



Richard M. Barnes
Partner

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Rick Barnes is a founding partner of Goodell DeVries. He represents clients in complex tort, commercial, and product liability litigation. Recognized as a leading practitioner in these fields by Chambers USA and Best Lawyers, he was awarded 2015's Maryland Leadership in Law Award from *The Daily Record*. During his career, Rick has represented a variety of clients in disputes involving pharmaceuticals, medical devices, patents, trademarks and the Lanham Act, antitrust, breach of contract, unfair trade practices, aviation, commercial torts, covenants not to compete, and state procurement laws. He has defended companies in federal and state court class actions in Maryland, Florida, West Virginia, Alabama, Ohio, Pennsylvania, and California.

Since 2020, Rick has served as defense liaison counsel for dozens of generic pharmaceutical defendants in the Zantac multidistrict litigation (MDL). He is also lead defense counsel for a pharmaceutical manufacturer in the personal injury product liability and medical monitoring and consumer class action MDL No. 2924 related to over-the-counter medicine ranitidine (Zantac) and alleged exposure to N-Nitrosodimethylamine (NDMA). This MDL involves over 150,000 claimants and cases and is considered one of the most complex MDL proceedings in history. As liaison counsel for the generics, Rick leads the defense effort and has successfully obtained dismissals on behalf of generic manufacturers in several jurisdictions.

Practice Areas

- Intellectual Property Litigation
- Product Liability
- Pharmaceutical and Medical Device Litigation
- Toxic Tort and Environmental Litigation
- Class Action Litigation
- Commercial and Business Tort Litigation
- General Tort Liability Litigation

Court Admissions

- District of Columbia
- Maryland
- Virginia
- United States District Court for the District of Columbia
- United States District Court for the District of Maryland
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States Supreme Court

Education

- Western Maryland College (B.A., magna cum laude, 1977)
 - Honors: Omicron Delta Kappa, Pi Gamma Mu
- Georgetown University Law Center (J.D., *cum laude*, 1981)
 - *American Criminal Law Review* – Editor

Professional Affiliations

- The Defense Research Institute (DRI)
- Law Business Research: An International Who's Who of Product Liability Defense Lawyers
- Maryland Defense Counsel, Inc.
- Maryland State Bar Association – Committees on Budget & Finance and Pattern Jury Instructions; Special Committee on Citizenship Law Related Education
- Bar Association of Baltimore City
- District of Columbia Bar Association

Representative Matters

Currently, Rick serves as defense liaison counsel for dozens of generic pharmaceutical defendants in the Zantac multidistrict litigation (MDL) and as lead defense counsel for a pharmaceutical company in the personal injury product liability and consumer class action multidistrict litigation related to over-the-counter medicine ranitidine (Zantac) and alleged exposure to N-Nitrosodimethylamine (NDMA). Rick is also serving as national counsel to a pharmaceutical company in connection with personal injury claims alleging that asbestos contamination in talcum powder products causes cancer. Rick represents medical equipment manufacturers in trade secret

misappropriation and trademark infringement cases under the Lanham Act.

In 2018, Rick prevailed in a product liability case for a Danaher subsidiary. After successfully excluding the plaintiff's expert during a *Daubert* hearing, the court granted defendant's motion for summary judgment. In May 2018, Rick and Linda Woolf obtained a verdict in the Northern District of Texas awarding their client multi-million dollars in damages in connection with the sale of pharmacy automation equipment. Rick along with Linda and Matt prevailed in a commercial arbitration tried in Chicago on behalf of Dentsply Sirona in December 2017, successfully enforcing a covenant not to compete against a former consultant. The team also defeated a counterclaim for royalty payments in connection with a proprietary manufacturing process.

In June of 2017, Rick and Linda obtained a preliminary injunction on behalf of a medical device client that enjoined a consultant and former employer from competing. Also, in June 2017, he, Linda, and Derek Stikeleather successfully defeated plaintiffs' motion for class certification in a decade-long class action pending in the Eastern District of Pennsylvania.

In 2015, Rick and Linda defeated a multi-million dollar claim for patent royalties based on various endodontic patents and inventions. His client, Dentsply International, was also relieved of its obligation to pay future royalties on several of the disputed patents and inventions. In December of 2013, Rick and Linda successfully defended Dentsply International in a three-week California UCL class action trial in San Francisco Superior Court. The California Court of Appeals affirmed the win on appeal in January 2018. In 2013, he also successfully litigated a complex state procurement dispute before the Maryland Board of Contract Appeals on behalf of an institutional pharmacy. Rick has also tried to verdict complicated multi-plaintiff product liability, pharmaceutical, and medical device cases. He has briefed or argued cases before the United States Supreme Court and various state and federal appellate courts. He is currently serving as national counsel in two pharmaceutical litigations involving over-the-counter medications.

