



## Michael J. Ruttinger

### Partner

950 Main Avenue,  
Suite 1100  
Cleveland, OH 44113-7213

D 216.696.4456

F 216.592.5009

[michael.ruttinger@tuckerellis.com](mailto:michael.ruttinger@tuckerellis.com)

Michael Ruttinger is known for his thoughtful and effective approach to class actions, appeals, and complex litigation.

Clients turn to Mike for his ability to navigate cases involving unique facts or novel questions of law, particularly when high stakes demand clear and concise advocacy. Mike's experience spans a wide range of industries and legal issues. He has:

- Secured dismissals, summary judgments, and denials of class certification in complex cases filed against hospital systems, particularly those involving medical billing, access-to-records, and privacy issues;
- Successfully defended class action and constitutional claims brought against private companies, public utilities, pension systems, and state agencies, including claims made under 42 U.S.C. § 1983;
- Advanced the interests of drug and medical device manufacturers through influential decisions on preemption and jurisdictional issues;
- Obtained dismissals and denials of class certification in consumer product litigation involving warranty and false advertising claims; and
- Served as appellate-monitoring counsel at trial in high-stakes personal injury and products liability litigation.

Mike maintains a nationwide practice in these and other complex litigation areas. He leverages his federal appellate clerkship experience and extensive federal litigation background to simplify complex legal and factual issues into persuasive arguments, helping to limit costly discovery and efficiently resolve disputes.

Before joining Tucker Ellis in 2009, Mike served as a law clerk to the Honorable Deborah L. Cook of the United States Court of Appeals for the Sixth Circuit. He earned his law degree *magna cum laude* from the University of Michigan Law School, where he was a member of the Order of the

Coif. He regularly speaks on class action procedure and is recognized for his published analyses of emerging legal trends.

Originally from Kentucky, Mike and his family are now rooted in Cleveland. Mike is a veteran endurance athlete and has raced more than a dozen marathons and three Ironman triathlons. Mike believes that if you can face the closing miles of an Ironman with a smile and sense of humor, there is nothing litigation can throw at you that you can't handle.

### **Education**

---

- University of Michigan Law School (J.D., magna cum laude, 2008); Order of the Coif; Michigan Law Review, Contributing Editor
- The College of Wooster (B.A., summa cum laude, 2005); Phi Beta Kappa; Aileen Dunham Prize in History

### **State Admissions**

---

- Ohio, 2008

### **Federal Admissions**

---

- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Fourth Circuit
- United States Court of Appeals, Fifth Circuit
- United States Court of Appeals, Sixth Circuit
- United States Court of Appeals, Eleventh Circuit
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio
- United States District Court, Northern District of Illinois

### **Service Areas**

---

- Appellate & Legal Issues
- Class Action Litigation
- Life Sciences Litigation
- Educational Institutions
- Health & Life Sciences

