

SUSANNA M. MOLDOVEANU

Memphis Office

(901) 680-7339

susanna.moldoveanu@butlersnow.com



Susanna practices in the firm's Pharmaceutical, Medical Device and Healthcare Group and focuses her practice on product liability law, drug and medical devices, and appellate matters.

PRACTICE AREAS AND INDUSTRY TEAMS

- Drug and Device Litigation
- Appellate and Written Advocacy
- Pharmaceutical, Medical Device and Healthcare

EXPERIENCE

- Prepared dispositive motions, other pretrial motions, trial motions, and appellate briefing defending against personal injury claims involving Class II medical devices in federal multidistrict litigation and various state courts. These included issues such as preemption, personal jurisdiction, removal, the admissibility of expert testimony, discovery, and the substantive merits of the claims.
- Successfully defended appeals related to medical device claims in the U.S. Court of Appeals for the Fourth Circuit and Sixth Circuit. *Clabo v. Johnson & Johnson Health Care Systems Inc. et al.*, 2020 WL 7331496 (6th Cir. 2020) (affirming summary judgment on the basis of statute of repose); *Flores v. Ethicon, Inc. et al.*, 563 F. App'x 266 (4th Cir. 2014) (affirming dismissal for failure to comply with pretrial orders and denial of motion to remand); *Huston v. Ethicon, Inc.*, 585 F. App'x 165 (4th Cir. 2014) (affirming dismissal for failure to comply with pretrial orders); *Weer v. Ethicon, Inc.*, 2016 WL 1359129 (4th Cir. Apr. 6, 2016) (affirming dismissal for failure to effect service).
- Assisted motions team in *Lewis v. Johnson & Johnson, et al.* – first MDL bellwether product liability action involving client's pelvic mesh medical device. Motion for summary judgment granted in favor of defendants on failure to warn and breach of warranty claims. 2014 WL 186869 (S.D. W. Va. Jan. 15, 2014). Motion for judgment as a matter of law granted in favor of defendants, dismissing remaining claims. *Affirmed in full, Lewis v. Johnson & Johnson*, 601 F. App'x 205 (4th Cir. 2015).
- Assisted Trial Team in *Gross v. Johnson & Johnson, et al.* - New Jersey Pelvic Mesh Litigation - six-week jury trial in the Atlantic County, New Jersey Superior Court (2013).

▪ Other representative decisions:

- *Nwatulegwu v. Boehringer Ingelheim Pharms., Inc.*, 2016 WL 4443600 (7th Cir. Aug. 22, 2016) (affirming dismissal for failure to comply with discovery order).
- *Ross et al. v. Dawson et al.*, No. 12-6478 (6th Cir. Sept. 27, 2013) (affirming dismissal of claim related to foreclosure of residential property for lack of standing).
- *Bryant v. Wyeth, Inc.*, 487 F. App'x 207 (5th Cir. 2012) (affirming summary judgment in favor of pharmaceutical manufacturer under Mississippi statute of limitations).

BAR ADMISSIONS

- Mississippi, 2011
- Tennessee, 2011
- Louisiana, 2011
- New York, 2010
- U.S. District Courts
 - Mississippi: Northern, Southern
 - Louisiana: Eastern
 - Tennessee: Western
- U.S. Court of Appeals
 - 1st Circuit
 - 4th Circuit
 - 5th Circuit
 - 6th Circuit
 - 7th Circuit
 - 8th Circuit
 - 11th Circuit
- U.S. Supreme Court

DISTINCTIONS

- *Best Lawyers in America*®
 - Ones to Watch, Product Liability Litigation – Defendants, 2021
- Adjunct Professor, Mississippi College School of Law, 2009-2010

ASSOCIATIONS

- Defense Research Institute (DRI)
- Products Liability Advisory Council (PLAC)
 - Sustaining Member
- American Bar Association
- Mississippi Bar Association
- Tennessee Bar Association
- New York State Bar Association

- Louisiana State Bar Association
- Memphis Bar Association

EDUCATION & HONORS

- University of Mississippi, J.D., *magna cum laude*, 2009
 - Editor-in-Chief, *Mississippi Law Journal*, 2008-2009
 - Moot Court Board Member
- Yale University, B.A., English, 2006
- Clerkship, Honorable Leslie H. Southwick, U.S. Court of Appeals for the Fifth Circuit, 2009-2010

PAPERS, PRESENTATIONS AND PUBLICATIONS

- Co-Author, "Time Flies? A Look Back at the Ten Key FDA Initiatives Over the Past Decade," *Pro Te: Solutio*, Vol. 11 No. 1, July 2018.
- Speaker, "Personal Jurisdiction Post-*Daimler*: State of Law and Strategy," International Association of Defense Counsel (IADC) Mid-Year Meeting, La Quinta, CA, February 11, 2018.
- Author, "A Jurisdictional Trifecta: The Supreme Court Restores Order on Venue and Jurisdiction," *Pro Te: Solutio*, Vol. 10 No. 3, October 2017.
- Author, "Norfolk Southern Ry. Co. v. Dolan: The End to Litigation Tourism in the City of St. Louis?" *Pro Te: Solutio*, Vol. 10 No. 2, July 2017.
- Co-Author, "Personal Jurisdiction Post-*Daimler* – As Plaintiffs Test Exceptions to *Daimler*'s Narrow Path, All Eyes on Appellate Courts," 84 *Def. Couns. J.* ____ (2017).
- Speaker, "Learning from the Law: Then & Now," Mississippi Bar's Women in the Profession Committee's 23rd Annual Evelyn Gandy Lecture Series, Feb. 20, 2015.
- Author, "2015 Amendments to the Federal Rules of Civil Procedure: What You Need to Know," *Pro Te Solutio*, Fall 2015.
- Author, "Product Defense and FDA Compliance," *Pro Te: Solutio*, Vol. 7 No. 1, 13-19, March 2014.
- Author, "When a Facebook Like Comes Back to Bite: The FDA's Approach to Social Media," *Pro Te: Solutio*, Vol. 6 No. 2, May 2013.
- Author, "Communication To Your Public Relations Firm: Privileged or Not?" *Pro Te: Solutio*, Vol. 5 No. 3, August 2012.
- Author, "The Challenge of Internet Anonymity: Protecting John Doe on the Internet," 26 *J. MARSHALL J. OF COMPUTERS & INFO. L.* 469 (2010).