



## **Carl J. Summers**

Counsel

**Washington D.C.**

**T:** 202.263.3247

**F:** 202.263.3300

[csummers@mayerbrown.com](mailto:csummers@mayerbrown.com)

C.J. Summers specializes in appeals involving challenges to excessive punitive damages, the admissibility of expert testimony, preemption, insurance bad faith, the FELA, and product liability (from automobiles to pharmaceuticals and medical devices). With a background in both philosophy and chemistry, he is adept at simplifying and integrating complex medical and scientific information for generalist judges and law clerks. C.J. also regularly works with trial teams to develop strategy, prepare motions, and preserve issues for appeal. In that capacity, C.J. has extensive experience developing model pleadings that can be efficiently adapted for individual cases in nationwide or recurring litigation.

### **SELECTED EXPERIENCE**

#### **Bryant v. Medtronic, Inc. (Eighth Circuit)**

In the first significant appellate medical-device preemption decision after the Supreme Court's decision in *Riegel*, we secured a total victory, dismissing all claims in a multi-district litigation.

#### **CSX Transp., Inc. v. Pitts (Maryland)**

A locomotive engineer brought a personal injury action under the Federal Employers' Liability Act (FELA) against our client, CSX, for knee injuries he allegedly sustained while working in CSX's rail yards.

#### **Dziadek v. The Charter Oak Fire Insurance Company (Eighth Circuit)**

We filed an amicus brief for several groups addressing the proper treatment of prejudgment interest under the Supreme Court's due process guideposts for reviewing punitive awards.

#### **Head v. Stripling (Georgia)**

We vacated the death sentence of a mentally retarded man and eventually convinced the state to accept a plea agreement imposing a life sentence.

#### **Kiobel v. Royal Dutch Petroleum Co. (U.S. Supreme Court)**

The question presented in this case was whether suits against corporations, as opposed to natural persons, for alleged violations of international law are cognizable under the Alien Tort Statute (“ATS”).

**Leavey v. Unum Provident Corp. (Ninth Circuit)**

In an insurance bad-faith case, we successfully reduced a \$15 million punitive award to \$3 million and a \$4 million compensatory award to \$1.2 million on post-trial motions and defended that outcome on appeal.

**Lompe v. Sunridge Partners, LLC (Tenth Circuit)**

We filed an amicus brief for the Chamber of Commerce identifying several significant errors in the trial court’s decision to approve punitive damages of \$25.5 million when compensatory damages were \$2.7 million.

**Quanta Computer, Inc. v. LG Electronics, Inc. (U.S. Supreme Court)**

This case presented the questions whether the patent-exhaustion doctrine applies to method patents and to the first authorized sale of a component that substantially practices the patent.

**Udac v. Takata, Corp. (Hawaii Court of Appeals)**

We obtained a new trial on liability and JMOL on punitive damages following a \$17 million verdict based on alleged defects in a seatbelt buckle that resulted in the plaintiff’s paralyzation.