



John Galvin

Partner

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PRACTICES

- Business Litigation
- Class Action
- Consumer Products Litigation
- Environmental Law
- Mass Tort Litigation
- Pharmaceutical and Medical Device Litigation
- Product Liability

INDUSTRIES

- Agriculture and Food
- Life Sciences and Biotechnology
- Manufacturing
- Pharmaceutical

ADMISSIONS

- Illinois
- Missouri

EDUCATION

- University of Missouri, Center for the Study of Dispute Resolution, Certification for Mediation Training for Civil Cases, 2010
- Washington University School of Law, J.D., 1986
- Marquette University, B.A., English, 1982

John represents domestic and international clients in complex litigation and multi-district litigation in some of the most challenging state and federal venues in the country.

Companies look to John for his strong advocacy on complex litigation, his deep experience litigating in courts from New York to California, and his proven management and successful resolution of thousands of class claims related to pharmaceuticals, medical products, agribusiness, and alleged environmental contamination.

Over his 30-year career, John has served on national trial teams, as national settlement counsel and as local counsel for high-profile disputes in the City of St. Louis, and Madison County and St. Clair County, Illinois. He has represented some of the country's largest drugmakers and medical device manufacturers, automakers and oil companies, and forged a significant winning record at trial and through favorable settlements.

In fact, when the judges of the Circuit Court for the City of St. Louis needed a lawyer to represent them in a dispute with a state agency, they hired John. He successfully argued the case before the Missouri Supreme Court, bringing home a victory for the Circuit Court judges.

PFAS, or "forever chemicals" are a growing focus of tort, environmental and class action litigation, and John is at the forefront of defending public water suppliers and other companies facing such claims. John is a thought leader on PFAS issues, frequently writing and speaking about trends in the area, including "A brief primer on PFAS litigation: Trends and future disputes," which has been cited in notable legal publications such as the *Indiana Law Review*. He was also quoted extensively in the *Connecticut Law Tribune* article "Lawsuits are Flying Over PFAS. But Can Plaintiffs Prove Actual Injury?".

Recently, John argued a case in which the New Hampshire Supreme Court was the first in the country to rule on the viability of a medical monitoring class action involving PFAS contamination. [Click here for a video of the argument.](#) John's client prevailed, with the court setting a landmark precedent limiting such claims.

Currently, John is defending a public water company in Connecticut accused of providing water containing PFAS chemicals, as well as advising businesses about litigation and regulatory risks for those who have

EMPLOYMENT

- Thompson Coburn LLP Partner, 2019-Present
- Fox Galvin, LLC Founding Partner, 2001-2019
- Sandberg, Phoenix & von Gontard Associate, 1986-2001

RECOGNITIONS

- Martindale Hubble Pre-Eminent AV rated
- Missouri Super Lawyers
- WWL Global Leader for Life Sciences Product Liability and Product Liability Defence

handled these compounds.

In addition to his legal practice, John served for over a decade as a disaster-relief chaplain. He traveled across the U.S. and around the world providing counseling to people affected by natural disasters, terrorism and political unrest. John also co-founded a nonprofit, New Commandment Ministries, that helps at-risk children in the U.S. and Kenya, Ukraine, and Haiti with projects that provide education, medical care, vocational training, and fresh water.

Experience

• MDL and Mass Tort Litigation

Served on national trial teams for pharmaceutical companies in litigation involving factor concentrates, cholesterol drugs, and diabetes medications.

Defended claims involving a wide variety of drugs and medical devices, from opioids and diet drugs, to vaccines, analgesic pumps and mesh products.

Lead counsel and a member of the national trial team for a major oil companies in MTBE MDL.

Selected as national settlement counsel in the genetically modified rice litigation, where he was tasked with resolving more than 8,000 claims alleging economic losses and billions of dollars in damages. Instrumental in bringing together lawyers for state and federal claimants to craft a global settlement that effectively ended the litigation.

• Class Action Defense

Defeated a class action seeking recovery for impact to DNA following a gasoline spill.

Reversed a "drive by" nationwide class action brought against an auto manufacturer.

Secured dismissal of a putative nationwide Madison County class action alleging billing fraud.

Obtained a denial of class certification in a St. Louis case alleging fraud in taxicab charges.

Obtained a denial of class certification in the Southern District of New York involving groundwater contamination.

• Environmental Litigation

Involved in cases involving oil refineries, underground storage tanks, nuclear fuels facilities, and gasoline pipelines.

Litigated matters involving both air and water claims, under a variety of federal and state statutes, as well as common law personal injury and property damage claims.

Retained by an oil company to defend government and neighborhood claims brought over a 1988 release of more than 100,000 gallons of gasoline from a pipeline.

- **Specific Engagements**

First-chair trial counsel representing the manufacturer of a 72,000 pound capacity forklift in a product liability trial in Madison County, Illinois. Plaintiff suffered a degloving injury to his leg that led to an amputation and allegations focused on tailswing from the forklift. The jury trial resulted in a defense verdict for the manufacturer.

Jury verdict in the City of St. Louis on a product liability claim brought against the manufacturer of a brush chipper. John represented the manufacturer and the local dealer and the case ended with a defense verdict for both clients.

Trial of a case in which plaintiff suffered a traumatic amputation of his arm when attempting to clear a plug in a hay baler. This was the first such case tried by John's client. Following a two-week trial in East St. Louis, Illinois (USDC Southern District Illinois), John obtained a defense verdict. John also briefed and argued the case in the 7th Circuit Court of Appeals, which affirmed the judgment in favor of John's client.

