



## Brenda A. Sweet

### Counsel

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Brenda Sweet brings a sensible and strategic approach to litigation, balancing client objectives with an aggressive defense for the most effective results.

For the past decade, Brenda has successfully implemented this approach in defending products liability claims in both state and federal courts across the country, with particular emphasis on defending pharmaceutical product and medical device manufacturers in complex litigation. Her attention to detail and diligent follow-up have earned acclaim from clients, co-counsel, and firm colleagues.

She co-leads the national counsel team representing a chemotherapy drug manufacturer in the *In re Taxotere Products Liability Litigation* Multi District Litigation (E.D. La.), the fifth MDL on which she has worked. She also leads defense counsel in developing the strategic plan for preparing cases for trial following remand from a pelvic mesh MDL, and she aggressively pursues discovery from government agencies in opioid-related litigation.

Brenda is involved in every aspect of litigation, from initial pleadings through complex discovery, motion practice, hearings, trial, and settlement.

Brenda is committed to mentoring young associates and promoting mental health awareness and attorney wellness. A native of Northeast Ohio, Brenda and her husband Allan – also an attorney – reside with their daughters in Akron, Ohio. In an effort to maintain life balance, Brenda is an almost-daily hiker in the Cuyahoga Valley National Park and Summit Metro Parks – even in Northeastern Ohio’s challenging winters.

### Education

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- Cleveland State University College of Law (J.D., summa cum laude, 2009); Cleveland State Law Review, Executive Editor
- Cleveland State University (M.P.A., 2009)
- Mount Union College (B.A., magna cum laude, 2004)

### State Admissions

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- Ohio, 2010

### Service Areas

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- Life Sciences Litigation
- Mass Tort & Product Liability
- Health & Life Sciences

### Experience

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- National counsel for a 505(b)(2) manufacturer of the chemotherapy drug docetaxel in Taxotere MDL and related state court litigation, focusing on case-specific discovery, expert development, trial strategy, and development of novel federal preemption arguments (2017 to present)
- Obtained summary judgment dismissal of bellwether trial plaintiff's case in Taxotere MDL based on judicial estoppel (October 2018)
- Developed legal strategy underpinning trial that resulted in defense verdict in Philadelphia Court of Common Pleas in pelvic mesh litigation (June 2017)
- Developed and executed investigation and discovery plan related to Ohio governmental agencies, including the Department of Medicaid, who made unprecedented claims in *In re National Prescription Opiate Litigation* MDL and related litigation on behalf of an opioid manufacturer (2019 to present)
- Remand counsel for pelvic mesh manufacturer, including motion practice, supplemental discovery, and trial work-up (2019 to present)

## **Publications & Events**

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### **PUBLICATIONS**

- “Preempting Bottled Water Microplastics Fraud Claims,” *Law360* (March 2024)
- “Michigan Product Liability Law: Retroactivity of New Law and Primer,” Drug & Device Law Blog (February 2024)
- “Evaluating Retroactivity of Michigan Drugmaker Immunity Repeal,” *Law360* (January 2024)
- “But Is It Retroactive? Michigan Repeal of Drugmaker Immunity Statute Set to Go Into Effect February 2024,” Tucker Ellis Client Alert (January 2024)
- “Reviving Failure to Warn Defenses in Cases Involving Deceased Prescribing Physicians,” IADC Product Liability Committee Newsletter (November 2019)
- “Understanding the Marital-Communications Privilege When Invoked by a Consortium Plaintiff,” American Bar Association, Section of Litigation, Products Liability Litigation Committee, Practice Points (March 2018)
- “Drug Approvals, Medical Device Approvals, and Clinical Trials and Registries,” Chapter 2, *FDA Basics for the Drug and Medical Device Lawyer*, DRI Defense Library Book (2015)

### **MEDIA**

- “State Court Reservations Cancelled for Litigation Tourists in Philadelphia Mesh Litigation,” Drug & Device Law Blog (January 2020)
- “Judicial Estoppel: Failing to Disclose MDL Lawsuit as Asset in Bankruptcy Prevents Plaintiff From Pursuing Case,” Drug & Device Law Blog (October 2018)

### **In the Community**

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- Akron Bar Association
- Old Trail School Parents’ Association