Representative clients include Pfizer Inc., Wyeth, Telectronics Pacing Systems, Inc., Pacific Dunlop, Ltd., Dentsply Sirona, Danaher Corporation, Hill-Rom, Johnson & Johnson, DePuy Orthopedics, L. Perrigo Company, Nissan Motor Credit Corporation, Lafarge, ARINC, Vermont Talc, A.H. Robins Co., Gruss & Co., Correct Rx Pharmacy, and several local businesses.

Rick's significant representations include trials for Pfizer Inc. and/or Wyeth relating to the Bjork Shiley Mechanical Heart Valve (1985-1999), Rezulin (2000-2004), the Howmedica Unicompartmental Knee (2001-2004), Diet Drugs (2003-2005), and Neurontin (2007-2011).

Rick has represented Pfizer in the hormone therapy litigation in cases in several jurisdictions including Maryland, Pennsylvania, Minnesota, West Virginia, and Virginia. He also had significant responsibilities for preparing and presenting scientific evidence in the Celebrex, Bextra and Chantix Litigations. He has briefed and argued several *Daubert* motions in pharmaceutical cases. Rick served as national counsel to Pfizer and its subsidiaries for claims and disputes arising from the manufacture and sale of the Duracon Unicompartmental Knee and over-the-counter pain relievers. In addition, he obtained a temporary restraining order and permanent injunction against the owner of a pornographic web site in Maryland for the infringement and dilution of Pfizer's "Viagra" trademark.

Rick served on the firm's national counsel team representing Telectronics Pacing Systems, Inc. in connection with thousands of claims arising out of the alleged failure of pacemaker leads. In this role, he was responsible for defending two national class actions, coordination of the litigation in Canada, Australia, and France, and the presentation of scientific, engineering, and regulatory evidence in various hearings for a class summary jury trial.

Rick represents L. Perrigo Company in cases in California, Maryland, Virginia, Pennsylvania, Indiana, New Jersey, and the District of Columbia involving over-the-counter medications including aspirin (Reyes Syndrome), acetaminophen, and ibuprofen.

Rick also represented ARINC, a provider of Advanced Information Management, for a rail control center in the matter of the Fort Totten Metrorail Accident Cases in the United States District Court for the District of Columbia. He was primarily responsible for preparing and presenting technical and scientific evidence pertaining to software design, train tracking algorithms, alarm management, and accident reconstruction.

Reported Cases

CLASS ACTION CASES

Center City Periodontists, P.C. v. Dentsply International, Inc., --- F.R.D. ----, 2017 WL 3142119 (E.D. Pa. July 24, 2017) Mr. Barnes was part of the Goodell team that, in 2017, successfully defeated a motion for class certification filed against the same dental device manufacturer in a decadelong class action in Pennsylvania federal court. The 36-page memorandum opinion, which followed six days of hearings on the motion to certify, denied class certification on a multitude of bases. The district court judge found that the plaintiffs failed to meet three of the four requirements under Rule 23(a): typicality, adequacy, and numerosity and Rule 23(b) (3)'s requirements that common questions of law or fact predominate over individual questions and that a class action is superior to other available methods for adjudicating the dispute. The court further agreed with Goodell's argument that the proposed class and subclasses were not objectively ascertainable and granted the *Daubert* motions to exclude the plaintiffs' economic damages and FDA regulatory experts. In 2013, the team had obtained dismissal of claims for negligence and alleged violations of the New Jersey Consumer Fraud Act. That opinion, 2013 WL 3956284, is believed to be the first to hold that the NJCFA does not apply to the sale of prescription medical devices, which are not 'merchandise' available to the public under the Act.

UNITED STATES SUPREME COURT CASE

- *Morrison-Knudsen Constr. Co. v. U.S. Dep't of Labor*, 461 U.S. 624 (1983)

FEDERAL APPELLATE COURT CASES

- *Correct RX Pharmacy v. Cornerstone Automation Systems*, 945 F.3d 423 (5th Cir. 2019)
- *Quillin v. C.B. Fleet Holding Co.*, 328 Fed. Appx. 195 (4th Cir. 2009)
- *Zinser v. Accufix Research Inst., Inc.*, 253 F.3d 1180 (9th Cir. 2001); 273 F.3d 1266 (9th Cir. 2001)
- *In re Telectronics Pacing Systems, Inc.*, 221 F.3d 870 (6th Cir. 2000); 148 F. Supp. 2d 936 (S.D. Ohio 2001); 137 F. Supp. 2d 985 (S.D. Ohio 2001); 137 F. Supp. 2d 1029 (S.D. Ohio 2001); 186 F.R.D. 459 (S.D. Ohio 1999); 172 F.R.D. 271 (S.D. Ohio 1997)
- *Bullard v. Dalkon Shield Claimants Trust*, 74 F.3d 531 (4th Cir. 1996); 845 F. Supp. 328 (D. Md. 1994)
- *Hagepanos v. Shiley, Inc.*, 846 F.2d 71 (4th Cir. 1988)

