

Denver
1899 Wynkoop Street
Suite 800
Denver, CO 80202

Andre Mauricio Pauka

T: 303.592.3119
F: 303.592.3140
andre.pauka@bartlit-beck.com

PROFESSIONAL PRACTICE

Bartlit Beck Herman Palenchar & Scott LLP, 1996-Present, Partner (since 2002)

EDUCATION & HONORS

Northwestern University
School of Law, 1996, J.D.,
cum laude

Order of the Coif
Senior Articles Editor,
*Journal of Criminal Law
and Criminology*
Jessup Moot Court Team
Ronald E. Kennedy
Scholarship

United States Military
Academy, 1988, B.S. in
Engineering Management

Phi Kappa Phi
Distinguished Cadet (Top
5%)
Debate Team

BAR ADMISSIONS

Colorado
Illinois

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Member of Executive
Board, Denver Area
Council, Boy Scouts of
America, 2010-present

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

City of Milwaukee v. NL Industries, et al.

Represent NL in a suit brought by the City of Milwaukee to declare lead paint throughout Milwaukee to be a public nuisance and to hold NL liable for costs of the city's childhood lead poisoning program. Jury verdict in NL's favor in June 2007.

Rhode Island v. NL Industries, Inc., et al.

Represented NL in a suit brought by the Attorney General of Rhode Island. The AG sought to declare the past sale of lead paint a "public nuisance" throughout the State of Rhode Island. Jury voted 4-2 for the defense when it deadlocked after a two-month trial in August-October 2002. Retrial from October 2005 until February 2006 resulted initially in a deadlock (4-2 for defense) and ultimately a verdict for the State. In July 2008, the Supreme Court of Rhode Island unanimously reversed the trial verdict, requiring complete dismissal of the State's lawsuit.

Tyrone Parker v. NL Industries, Inc., et al. (Circuit Court of Baltimore City, Maryland)

Represent NL in jury trial for products liability resulting from sale of lead paint products in 1950s. This was the first case in the nation to be tried against any of the former manufacturers of lead paint products. Scores of cases have previously been dismissed on motions, and numerous other cases alleging lead paint poisoning or property damage are pending throughout the country. Plaintiff alleged that his epilepsy resulted from latent injuries caused when he ingested lead paint in the 1950s. He was treated at the University of Maryland Hospital and diagnosed with lead encephalopathy. He subsequently experienced cognitive delays, difficulties in school, and behavioral problems, all as the alleged result of lead poisoning. The case was tried before a Baltimore City jury from May 30 to June 12, 2000 before Judge Heller.

www.bartlit-beck.com

Complete defense verdict.

SK Hand Tool and Corcoran Partners v. Dresser

Represented defendant Dresser on remand for a trial on damages only. In a first trial that another firm handled, the jury awarded plaintiffs \$4 million in compensatory and \$50 million in punitive damages for fraud in the sale of Dresser's hand tool division. Dresser hired Bartlit Beck to handle the post-trial motion and appeal. The Illinois Appellate Court, First District, reversed the damages awards and remanded for a new trial on damages only. On remand, the trial judge resurrected the original \$50 million in punitive damages subject to post-trial review. At the trial on remand in October 1998, plaintiffs sought \$40 million in compensatory damages. The jury awarded \$1. Trial Judge Ken Gillis granted Dresser's post-trial motion and reduced the original \$50 million in punitive damages down to \$650,000. Dresser paid the \$650,001 judgment. Several articles chronicle Dresser's success: Corporate Counsel Magazine (July 1999), The Trial Lawyer's Guide (Vol. 42, No. 2 1998), and the National Law Journal (April 19, 1999) (honorable mention defense verdict for 1998).

Allison Engine Company/GM Corporation

Represented Allison Engine in a suit filed in the federal court for the Central District of California alleging negligence in the design and manufacture of engines on a C130 cargo airplane. Case arose from the crash of a United States Air Force National Guard plane. Prepared a successful motion for summary judgment on statute of repose grounds. Affirmed by the Ninth Circuit Court of Appeals.

DuPont

Represented DuPont in MDL including numerous purported class actions brought by consumers who purchased cookware made with Teflon® non-stick coatings.

Swiss Bank v. Dresser Industries, Inc.

Defended Dresser against allegations of breach of contract arising out of a warrant for the purchase of stock. All claims dismissed by the federal court for the Northern District of Illinois. Dismissal was upheld on appeal by the Seventh Circuit Court of Appeals.

OTHER REPRESENTATIVE CASES

Smith & Nephew, Inc.

Currently representing Smith & Nephew, a medical products manufacturer, in a breach of contract case involving orthopedic internal and external fixation devices.

