



## DAVID G. OTT

### PARTNER

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David Ott, a member of the firm's award-winning Mass Tort and Catastrophic Loss practice area, has extensive experience in a wide range of litigation areas including medical and professional malpractice, personal injury, product liability, and business and commercial matters. His LL.M. in tax enhances his ability to assist clients with risk determination and valuation.

He has tried about 100 cases in courts across the nation and his successful verdicts have ranked among Missouri's highest for at least 15 years. Since 2005, Dave has been recognized annually in Best Lawyers in America for his defense work in personal injury and product liability cases.

In the risk management area, Dave counsels clients on how to structure their business operations in order to avoid problems and minimize liability. He also provides advice about HIPAA compliance policies and procedures, and best practices for transitioning to electronic medical records.

### Health Care

Dave represents national health care corporations, hospitals, doctors, nurses and other health care professionals in a full spectrum of complex matters.

These cases involve wrongful death; obstetrics, including cerebral palsy, hypoxic-ischemic encephalitis, and birth traumas; surgical and emergency care; primary care and internal medicine claims; informed consent; medical specialty, such as cardiology, dentistry, ophthalmology, radiology, and neurology; hospital and home-health nursing; nursing home and long-term-care facility issues; slips-and-falls and all other non-medical premises liability and hospital torts.

His work also encompasses off-label use of investigative drugs, "never events," hospital training and policy issues.

### Products Liability, Personal Injury

His varied work includes wrongful deaths, auto and boating accidents, auto parts manufacturing, accident reconstruction and crash safety, construction injuries, professional liability, slips-and-falls and other premises liability. His cases routinely involve interaction between multiple parties in high-stakes disputes.

For example, he successfully resolved a multi-national litigation involving the designers, manufacturers, distributors, and regulation of high-performance racing vehicle components and crash safety. He also tried multiple cases against national auto manufacturers for fatal auto-part failures and subsequent accidents resulting in multiple

### SERVICES AND INDUSTRIES

Medical Malpractice

Mass Tort and Catastrophic Loss

Product Liability

Professional Liability

### ADMISSIONS

Missouri

Illinois

Tennessee

U.S. District Court, Eastern District of Missouri

deaths and mayhem.

His clients include parts manufacturers and corporations facing litigation and investigations involving welding and cutting products, shipping containers, product safety labeling, construction accidents, product performance and failure issues, improper training and product mishandling disputes.

Dave has tried and resolved many other cases involving premises-liability accidents, public health threats, and other personal injuries.

### **Business and Commercial**

In this area of his practice, Dave provides counsel to individuals, small businesses, and multi-national corporations. This includes successfully prosecuting and defending businesses with respect to trademark litigation in federal and state courts.

These cases also include business competition, employment concerns, breach of contract disputes and negotiations, product development and liability, premises liability, risk and claims investigations, regulatory issues, consumer fraud, banking and fiduciary duties, defamation, misrepresentation, commercial manufacturing negligence, and catastrophic events.

His clients include businesses from the following industry and professional service groups: food manufacturing, banking, pharmaceuticals, marketing, advertising, and communications, law, security services, and accounting.

### **EDUCATION**

- Washington University School of Law (LL.M., *summa cum laude*, 1988)
- University of Missouri School of Law (J.D., *summa cum laude*, 1982)
- Quincy College (B.S., *summa cum laude*, 1979)

### **PROFESSIONAL ACTIVITIES**

- The Missouri Bar
- Tennessee Bar Association
- The District of Columbia Bar
- Defense Research Institute

### **CHARITABLE AND CIVIC INVOLVEMENT**

- Rebuilding Together

### **ACCOLADES**

- Obtained #2 Defense Verdict in Missouri (2013)
- Obtained #1 Defense Verdict in Missouri (2010)
- Obtained #7 and #11 Defense Verdicts in the state of Missouri (2005)

- Obtained #3 Defense Verdict in the state of Missouri (2003)
- Obtained the Top 10 Defendants' Verdict in the state of Missouri in a medical malpractice case (2002)
- Obtained the Top 5 settlement for Plaintiff's product liability (tire) case in the state of Missouri (2001)
- *Missouri/Kansas Super Lawyers*® (2014-2015)
- Selected as a 2013 Top Rated Lawyer in Healthcare by *Martindale-Hubbell* and *American Lawyer Media (ALM)*
- *The Best Lawyers in America*®; Personal Injury Litigation - Defendants, Product Liability Litigation - Defendants (2005-present)
- AV® Peer Review Rated, *Martindale Hubbell*

## BACKGROUND

Dave began private practice at another firm and joined Armstrong Teasdale in 1997 as a partner.

## EXPERIENCE

### **Obtained Dismissal for Communications Client in Wrongful Death Suit**

Obtained a dismissal for a communications client in U.S. District Court for the Middle District of Pennsylvania, in which they were involved as a party in a wrongful death, negligence and fraud case brought against one of their own clients. The motion to dismiss was granted based on lack of personal jurisdiction and failure to state a claim.

### **Defense Verdict for University Client in Medical Malpractice, Negligence Case**

Secured a defense verdict in a medical malpractice case in which the plaintiffs asked the jury to return a verdict in excess of \$5 million in favor of a brain-damaged minor. The plaintiffs alleged defendant's failure to appropriately diagnose and treat the minor's mycoplasma pneumonia, and encephalitis resulted in permanent brain damage. The case was complicated in that the treating pediatric neurologist testified on behalf of the minor plaintiff and adverse to the defendant. Testimony included nine experts in the areas of pediatric neurology, infectious disease, autoimmune disorders, pediatric neuropsychology and pediatrics. After a several-week trial, a St. Louis City jury returned a verdict in favor of the defendant.

### **Second-Largest 2013 Missouri Defense Verdict**

Won the second-largest 2013 defense verdict in Missouri for its representation of a hospital in a medical negligence case. The ranking was reported by Missouri Lawyers Weekly.

### **\$17 Million Defense Verdict for Hospital Client in Suit Brought by Neurosurgeon**

Defended a hospital client in a suit against a neurosurgeon who allegedly slipped and fell leaving the operating room in the hospital where he worked. The suit alleged that right-shoulder injuries from the fall ended his career. The last pre-trial demand sought \$17 million in damages. After four days of trial, a defense verdict was returned in favor of our client. The win was ranked the no. 1 defense verdict in the state of Missouri in

2010 by Missouri Lawyers Weekly.