



## STEVEN E. DERRINGER

PARTNER

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Steve Derringer represents clients in federal, and state courts throughout the United States. Steve's litigation practice encompasses a diverse set of subjects, including product liability, mass torts, intellectual property, class actions, and general commercial disputes. Each of these substantive areas benefits from Steve's ability to explain and communicate complex scientific or technical information to lay jurors, judges, and arbitrators.

Steve thrives at identifying and implementing trial and case-management strategies that drive cases toward resolution in a manner that is consistent with his client's business needs. This approach has earned Steve recognition as a Client Service All-Star in the BTI Consulting Group's listing of attorneys "who drive superior client relationships."

In addition to his work representing clients, Steve teaches a seminar on High-Tech Trial Techniques at Northwestern University Law School, where he discusses the importance of using various media to connect with jurors and judges.

Following his graduation from Yale Law School, Steve clerked on the United States Court of Appeals for the Ninth Circuit. Steve joined Bartlit Beck in 1997 and became a partner in 2001.

### EDUCATION & HONORS

Yale Law School, 1996, J.D.

Managing Editor, *Yale Law Journal*

Lead Editor, *Yale Law & Policy Review*

Board Member, Barrister's Union

Chairperson, Jewish Law Students Association

University of Michigan, 1991, B.A., with highest distinction

*Phi Beta Kappa*

James B. Angell Scholar

Goldsmith Scholar

Robert Cooley Angell Award

## CLERKSHIPS

Honorable Dorothy W. Nelson, United States Court of Appeals for the Ninth Circuit (1996-1997)

## GOVERNMENT SERVICE

United States Department of Justice, Civil Rights Division (1994)

## AWARDS & RECOGNITION

Listed in Who's Who Legal: Product Liability Defense, 2016-2022

Recognized in Illinois Super Lawyers (2014-Present)

Named a BTI Client Service All-Star, an award given to a small group of lawyers nationwide who "drive superior client relationships"

Recognized in The Legal 500's review of top product liability and mass tort defense firms

Recognized in The National Law Journal Top Plaintiffs' Verdicts (2001)

Recognized as a top patent litigator (Intellectual Asset Managers "IAM" Patent 1000)

## ADMISSIONS

Illinois

United States Court of Appeals for the Seventh Circuit

United States District Court for the Northern District of Illinois Trial Bar

United States Court of Appeals for the Eleventh Circuit

## CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

### *Opioids Litigation*

Lead counsel for Walgreens in nationwide litigation relating to the distribution and sale of prescription opioid medications, including over 2,500 cases brought by states, cities, counties, tribes, and private parties seeking recovery in connection with the opioid abuse crisis. Steve is lead trial counsel in the jury trial in the case *State of Florida v. Walgreens*.

### *Meso Scale Diagnostics, LLC v. Roche Diagnostics Corporation* (D. Del. 2019)

Steve was lead counsel (along with his partner John Hughes) in a patent infringement case in Wilmington, Delaware. Steve and John obtained a \$137 million verdict for their client, Meso Scale Diagnostics. After a six-

day trial and fewer than two hours of deliberation, the jury returned a verdict finding that the defendant Roche Diagnostics had willfully infringed all of the asserted patents and awarding damages of \$137,250,000. Nosson Knobloch, Daniel Taylor, and Stacy Maione rounded out the Bartlit Beck trial team. The victory was recognized by Law360 available [here](#).

***Drake v. Allergan*** (D. Vt., 2014)

Trial counsel for Allergan in case involving claim that BOTOX® caused pediatric patient treated for muscle spasticity to experience seizures. Cross-examined plaintiff and presented FDA expert. Following a two-week trial, jury returned verdict for plaintiffs. Case settled during appeal.

***Microsoft v. Yahoo!*** (Arbitration, S.D.N.Y., 2013)

Prevailed in an emergency arbitration seeking a preliminary injunction ordering Yahoo! to transition to Microsoft's Bing Ads in Taiwan and Hong Kong. Defeated Yahoo!'s petition to vacate award in federal court.

***Hill-Rom v. Stryker*** (W.D. Wis., S.D. Ind. (transferred), 2011-2017)

Lead counsel for Stryker in patent infringement litigation involving nine patents relating to two general areas of hospital bed technology. Obtained summary judgment of non-infringement for client after prevailing on the construction of all disputed claim terms at the *Markman* phase of the case. Successfully placed remaining asserted patents into reexamination and won stay of litigation, leading to a favorable global settlement.

***Trasylol Litigation*** (multiple jurisdictions, 2006-2013)

Lead national counsel for Bayer in federal and state products liability actions concerning Trasylol, a drug used to reduce bleeding during open-heart surgery. At its peak, the litigation involved nearly 3,000 plaintiffs. Identified and implemented national trial strategy that resulted in no adverse verdicts or judgments against Bayer. Argued and won summary judgment in two bellwether cases (one of which was hand-picked by plaintiffs as one of their top cases), and successfully defended judgments on appeal at the 11th Circuit. Responsible for overall case management and coordination of national trial teams.