- *Bonstingl v. Maryland Bank, N.A.*, 841 F.2d 1122 (4th Cir. 1988); 662 F. Supp. 882 (D. Md. 1987)
- *Kontoulas v. A.H. Robins Co., Inc.*, 745 F.2d 312 (4th Cir. 1984)

FEDERAL DISTRICT COURT CASES

- *In re: Zantac (Ranitidine) Products Liability Litigation* 548 F. Supp 3d. 1225, 2021, 2021 WL 2865869 (S.D. Fla. July 8, 2021) In 2020, Rick was appointed by the court to serve as defense liaison counsel for dozens of generic pharmaceutical defendants in the Zantac multidistrict litigation (MDL) and as lead defense counsel for Perrigo in the personal injury product liability and medical monitoring and consumer class action MDL No. 2924 related to over-the-counter medicine ranitidine (Zantac) and alleged exposure to N-Nitrosodimethylamine (NDMA). This MDL involves over 100,000 claimants and cases and is considered one of the most complex MDL proceedings. As liaison counsel for the generics, Rick has led the defense effort and successfully presented arguments on various Motions to Dismiss on behalf of all generic manufacturers in June 2021. The MDL court dismissed all causes of action against the generic manufacturers in July 2021.
- *Correct RX Pharmacy v. Cornerstone Automation Systems*, No. 3:15-CV-3006-N, 2018 WL 10396249 (N.D. Tex. Apr. 16, 2018) Mr. Barnes and Ms. Woolf tried this fraud and negligent misrepresentation claim to a Texas federal jury for a Maryland institutional pharmacy wronged by a Texas supplier of automation software and equipment. After a two-week trial, the jury found the manufacturer liable for negligently misrepresenting its ability to provide a crucial automation system for the pharmacy's operations, causing millions in out-of-pocket losses. A Fifth Circuit panel unanimously upheld the trial court, ultimately yielding a \$3.7 million recovery; its published opinion held that the Texas economic-loss doctrine did not preclude the pharmacy's recovery. 945 F.3d 423 (5th Cir. 2019)
- *Greager v. McNeil-PPC, Inc.*, 414 F. Supp. 3d 1137 (N.D. Ill. 2019)
- *Brodsky v. Ka Vo Dental Technologies, LLC and Henry Schein, Inc.*, (D. Md. 2015)
- *Brodsky v. KaVo Dental Technologies, LLC*, 2018 WL 620453 (D. Md. Jan. 30, 2018)
- *Center City Periodontists, P.C. v. Dentsply International, Inc.*, 321 F.R.D. 193 (E.D. Pa. 2017)
- *Johnson v. Dentsply Sirona Inc.*, 2017 WL 4295420 (N.D. Okla. Sept. 27, 2017)
- *Dentsply Sirona Inc. v. L I K Supply, Corp.*, 2017 WL 4357462 (N.D. N.Y. Sep. 29, 2017)

