Jan 19, 2011) (affirming defense verdict in mesothelioma trial)

Authored petition for certiorari and merits brief for petitioner in *Georgia Pacific, LLC v. Fields*, 293 Ga. 499, 748 S.E. 2d 407 (2013) (reversing trial court and intermediate appellate court after concluding that summary judgment in favor of the plaintiff on the defendants’ nonparty-fault defense was inappropriate)

Co-authored merits brief in *Smith v. Brown & Williamson Corp.*, 410 S.W. 3d 623 (Mo. 2013) (Missouri Supreme Court accepting request for transfer and affirming trial court's judgment after the intermediate appellate court had reversed in favor of the plaintiff)

Authored briefs and presented oral argument for appellant in *R.J. Reynolds Tobacco Co. v. Webb*, 187 So. 3d 388 (Fla. 1st DCA 2016) (reversing trial court's \$1 million award of attorney's fees based on an agreement that had become unenforceable)

Co-authored briefs for appellant in *R.J. Reynolds Tobacco Co. v. Gafney*, 188 So. 3d 53 (Fla. 4th DCA 2016), *review denied*, SC16-693, 2016 WL 4537513 (Fla. Aug. 30, 2016) (vacating \$6 million dollar judgment and reversing for new trial based on improper arguments by plaintiff's counsel)

Authored briefs for appellant in *R.J. Reynolds Tobacco Co. v. Odom*, 210 So. 3d 696 (Fla. 4th DCA 2016) (reversing \$18.5 million judgment because jury's \$6 million compensatory damages award to adult child of decedent in wrongful death case was excessive)

Co-authored briefs for appellee in *Haliburton v. R.J. Reynolds Tobacco Co.*, 4D15-1819, 2017 WL 698516 (Fla. 4th DCA Feb. 22, 2017) (*per curiam*) (affirming defense verdict based on statute of limitations)

Co-authored briefs for appellant in *Philip Morris USA, Inc. v. Pollari*, 4D16-334, -- So. 3d ---, 2017 WL 3730347 (Fla. 4th DCA Aug. 30, 2017) (reversing \$13 million judgment for plaintiff because trial court admitted certain government reports that the appellate court found to constitute inadmissible hearsay)

### **Representative Legal Issues Trial-Support Work**

*Oglala Sioux Tribe v. Schwarting*, 894 F. Supp. 2d 1195 (D. Neb. 2012) (dismissing mass action against alcohol manufacturers for lack of jurisdiction)

*In re: Tobacco Litigation (Individual Personal Injury Cases)*, No. 00-CA-5000 (Kanawha County, West Va., 2013) (jury returning virtually complete defense verdict in common-issues phase of mass-tort trial)

*Thompson v. R.J. Reynolds Tobacco Co.*, 12-01326-CV-W-GAF, 2013 WL 12075967 (W.D. Mo. May 29, 2013) (granting summary judgment to defendant in product liability case)

*Morse v. R.J. Reynolds Tobacco Co.*, No. 08-CA-6849 (Fla. 18th Cir. Ct. 2014) (granting defendant's motion for mistrial based on improper comments by plaintiff's expert witness)

*Robertson v. R.J. Reynolds Tobacco Co.*, No. 2007-CV-036442 (Fla. 17th Cir. Ct. 2015) (jury returning defense verdict in a Broward County *Engle* progeny tobacco trial)

*Wilkins v. R.J. Reynolds Tobacco Co.*, No. 15-2007-CA-20 (Fla. 11th Cir. Ct. 2016) (jury returning defense verdict in *Engle* progeny tobacco trial in Miami-Dade County)

*Oshinsky v. Philip Morris et al.*, No. 2008-CV-025841(19) (Fla. 17th Cir. Ct. 2017) (trial court granting a new trial based on improper arguments by plaintiff's counsel)

*Shadd v. R.J. Reynolds Tobacco Co.*, No. 2008-CA-038631, 2017 WL 1959998 (Fla. 15th Cir. Ct. 2017) (trial court agreeing that 1999 amendments to Florida's punitive damages statutes should bar *Engle* plaintiff's request for punitive damages)

*Capone v. R.J. Reynolds Tobacco Co. et al.*, No. 2005-010312-CA-24 (Fla. 11th Cir. Ct. 2017) (trial

court granting summary judgment on plaintiff's *Engle* claims and then granting summary judgment on plaintiff's non-*Engle* product liability claims against client)

## Credentials

### EDUCATION

J.D., Mercer University, magna cum laude

B.A., Westminster College

### ADMISSIONS

Supreme Court of the United States

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court for the Southern District of Florida

Florida

Georgia

Court of Appeals of Georgia

Supreme Court of Georgia

### CLERKSHIPS

Law Clerk, Frank M. Hull, U.S. Court of Appeals for the Eleventh Circuit

### ASSOCIATIONS

Georgia

Florida

### LANGUAGES

German

## Insights

### CLIENT ALERT

Florida Passes Law Limiting COVID-19 Lawsuits

## Events

### WEBINAR

*May 12, 2021*

Personal Jurisdiction Over Life Science Businesses In Light of Recent Supreme Court Decisions

*March 16, 2021*

All About That Place: Personal Jurisdiction Over Nonresident Corporations Following Daimler

*June 30, 2020*

Strategies for Success Before Trial Judges

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## News

### CASES & DEALS

*January 15, 2021*

R.J. Reynolds Obtains Reversal of \$15.5M Judgment

*December 12, 2018*

King & Spalding Client RJ Reynolds Obtains Appellate Victory on Punitive Damages in Florida

**PRESS RELEASE**

*December 6, 2018*

King & Spalding Elects 30 New Partners and Promotes 11 Counsel Across 10 Offices

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