

KATHERINE M. SWIFT

PARTNER

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Kate Swift is a litigator and trial lawyer at Bartlit Beck in Chicago. She has an extensive background in mass tort and product liability defense, as well as in prosecuting and defending commercial disputes. In addition to successful courtroom advocacy, her experience includes the development of creative litigation strategies and the efficient management of large teams in mass litigations. Kate has been recognized as one of the 500 leading lawyers in America by Lawdragon.

Kate joined Bartlit Beck in 2009 following clerkships with the Hon. Richard Cudahy on the United States Court of Appeals for the Seventh Circuit and the Hon. Mark Filip on the United States District Court for the Northern District of Illinois. Kate graduated from The University of Chicago Law School with Honors and earned her bachelor's degree *magna cum laude* from the University of Missouri.

EDUCATION & HONORS

The University of Chicago Law School, 2006, J.D., with Honors

Managing Editor, *The University of Chicago Law Review*

University of Missouri-Columbia, 1998, B.J., *magna cum laude*; B.A., with Departmental Honors, French

CLERKSHIPS

Honorable Richard D. Cudahy, United States Court of Appeals for the Seventh Circuit, 2009

Honorable Mark R. Filip, United States District Court for the Northern District of Illinois, 2006-2007

AWARDS & RECOGNITION

Lawdragon 500 Leading Lawyers in America

ADMISSIONS

Illinois

REPRESENTATIVE MATTERS

Opioids Litigation

National counsel for Walgreens in nationwide litigation relating to the distribution and sale of prescription opioid medications, including more than 2,500 cases brought by states, cities, counties, tribes, and private parties seeking recovery in connection with the opioid abuse crisis. MDL in the Northern District of Ohio and a large number of related state-court cases. Cross-examined plaintiffs' data expert during *Frye* hearings in New York's bellwether opioid cases.

YAZ®/Yasmin® Personal Injury Litigation

National counsel for Bayer in nationwide product liability litigation alleging personal injuries caused by the oral contraceptives YAZ® and Yasmin®, including venous blood clots, gallbladder injuries, heart attacks, and strokes. MDL in the Southern District of Illinois and large, coordinated state-court proceedings in California, New Jersey, and Pennsylvania. No adverse judgments among approximately 20,000 lawsuits and claims resolved by voluntary dismissals, judgments in favor of Bayer, and settlements.

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Hubbard v. Bayer (N.D. Ga., Eleventh Circuit)

Lead counsel in case alleging catastrophic brain injury caused by Bayer's Beyaz birth control pill. Took key depositions, briefed, argued, and won summary judgment. Briefed, argued, and won affirmance in the Eleventh Circuit.

Poggioli-Grimm v. Bayer (Superior Court of New Jersey)

Lead counsel in case alleging stroke caused by Bayer's Yaz birth control pill. Took key depositions, briefed, argued, and won summary judgment.

Maze v. Bayer (E.D. Tenn.)

Lead counsel in case alleging stroke caused by Bayer's Yaz birth control pill. Obtained dismissal on the pleadings on federal preemption grounds.

Massachusetts Mutual Life Ins. Co. Residential Mortgage-Backed Securities Litigation (D. Mass.)

Represented MassMutual in its actions under the Massachusetts Uniform Securities Act, against underwriters Credit Suisse and Goldman Sachs, arising from their sales of residential mortgage-backed securities to MassMutual in 2005-2007. Credit Suisse settled after four weeks of trial, taking an additional \$79.5 million charge to earnings because of the settlement payment. Goldman Sachs settled shortly thereafter.

Confidential Arbitration

Second chair trial counsel in a large confidential arbitration involving a power plant project. Cross-examined two of respondents' key witnesses, and put on direct testimony of two of claimant's key fact witnesses as well as claimant's damages expert.

Sikorsky Aircraft Corporation v. United States (Court of Federal Claims and Federal Circuit Court of Appeals)

Trial counsel for Sikorsky against Department of Justice in bench trial of government contract suit.

Government sought \$80 million plus interest on its claim that Sikorsky had overcharged for aircraft and parts by allocating material overhead costs in violation of Cost Accounting Standards during 1999-2005.

Judgment for Sikorsky; court rejected government's claim in its entirety. Judgment for Sikorsky affirmed on appeal.

Sikorsky Aircraft Corporation v. United States (Court of Federal Claims)

Represented Sikorsky against Department of Justice in government contract suit seeking \$34 million in an "alternative claim" to government's previous claim against Sikorsky regarding Sikorsky's overhead accounting practices. Trial court granted Sikorsky's motion for judgment on the pleadings, entered judgment for Sikorsky, and rejected the government's claim in its entirety. Federal Circuit dismissed government's appeal.

Bayer HealthCare LLC v. Pfizer Inc. (N.D. Ill.)

Trial counsel for Bayer in a patent infringement suit relating to Pfizer's animal health product, ADVOCIN, a fluoroquinolone treatment for bovine respiratory disease. Case settled following multiple summary judgement wins for Bayer.

United States ex rel. Simpson v. Bayer (D. Minn.)

Represented Bayer in False Claims Act litigation alleging deceptive marketing of Baycol®. Obtained dismissal of plaintiff's first amended complaint without prejudice for failure to plead fraud with particularity. Court dismissed second amended complaint with prejudice.

Michael Dikcis v. Nicor Gas Company (Cook County, Illinois and Illinois Court of Appeals)

Represented Nicor Gas Company in class action case involving Nicor's natural gas billing practices. Argued motion to dismiss for lack of jurisdiction in Cook County Chancery Court. Won dismissal of complaint with prejudice. Argued appeal before the First District. Judgment affirmed.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Chicago Legal Clinic, Auxiliary Board, 2006-Present

ABA Journal, Chicago, Illinois, Assistant Managing Editor, 2000-2003

Chicago Lawyer Magazine, Chicago, Illinois, Staff Writer, 1998-2000

NEWS

Bartlit Beck Wins Eleventh Circuit Appeal for Bayer

01.05.2021

Peter Bensinger, Jr., Kate Swift, and Scott McBride win multiple summary judgment motions for Bayer in patent case against Pfizer (Zoetis)

07.07.2016

Bartlit Beck Prevails Again for Sikorsky Against DOJ

12.2015

Bartlit Beck Prevails in Court of Federal Claims for Sikorsky Against DOJ

08.2015

Hall and Swift Prevail in Federal Circuit for Sikorsky Against DOJ

12.2014

Bartlit Beck prevails for Sikorsky in trial against Department of Justice

03.2013

Kate Swift Defeats Class Action for Nicor

03.2011

PUBLICATIONS

Drawing a Line between Terry and Miranda: The Degree and Duration of Restraint

73 U. Chi. L. Rev. 1075, 2006, (Comment)