***Agnes et al. v. DuPont*** (Arbitration, New Jersey, 2006-2007)

Lead trial counsel for DuPont in confidential three-month arbitration proceeding involving personal injury claims of 96 plaintiffs and property damage claims in toxic tort action alleging environmental contamination by DuPont blasting cap plant over a 92-year period. Delivered opening statement and cross-examined plaintiff's causation expert, environmental characterization expert, and over 20 plaintiffs. Obtained favorable outcome for client.

***Naftali et al. v. DuPont*** (Arbitration, New Jersey, 2004)

Lead trial counsel for DuPont in confidential ten-week arbitration proceeding involving personal injury claims of 164 plaintiffs in toxic tort action alleging environmental contamination by DuPont blasting cap plant over a 92-year period. Delivered opening statement and cross-examined over 50 plaintiffs and plaintiffs' causation expert. Obtained favorable outcome for client.

***Naftali et al. v. DuPont*** (New Jersey, 2002)

Mass toxic tort action brought by 1,600 plaintiffs alleging environmental contamination by DuPont blasting cap plant over 92-year period. Represented DuPont in ten-week jury trial of personal injury, medical monitoring, and punitive damages claims of ten plaintiffs. Court dismissed punitive damages claims at close of evidence. Jury

awarded no damages to seven of ten plaintiffs. Jury verdict for three plaintiffs, awarding damages totaling less than \$500,000.

***DuPont v. Merck*** (Arbitration, New York, 2003)

Represented DuPont in one-week arbitration hearing concerning royalties owed under agreement relating to Losartan anti-hypertension drug. Obtained award in favor of DuPont.

***Residential Funding Corp. (GMAC) v. DeGeorge Financial Corp.*** (D. Conn., 2001)

Lender liability case involving an agreement to purchase home construction loans. Represented Residential Funding in jury trial. DeGeorge represented by Stephen Susman. DeGeorge sought \$390 million plus punitive damages. Residential Funding sought \$96 million by counterclaim. Jury verdict for Residential Funding on all issues. Jury awarded Residential Funding \$96 million in damages. Case listed as one of the Top Plaintiffs' Verdicts for 2001 by *The National Law Journal*.

***Ankmar Door v. Baan*** (Colorado, 2003)

Represented Baan, which develops and manufactures enterprise resource planning software, in fraud and breach of contract action related to performance and functionality of Baan software. Case won on summary judgment.

***Schnadig v. Baan*** (Arbitration, Illinois, 2003)

Lead trial counsel for Baan in three-day arbitration proceeding. Baan develops and manufactures enterprise resource planning software. Plaintiff brought breach of warranty action concerning performance and functionality of the Baan software. Award granted in favor of plaintiff.

***Weilert v. Baan*** (N.D. Ill., 2000)

Represented Baan in a breach of contract action brought against it by the former CEO of Baan's American operations. Weilert alleged that Baan's offer letter granted him a guaranteed option on 2% of Baan. He alleged that under the terms of his offer letter, continued employment was not a condition to the vesting of his option, which was subject to Baan's standard five-year vesting schedule. Baan terminated Weilert after eight months on the job and before Baan implemented its company stock plan. On the eve of trial, the court asked Baan to file a cross-motion for summary judgment. The court granted Baan's cross-motion and entered summary judgment for Baan.

***WorldCom, Inc. v. O'Hara*** (N.D. Ill., 1998)

Represented O'Hara in case involving breach of contract and tort claims relating to O'Hara's alleged solicitation of former co-workers. Obtained summary judgment for O'Hara on breach of contract claim. Case subsequently settled on favorable terms to O'Hara.

***In re Kulmiye*** (United States Department of Justice, 1998)

Represented Somali member of Midgan clan pro bono in asylum hearing before Immigration Judge. Client requested asylum to escape persecution based on ethnicity and clan membership. Case won, asylum granted.

***Bourke v. Dun & Bradstreet*** (N.D. Ill., 1997-1998)

Represented Dun & Bradstreet in case challenging company-wide determination of performance bonuses following spin-off reorganization. Case won on motion to dismiss and affirmed on appeal.

***In re Affiliate Rules*** (Illinois Commerce Commission, 1997-1999)

Represented Illinois Power in proceedings before the Illinois Commerce Commission concerning the creation of rules and regulations relating to utility corporate structures following deregulation of electric industry in Illinois. Also represented Illinois Power in appeal of the final ICC rules.

***In re Harold Simmons Trust*** (Texas, 1997)

Represented Mr. Simmons in eight-week jury trial of breach of trust action. Plaintiffs sought control of billion-dollar trusts. Case settled favorably after hung jury.