NL Industries, Inc. – Lead Paint Litigation

Defend NL Industries, Inc., a former manufacturer of lead pigments used in paint, against allegations of negligence and strict liability brought by individuals claiming injury from the ingestion of lead paint. Also represent NL in cases brought by governmental entities alleging public nuisance. These personal injury and public nuisance suits have been filed in numerous states, including in California, Illinois, Maryland, Missouri, New Jersey, New York, Ohio, Rhode Island, and Wisconsin. Under Bartlit Beck's strategic and trial leadership, NL has never lost or settled a lead paint suit in many years of nationwide litigation.

3M

Represent 3M in lawsuit by West Virginia Attorney General seeking hundreds of millions of dollars in reimbursement of workers' compensation payments to thousands of coal miners and other West Virginia workers. Case pending.

Spring Branch Independent School District v. NL Industries, Inc., et al.

Represented NL in a suit brought by the Spring Branch School District in Houston, Texas. This was the first of several suits brought by school districts in Texas seeking recovery of costs in replacing surfaces coated with lead-based paint. Prepared successful motion for summary judgment regarding product identification and causation. The Texas intermediate appellate court affirmed summary judgment and dismissal of the case. Following this summary judgment victory, the school districts in all of the remaining cases in Texas voluntarily dismissed their cases.

Denver Area Council of the Boy Scouts of America

Pro bono representation of the Denver Area Council of the Boy Scouts of America in litigation concerning recreational activities at Boy Scouts' Peaceful Valley Scout Ranch in Elbert County, CO.

Bayer Corporation

Represented Haarmann & Reimer, a Bayer subsidiary, in an antitrust suit alleging conspiracy to fix prices.

Health Care Fraud Qui Tam Actions

Represented a Relator prosecuting a *qui tam* action under the federal False Claims Act against a mail-order pharmacy for fraudulent Medicaid billings. Case resulted in a criminal conviction for fraud and recovery by the government of over \$1 million in fraudulent proceeds.

MFS Communications, Co.

Represented MFS in a securities fraud lawsuit. Case settled favorably after opening arguments.

Sensormatic Electronics Corporation and Tyco International

Represented Sensormatic and Tyco International in suit brought by Elbex. Elbex alleged that Sensormatic and Tyco infringed its patent and engaged in tortious interference with a contract and prospective business relationships related to a construction project in Singapore. The patent claims were settled for nuisance value and the remaining claims were dismissed.

DuPont

Represented DuPont in patent suits concerning MacDermid. The patents relate to thermally processed flexographic printing plates.

Hess v. NL Industries

Representing NL in a suit brought in the City of St. Louis, Missouri, by minor plaintiffs claiming injuries from ingesting lead paint. Plaintiffs' expert chemist claims he has used a novel scientific technique to identify NL as the manufacturer of lead pigment in paint in the plaintiff's former residence. Case is pending.

Brown v. NL Industries, Inc.

Representing NL in a suit brought in Cook County, Illinois, by a minor plaintiff claiming injuries from ingesting lead paint. Plaintiff's expert chemist claims he has used a novel scientific technique to identify NL as the manufacturer of lead pigment in paint in the plaintiff's former residence. Case is pending.

NL Industries, Inc. – Environmental

Represented NL in a litigation and arbitration arising from alleged breach of an environmental remediation contract.

Kimberly Clark v. Paragon Trade Brands, Tyco Healthcare Retail Group et al.

Represent Tyco in an arbitration with Kimberly-Clark over Paragon's license to Kimberly Clark's "Enloe" patents relating to the design of diapers. Case settled.

American National Can Co. v. Continental PET Technologies, Inc.

Represented defendant in a patent infringement suit concerning clear and recyclable squeeze bottle for Heinz ketchup.

Navigation Technologies

Represented NavTech against allegations of infringement of patents concerning navigational software technology.

Rheox, Inc.

Represented Rheox, Inc. in patent case involving method to remediate soil contamination.

NEWS

Following Bartlit Beck Wins in Milwaukee and Rhode Island, Ohio Dismisses Lead Paint Public Nuisance Case

Bartlit Beck Wins Before the Wisconsin Court of Appeals in \$150 Million Lead Paint Public Nuisance Case

Bartlit Beck and Kirkland & Ellis Win Wisconsin's First Lead Paint Personal Injury Case

Bartlit Beck Wins \$160 Million Lead Paint Public Nuisance Case

First Trial Against Lead Paint Manufacturers Ends in Defense Verdict

The Defense Gets the Lead Out

1998 Honorable Mention Defense Victories

BIG WINS

Bartlit Beck Wins Appeal, Court Sets Aside \$54 Million Verdict, *SK Hand Tool v. Dresser*