- *In re Prempro Products Liability Litigation*, 900 F.Supp. 2d 926 (E.D. Ark. 2014)
- *Dentsply International, Inc. v. Lewis and Roca, LLP*, 2013 WL 12246644 (D.N.M. Sep. 19, 2013)
- *Introsan Dental Products, Inc. v. Dentsply Tulsa Dental, LLC*, 2012 WL 3011830 (D.Md. July 20, 2012)
- *Keffer v. Wyeth*, 791 F.Supp. 2d 539 (S.D. W.Va. 2011)
- *King v. Pfizer Pharmaceutical Co., Inc.*, 2011 WL 3157305 (D.Md. July 25, 2011)
- *Hines v. Wyeth*, 2011 WL 2792436 (S.D. W.Va. July 14, 2011); 2011 WL 2680834 (S.D. W.Va. July 8, 2011); 2011 WL 2680814 (S.D. W.Va. July 8, 2011), 2011 WL 2680842 (S.D. W.Va. July 8, 2011)
- *In re Neurontin Marketing, Sales Practices and Products Liability Litigation*, 618 F. Supp. 2d 96 (D. Mass. 2009)
- *Quillin v. C.B. Fleet Holding Co.*, 2007 WL 3103903 (D. Md. Oct. 11, 2008)
- *Moore v. Wyeth-Ayerst Laboratories*, 236 F. Supp. 2d 509 (D. Md. 2002)
- *Ramada Franchise Systems, Inc. v. Capitol View II Ltd. P'ship Venture*, 132 F. Supp. 2d 358 (D.Md. 2001)
- *L.M.P. Service, Inc. v. Shell Oil Co.*, 128 F. Supp. 2d 287 (D. Md. 2000); 116 F. Supp. 2d 645 (D.Md. 2000)
- *Chertkov v. TPLC, Inc.*, 916 F. Supp. 608 (N.D. Tex. 1996)
- *In re Teletronics Pacing Systems, Accufix Atrial "J" Lead Litig.*, 168 F.R.D. 203 (S.D. Ohio 1996); 164 F.R.D. 222 (S.D. Ohio 1995)
- *Kemp v. Pfizer Inc*, 851 F. Supp. 269 (E.D. Mich. 1994); 152 F.R.D. 556 (E.D. Mich. 1993)
- *Pfizer Inc v. FDA*, 753 F. Supp. 171 (D.Md. 1990)
- *EKA AB, Conteka B.V. v. Union Carbide Corp.*, 699 F. Supp. 77 (D.Md. 1988)
- *Pottratz v. Davis*, 588 F. Supp. 949 (D.Md. 1984)
- *In re Dalkon Shield Litig.*, 599 F. Supp. 1351 (D.Md. 1984); 581 F. Supp. 135 (D.Md. 1983)

STATE APPELLATE COURT CASES

- *Center for Environmental Health v. Perrigo Co., et al.*, 89 Cal. App. 5th 1, 305 Cal. Rptr. 3d 587 (Cal App. 2023). In May 2023, the San Francisco-based California Court of Appeal, First Division, handed down its reported opinion affirming the Superior Court of Alameda County's dismissal of a Proposition 65 case alleging that Perrigo failed to warn consumers of the presence of a potential human carcinogen in its over-the-counter ranitidine products sold in the State of California. The appellate ruling is a case of first impression applying federal pre-emption to a generic pharmaceutical product under Proposition 65.

- *Patricia A. Murray Dental Corp. v. Dentsply International, Inc.*, 19 Cal. App. 5th 258 (Cal. Ct. App. 2018)
- *Volkman v. Hanover Investments, Inc.*, 225 Md. App. 602 (2015)
- *In re: West Virginia Rezulin Litig.*, 585 S.E.2d 52 (W. Va. 2003)
- *Moore v. Nissan Motor Acceptance Corp.*, 831 A.2d 12 (Md. 2003)
- *Sterry v. Bethlehem Steel Corp.*, 494 A.2d 748 (Md. App. 1985)
- *Furr v. Spring Grove State Hosp.*, 454 A.2d 414 (Md. App. 1983)

Publications

- Co-author of book chapter 'Impact of Insurance Policies on Product Litigation' in *Current Law, Strategies and Best Practices in Product Litigation* (Pract. Law Inst. 2009)

In the News

- "Calif. Appeal Panel Affirms Ax of Zantac Prop 65 Claims," Law360 (March 10, 2023)
- "Generic Zantac Makers Want Final Judgment in Fla. MDL," Law360 (January 27, 2023)
- "Retailers, Generics Makers Want Out of Zantac MDL," Law360 (June 4, 2021)
- "Zantac Generics MDL Labeling Claims Axed as Preempted," Law360 (January 4, 2021)

Community Activities

- Central Presbyterian Church – Elder (2001-Present)
- Charlestown Retirement Community – Board of Directors (2009-Present)
- Rodgers Forge United Methodist Church – Board of Trustees (1986-1998)
- Dumbarton Middle School PTSA – Treasurer (1999-2000)
- Towson Recreation Council – Girls Softball and Soccer Coach (1989-2004)

Honors and Awards

- *The Daily Record* – Leadership in Law Award (2015)
- Chambers USA
 - Litigation: General Commercial (Maryland), Band 4 (2020-2024); Band 3 (2019)
- Best Lawyers in America
 - Baltimore “Lawyer of the Year” for Mass Tort Litigation / Class Actions (2017)
 - Mass Tort Litigation/Class Actions – Defendants (2011-Present)
 - Product Liability Litigation – Defendants (2011-Present)
 - Commercial Litigation (2011-Present)
- Maryland Super Lawyers
 - Class Action/Mass Tort (2007-2025)