## **OTHER REPRESENTATIVE CASES**

***Xarelto Personal Injury Litigation*** (nationwide, 2015-2019)

National counsel for Bayer in defense of lawsuits alleging personal injuries caused by novel oral anticoagulant Xarelto.

***In re DeVry*** (nationwide, 2016-2017)

Represented DeVry University in dispute with Department of Education regarding substantiation of claims made in advertisements.

***Tanner et al. v. International Isocyanate Institute et al.*** (N.D. Ala., 2005-2012)

National counsel for Bayer MaterialScience in class action products liability action concerning Methylene Diphenyl Diisocyanate (MDI)-containing products used in underground coal mining applications.

***Data Network Storage LLC v. Hewlett-Packard Co.*** (N.D. Tex., 2008)

Represented Hewlett-Packard in patent infringement litigation relating to storage area network technology. Obtained favorable settlement for client prior to commencement of discovery.

***Confidential Arbitration*** (San Jose, CA, 2007-2008)

Represented former owners of software company in breach of contract action against acquiring company. Obtained favorable settlement for client.

***Hewlett-Packard Co. v. EMC Corp.*** (N.D. Cal., 2003-2005)

Represented Hewlett-Packard in both offensive and defensive patent infringement litigation relating to networked storage systems, computer peripheral devices, printers, and other electronic data systems. Case involved assertion of numerous patent claims from thirteen different patents. Case settled as part of global settlement of multiple actions.

***Afton Chemical Corp. v. The Lubrizol Corporation*** (E.D. Va., 2005)

Represented Lubrizol in patent infringement case involving patent relating to compositions for use as lubricant additives in automatic transmission fluids. Obtained favorable settlement for client following Early Neutral Evaluation presentation.

***Cooper v. ABB, Inc.*** (E.D. Wis., 2005)

Represented ABB in patent infringement case involving patents relating to the use of vegetable oil-based dielectric fluids for use in electrical transformers. Took over case following adverse claim construction ruling. Case settled shortly thereafter on favorable terms.

***Genlyte Thomas Group v. Lithonia Lighting*** (W.D. Ky., 2003)

Represented Lithonia Lighting, a division of Acuity Brands, in patent infringement suit brought by Genlyte. Took over case shortly before trial following adverse summary judgment ruling on infringement. Conducted presentation on the merits before Magistrate Judge, who settled the case on terms favorable to Acuity Brands. George McAndrews of McAndrews, Held & Malloy represented Genlyte.

***Shah v. Dun & Bradstreet*** (N.D. Ill., 2003)

Represented Dun & Bradstreet in defamation action. Plaintiff sought more than \$20 million in damages. Obtained favorable settlement for client before commencement of discovery.

***Real3D, Inc. v. ATI Technologies, Inc.*** (M.D. Fla., 1999)

Represented ATI Technologies, Inc., a leading maker of graphics accelerator chips and products for personal computers, in dispute with Real3D over alleged theft of trade secrets and infringement of patents on algorithms for computer image generation. Case settled.

***Summit Electric v. Baan*** (D.N.M., 1999-2001)

Represented Baan, which develops and manufactures enterprise resource planning software, in fraud and breach of contract action related to performance and functionality of Baan software. Case settled following presentation at mediation.

***Watkins v. Postma Lincoln-Mercury*** (N.D. Ill., 1998)

Represented former car salesman pro bono in Title VII race discrimination claim against former employer. Case settled on favorable terms following deposition of former direct supervisor.

## **PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE**

Member, North American Board, Union for Reform Judaism

Member, International Association of Defense Counsel (IADC)

American Bar Association, ABA Litigation and Intellectual Property Sections

Member, Board of Advisors, Goldman Union Camp

National Young Leadership Cabinet, United Jewish Communities

Member, Board of Trustees, Bernard Zell Anshe Emet Day School

Recipient of Leadership of Distinction Award from the American Friends of the Hebrew University

Adjunct Professor, Northwestern University School of Law, High-Tech Trial Techniques

## **BIG WINS**

Bartlit Beck Wins \$137 Million Verdict

Bartlit Beck Wins \$96 Million Verdict For GMAC In Jury Trial Against Susman Godfrey

## NEWS

Bartlit Beck Partners Named to IAM Patent 1000

07.07.2022

Bartlit Beck Earns Top Rankings by Benchmark Litigation

10.01.2021

Bartlit Beck Earns Top Rankings by Benchmark Litigation

10.01.2020

Bartlit Beck Wins \$137 Million Verdict

11.26.2019

Phil Beck, Steve Derringer Named Client Service All-Stars

02.2011

2001 Top Plaintiffs' Verdicts

*The National Law Journal*, 02.2002

Bartlit Beck Secures \$96MM Jury Verdict for GMAC Against Susman, Godfrey

10.2001