## Experience

---

- Obtained a favorable federal interlocutory appeal decision reversing an MDL proceeding's summary judgment denial and addressing issues of first impression about federal preemption of drugs approved under the FDA's § 505(b)(2) pathway
- Representing a defendant in a class action involving claimed racial discrimination and causes of action brought under the Due Process Clause, Equal Protection Clause, and a novel theory of liability under the federal Fair Housing Act and Ohio Civil Rights Act
- Secured denial of class certification, an order striking class action allegations, and favorable resolution of an issue of first impression regarding class-action tolling under Ohio law in a putative class action based on a variety of state tort- and contract-based claims alleged against a major hospital system
- Obtained dismissal on the pleadings of a class action challenging the constitutionality of Ohio statutory provisions that set special registration fees for owners of hybrid and electric motor vehicles
- Procured summary judgment for a physician sued under 42 U.S.C. § 1983 in federal court
- Served as appellate monitoring counsel at a high-stakes personal injury and product liability trial, securing dismissal as a matter of law of the plaintiff's claims for punitive damages en route to a defense verdict and denial of the plaintiff's post-judgment motion for a new trial
- Obtained a summary judgment decision, and affirmance on appeal, in a class action alleging that a major hospital system overcharged for copies of medical bills in violation of Ohio law; the Court's decision decided as an issue of first impression that itemized medical bills are not "medical records" under Ohio law
- Represented a myriad of colleges and universities in class-action litigation involving injuries sustained by college athletes
- Representing a state pension system in class-action litigation involving the interpretation of state statutory requirements
- Briefed novel primary jurisdiction defenses in a nationwide class action where the consumer-product manufacturer is subject to a federal consent decree
- Secured an order denying class certification in a consumer product class-action alleging false advertising under California law, leading to a favorable nationwide settlement
- Obtained dismissal on the pleadings of a consumer-product manufacturer in a nationwide class action alleging fraud, misrepresentation, and breach-of-warranty claims
- Procured a decision from the Northern District of Ohio dismissing with prejudice a putative consumer class-action lawsuit, including claims for breach of warranty, unjust enrichment, and fraudulent concealment
- Collaborated with Tucker Ellis lawyers and outside counsel to procure a decision from the Supreme Court of the United States holding that failure-to-warn claims alleged against the manufacturers of generic drugs are preempted
- Secured affirmance of a summary judgment decision dismissing design-defect claims alleged against a brand-name prescription drug manufacturer as preempted by the FDCA from the United States Court of Appeals for the Sixth Circuit
-

Procured a decision from the United States Court of Appeals for the Fifth Circuit affirming a trial court decision dismissing all of the plaintiff's Louisiana state-law claims against a generic prescription drug manufacturer as impliedly preempted by federal law

- Crafted a defendant-appellee's brief to the Fifth Circuit arguing that the mandate rule justified affirmance of a trial court decision denying the plaintiff's motion to alter or amend a judgment rendered on remand from the Supreme Court of the United States
- Prepared briefing for the United States Court of Appeals for the Sixth Circuit encouraging the court to reject a plaintiff's application for a writ of mandamus challenging a transfer decision issued by the Judicial Panel on Multidistrict Litigation
- Drafted motions for summary judgment and to exclude plaintiffs' proffered expert witnesses in consolidated multidistrict litigation involving a complex prescription drug medication that had been part of a recall

## Publications & Events

---

### ORAL ARGUMENT

- *Hickey v. Hospira*, U.S. Court of Appeals for the Fifth Circuit (March 2024)

### SPEAKING ENGAGEMENTS

- “PFAS – Forever Generating Legal Issues,” Tucker Ellis 2024 In-House Counsel Summit (November 2024)
- “Supreme Court Term in Review,” Tucker Ellis 2024 In-House Counsel Summit, Cleveland, Ohio (October 2024)
- “Personal Jurisdiction and Venue in the 6<sup>th</sup> Circuit,” Federal Court Practice Update 2023, Cleveland Metropolitan Bar Association (November 2023)
- “2022–2023 Supreme Court Term in Review,” Tucker Ellis In-House Counsel Summit (October 2023)
- “Eight Tips for Preserving Error in Ohio Courts,” Office of the Ohio Attorney General, Columbus, Ohio (May 2023)
- “Class Certification Evidence: Standards of Admissibility and Probative Value Among the Circuits,” Strafford Webinar (March 2023)
- “Viability of Nationwide Class Actions and Settlements in Light of Contracted Federal Jurisdiction and Standing,” Strafford Webinar (January 2023)
- “Supreme Court Year in Review,” Tucker Ellis In-House Counsel Summit (October 2022)
- “Multidistrict Class Actions: Consolidating Class Actions Without Conceding Certification,” Strafford Webinar (September 2022)
- “Fixin’ to Use a Special Master? Advice You Can Hang Yer Hat On,” Moderator, 25<sup>th</sup> Annual National Institute on Class Actions, American Bar Association, Austin, Texas (April 2022)
- “Class Certification Evidence: Standards of Admissibility and Probative Value Among the Circuits,” Strafford Webinar (February 2022)
- “Defeating Class Certification: Using Personal Jurisdiction to Defeat Litigation Tourism,” Strafford Webinar (December 2019)
- “The Supreme Court Year in Review,” 2019 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (November 2019)
- “Personal Jurisdiction Following the *Bristol-Myers Squibb* Decision,” DRI’s Business Litigation Super Conference, Austin, Texas (May 2019)
- “The Supreme Court Year in Review,” 2018 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2018)
- “When and How Early Summary Judgment Practice Can Help Win Your Class Action,” DRI 2018 Annual Meeting, San Francisco, California (October 2018)
- “Personal Jurisdiction After *Bristol-Myers Squibb*: Unresolved Issues, Shifting Plaintiff Strategies,” co-presented at a national Strafford webinar (September 2018)
- “Lessons for Data Breach Lawyers from the World of Product Liability,” myLawCLE/Federal Bar Association Video Broadcast, Arlington, Virginia (April 2018)
-

