



**Sean Gugerty**  
Partner

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Sean Gugerty is a partner with Goodell DeVries. His practice is focused primarily on defending healthcare providers and healthcare institutions. Sean has successfully represented these clients in medical malpractice and other claims throughout the Maryland and D.C. judicial system. Sean also represents pharmaceutical manufacturers in product liability litigation in state and federal court, as well as providing advice and analysis on regulatory compliance and risk mitigation.

Sean handles complex litigation in all its phases, including investigation, depositions, motions practice, alternative dispute resolution, and trial. He has prevailed in dispositive motions in both state and federal court, including in the *In Re: Zantac* multidistrict litigation in the Southern District of Florida, where he was the co-lead counsel for briefing and arguing motions that secured the dismissal of all claims against the generic manufacturer defendants. Sean also briefed and argued motions resulting in the dismissal of the first COVID-19 medical malpractice claim brought in Maryland state court. In addition, Sean has experience briefing and arguing appeals before the Appellate Court and the Supreme Court of Maryland.

Before joining the firm, Sean was the law clerk to the Hon. Joseph M. Getty at the Supreme Court of Maryland. He also clerked for the Hon. Peter B. Krauser, Chief Judge of the Appellate Court of Maryland (Ret.), and the Hon. Sherrie R. Bailey, Associate Judge of the Circuit Court for Baltimore County. Sean attended the University of Maryland School of Law where he had a concentration in health law, served on the *Journal of Health Law & Policy* and the Maryland Law Moot Court Board, and interned with the legal department of The Johns Hopkins Health System.

## Practice Areas

- Medical Malpractice
- Product Liability
- Appellate

## Court Admissions

- Maryland
- District of Columbia
- United States District Court for the District of Maryland
- United States District Court for the District of Columbia
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Eleventh Circuit

## Education

- University of Maryland, School of Law (J.D., with Honors, 2015)
  - Order of the Coif (2015)
  - Concentration in Health Law
  - *Journal of Health Law & Policy* – Notes & Comments Co-Editor
  - Maryland Law Moot Court Board
- St. Mary's College of Maryland (B.A., *summa cum laude*, 2011)
  - Phi Beta Kappa

## Professional Associations

- Maryland-D.C. Society for Healthcare Risk Management (MD-DC SHRM) – Communications Committee (2019-Present); Education Committee, Chair (2022)
- Maryland State Bar Association
- Bar Association of Baltimore City
- Bar Association of Baltimore County
- Defense Research Institute (DRI)

## Representative Matters

- *Ctr. for Environmental Health v. Perrigo Co.*, 89 Cal. App. 5th 1, 305 Cal. Rptr. 3d 587 (Cal. App. 2023). Sean was lead briefing counsel in demurrers (motions to dismiss) that resulted in an Alameda County court's decision dismissing — as federally preempted — a consumer group's Proposition 65 claims against generic ranitidine manufacturers and retailers. After plaintiff appealed, Sean took a leading role in appellate briefing and argument for the defendants and secured a reported decision affirming the trial court's dismissal ruling.
- *In re: Zantac (Ranitidine) Products Liability Litigation*, 548 F. Supp 3d. 1225, 2021 WL 2865869 (S.D. Fla. July 8, 2021). Sean, with Rick Barnes and others, is part of the team that represents 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 in U.S. history. Sean was co-drafting counsel for motions to dismiss filed collectively on behalf of dozens of the generic manufacturer defendants, which ultimately resulted in the MDL court dismissing all causes of action against the generic manufacturers in July 2021 based on federal preemption.

- *Greager v. McNeil-PPC, Inc.*, 414 F. Supp. 3d 1137 (N.D. Ill. 2019). Sean took the lead in the motion to dismiss briefing that resulted in dismissal of all claims against the manufacturer and sellers of an over-the-counter ibuprofen product based on federal preemption.

## Publications and Seminars

- Speaker, “Mastering MDL Defense: Strategic Approaches to Overcome Complex Challenges and Dismiss Meritless Claims,” ACI Drug & Medical Device Litigation Annual Conference (December 2, 2024)
- Presenter, “A [Plaintiff’s] World of Pure Imagination,” Top Gun Litigation: Courtroom Mavericks, The Trial Network (October 24-27, 2024)
- Panelist, “Developing a Tactical Tool-Kit for Managing Unique MDL Challenges and Combatting Meritless Claims,” American Conference Institute 28th Annual Drug & Medical Device Litigation Conference (December 4, 2023)
- Author, “[Take-Home COVID Claims Should Not Prevail in Maryland and D.C.](#),” Goodell DeVries Blog (August 28, 2023); Republished in *The Defense Line*, Maryland Defense Counsel, Inc. (January 2024)
- Panelist, “21st Century MDLs – The New Wild West,” Lakeside Litigation SuperCourse, The Trial Network (April 28, 2023)
- Presenter, “Covid-19 Claims: Are Hospitals at Risk,” Universal Health Services, Inc. Risk Management Education Committee Presentation (November 29, 2022)
- Presenter, “Young Lawyers Breakout: MDLs for Young Lawyers: Early Days, Discovery, and Bellwether Selection,” DRI Drug & Medical Device Seminar (September 8, 2022)

## 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)

## Honors and Awards

- Best Lawyers – Ones to Watch
  - Medical Malpractice Law – Defendants (2021-2022)
  - Healthcare Law (2021-2022)
- Maryland Super Lawyers – Rising Star
  - Personal Injury – Medical Malpractice Defense (2021-2025)