

## Michael L. Kidney

Partner

Washington, D.C.

### Biography

Michael Kidney has more than 25 years of experience winning lawsuits – and doing it efficiently. Clients often turn to Michael when they are facing high-stakes consumer class actions, product liability claims, and complex commercial litigation.

As a result of filing early dispositive motions, Michael has won the outright dismissal of dozens of lawsuits – at the very outset of the case. These dismissals have resulted in opinions that have been widely cited. For example, Michael secured the dismissal, with prejudice, of a group of defendants from an MDL proceeding involving a consolidated nationwide class action filed in a plaintiff-friendly jurisdiction and involving over-the-counter pharmaceutical products.

In other cases, Michael has been able to resolve the case early by narrowing the issues in discovery, developing facts that lead to an early resolution, and employing alternative dispute resolution strategies. Michael firmly believes that there are many ways to resolve a case other than by engaging in protracted and expensive discovery.

Michael's complex civil litigation practice has also included such diverse matters as disputes involving software development agreements, environmental litigation, directors' and officers' liability, and litigation



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### Practices

Commercial Litigation

Consumer Law

Litigation Services

Products Law

Transportation

Unmanned Aircraft Systems

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involving the interpretation and enforcement of indemnification agreements.

## Representative experience

Won dismissal of defendants from consolidated nationwide consumer class action involving over-the-counter pharmaceutical products.

Successful representation of university in a putative class action filed by current students that resulted in the lawsuit becoming a single plaintiff case.

Represented university client in connection with allegedly negligent protocol design and purportedly insufficient informed consent process.

Represented university client in connection with incomplete informed consent notice delivered to clinical trial participants.

Won the outright dismissal, at the motion to dismiss stage, of nearly a dozen consumer class actions targeting automotive OEMs.

Secured a very favorable MDL class action settlement for an automotive OEM targeted with more than 54 consumer class actions.

Secured an important ruling that a California state consumer protection statute did not apply to a foreign parent corporation.

Secured an unprecedented 50 percent reduction in lodestar in connection with a favorable settlement in a MDL consumer class action involving automotive companies.

Secured a favorable settlement in an automotive consumer class action involving remedy limited to class members residing in certain states.

Serves as national product liability counsel to one of the largest providers of allografts in the country.

## Industries

Automotive and Mobility

Consumer

Diversified Industrials

Education

Life Sciences and Health Care

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## Areas of focus

Automotive Regulatory

Class Actions and Group Litigation

Getting the Deal Through:  
Automotive 2019

Product Litigation

Rail

Retail and Consumer Goods

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## Education and admissions

### Education

J.D., University of Michigan Law School, cum laude, 1989

B.A., Yale University, cum laude, 1986

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## Memberships

Member, American Bar Association

Member, Defense Research Institute

Member, Bar of the District of Columbia

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Served as national product liability counsel for a major biologics company faced with numerous lawsuits.

Served as national coordinating counsel to a major automotive manufacturer for all preemption issues.

One of several firm lawyers who served for many years as national coordinating counsel to a major automotive manufacturer for product liability claims.

Served as a member of the national trial team for an automotive manufacturer that handled all trials and binding arbitrations involving air bags.

## Awards and rankings

- Acritas Star, *Acritas Stars Independently Rated Lawyers*, 2019-2020
- Transport: Rail and Road - Litigation, *Legal 500 US*, 2018-2019
- Dispute Resolution: Product Liability, Mass Tort, and Class Action: Automotive/Transport, *Legal 500 US*, 2012-2019
- Dispute Resolution: Product Liability, Mass Tort, and Class Action: Pharmaceuticals and Medical Devices - Defense, *Legal 500 US*, 2012-2014, 2016
- Recommended, Product Liability Defense, *Who's Who Legal*, 2014-2019

## Latest thinking and events

- Webinar
  - COVID-19 and employment liability considerations for food and beverage companies
- Hogan Lovells Publications
  - COVID-19 class actions against universities
- Hogan Lovells Publications
  - Navigating Limits on Product Liability under the PREP Act for COVID-19 Clinical Trial Activities
- Analysis

## Bar admissions and qualifications

District of Columbia

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## Court admissions

U.S. Court of Appeals, District of Columbia Circuit

U.S. Court of Appeals, Tenth Circuit

U.S. District Court, District of Columbia

U.S. District Court, District of Maryland

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## Accolades

"Highly recommended."

*Legal 500*

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- International Products Law Review 2019: Issue 75
- Published Works
  - Getting The Deal Through Automotive 2019 - United States
- Analysis
  - AI and Your Business: A Guide for Navigating Legal, Policy, Commercial, & Strategic Challenges Ahead