“The Supreme Court Year in Review – 2016-2017 Term: Mapping the New Court’s Uncertain Course” and “Data Breach Class Actions,” 2017 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2017)

- “Generation Give,” Ideastream, Cleveland, Ohio (December 2016)
- “U.S. Supreme Court Round-Up,” 2016 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2016)
- “U.S. Supreme Court Round-Up” and “How the Third Wave of the Internet Will Revolutionize Legal Services,” 2015 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2015)

## PUBLICATIONS

- “Supreme Court Clarifies Impact of Amended Complaints on Federal Jurisdiction,” Tucker Ellis Client Alert (January 2025)
- “U.S. Supreme Court Upholds Pennsylvania Corporate Registration Statute in New Personal Jurisdiction Decision,” Tucker Ellis Client Alert (June 2023)
- “Edging Toward a Circuit Split: Specific Personal Jurisdiction and Nationwide Class Actions,” *For The Defense* (July 2020)
- “5th Circ. Ruling Amplifies Bristol-Myers Class Action Debate,” *Law360* (April 2020)
- “Revisiting the Third Circuit’s Struggles With Design-Defect Preemption,” Drug & Device Law Blog (November 2018)
- “‘Injury In Fact’ Standing After Cambridge Analytica,” *Law360* (June 2018)
- “Lessons for Data Breach Lawyers from Product Liability,” *Law360* (January 2018)
- “How Bristol-Myers Squibb May Transform Class Actions,” *Law360* (October 2017)
- “After the BNSF Decision, There’s No Place Like ‘At Home’,” *Law360* (June 2017)
- “Third Circuit Emphasizes the Need to Provide Reasonable Notice of Arbitration Clauses,” American Bar Association, *Class Actions & Derivative Suits* (March 2017)
- “Excluding Regulatory Violations from Defect Cases,” *For the Defense* (August 2011)

## MEDIA

- “Legal Lions of the Week,” *Law360* (May 2024)
- “Fifth Circ. Weighs ‘Very Complex’ Chemo Hair Loss Dispute,” *Law360* (March 2024)
- “Class Action Lawsuits Possible After Cyberattack,” *Healthcare Risk Management* (September 2021)
- “Ga. Talc Co. Says Strict Liability Claims Over Cancer Too Late,” *Law360* (April 2021)

## Honors

---

- The Lawdragon 500 Leading Litigators in America (2023–2025)
- The Best Lawyers in America® (2025)
- 2021 G. Duffield Smith Outstanding Publication Award, DRI

### **In the Community**

---

- Cleveland Metropolitan Bar Association
- Federal Bar Association
- Ohio State Bar Association
- American Bar Association
  - » Class Actions and Derivative Suits Section
- Defense Research Institute
  - » Commercial Litigation Sub-Committee