Commercial litigation case in St. Louis County where John represented buyers of a fire suppression company and alleged fraud in the inducement of the contract despite review by accountant and lawyer before signing. Jury trial resulted in a finding of fraud vacating the contract terms.

Defended manufacturer of a skid loader in a City of St. Louis trial alleging product defect due to the lack of a backup alarm. Case ended with a jury verdict for the plaintiff for approximately \$900,000.

Summary Judgment for manufacturer of a table saw alleged to be defective due to lack of emergency stop system. John filed motions attacking the plaintiff's design expert, leading to the court (USDC, Eastern District of Missouri) striking the expert's opinions and entering judgment for the manufacturer.

Defeated class certification in an environmental case involving a pipeline release of gasoline in Kankakee County, Illinois. Plaintiff sought certification of a class seeking medical monitoring for residents due to DNA changes brought about by exposure to a gasoline additive in their drinking water. John briefed and argued the motion and the court denied certification.

As part of a team of lawyers, John helped defeat class certification in a nationwide claim brought by private well owners due to exposure to gasoline additive, MTBE. After briefing and arguments, judge in the USDC for the Southern District of New York denied certification of the class.

Dismissal of a class action brought in Madison County, Illinois alleging fraud in connection with shipping and handling charges. John attacked the basis for the plaintiff's claim and the lack of reliance and the trial judge dismissed the case, which was then voluntarily dismissed on appeal with no money paid.

The Court in the City of St. Louis had certified a "drive-by" class against an auto manufacturer based on alleged breach of warranties related to exhaust manifolds in tens of thousands of vehicles. John moved to

vacate the order, noting the court had certified the class before his client had even been served with the complaint. The class certification order was vacated, reducing the value of the case by tens of millions of dollars and the case was then settled for nuisance value.

The Judges in the City of St. Louis court hired John to represent them on a number of matters, including a case related to the appointment of commissioners for a public utility. John argued the case in the Missouri Supreme Court and the court found in his favor, ruling the requirement to involve the judges in the political process violated separation of powers principles.

John was part of a team representing the largest lawnmower manufacturer in the country as it faced class action cases brought in all 50 states alleging horsepower ratings on lawnmowers were misleading. The cases were given MDL treatment and consolidated in federal court in Milwaukee, Wisconsin where John served as co-lead counsel. John and his team were able to craft a deal with plaintiffs' counsel under which their client paid \$0, but merely provided information about industry practices with regard to horsepower labeling, and in exchange received a full release and dismissal of all claims. The other defendants settled for a value in excess of \$50 million.

Represented a taxi cab company in a class action in the City of St. Louis where plaintiff alleged tampering with meters. John briefed and argued the opposition to the motion, leading to the denial of class certification and voluntary dismissal of the case.

In an enormous commercial litigation matter, John was asked to serve as National Settlement Counsel. The cases alleged the inadvertent release of a genetically modified rice trait had affected the worldwide price of rice, damaging the farmer-plaintiffs by billions of dollars. Seven cases were tried, with all seven resulting in verdicts for the plaintiffs. John was able to craft a settlement, bringing together the claimants from the federal MDL and a broad set of state cases in a deal that effectively resolved 100% of the farmer claims.

John served as lead counsel for one oil company and co-lead counsel for a second in an MDL pending in the Southern District of New York and involving claims that a gasoline additive had contaminated public wells across the country. John developed a theory for federal jurisdiction under the Federal Officer statute that led to successful removal and consolidation of the cases.

Early in his career, John was part of the National Trial Team for a manufacture of medicine used to treat hemophilia with responsibility for cases pending in New York, Illinois, Indiana, Iowa and Missouri. The nationwide litigation involved claims that the plasma that was pooled and used in making the treatment was contaminated with HIV, leading the HIV/AIDS infection in the vast majority of boys and young men with severe hemophilia. The cases centered upon the knowledge of the industry in the early days of the AIDS epidemic, when the medical community was just learning about the disease.

Served as part of the National Trial Team for a manufacturer of transvaginal mesh products, used to treat pelvic organ prolapse and

incontinence. Plaintiffs alleged defective design and warnings led to injuries to women who had received the implants.

John was a National Trial Team member in pharmaceutical cases alleging a drug used to treat diabetes caused bladder cancer. John's involvement focused on depositions of treating physicians. In one matter, John was successful in getting the doctor to admit his diagnosis of bladder cancer, as documented in his records, was incorrect and to testify the plaintiff did not, in fact, have cancer.

Thousands of cases alleging side effects from an oral contraceptive were consolidated in an MDL in the USDC for the Southern District of Illinois. There, John served as Liaison Counsel for the manufacturer defendant, and was asked to serve as part of the bellwether trial team. The litigation settled as mediation was ordered just prior to the first trial.

In a tractor rollover case, John represented the manufacturer and when he deposed the plaintiff learned that the accident site and the tractor itself had been substantially modified since the time of the accident. The USDC, Eastern District of Missouri Judge granted a motion for sanctions based on the spoliation of evidence, and John argued the appeal in the 8th Circuit Court of Appeals. The appellate court reversed the dismissal based on the record presented, and remanded the case. After substantial additional discovery, John's team filed new motions for summary judgment and to bar plaintiff's expert's testimony, again focused on the changes made after the accident. The district court again dismissed the case, and this time the 8th Circuit upheld the dismissal, entering judgment in favor of the manufacturer.

John argued a case of first-impression in the New Hampshire Supreme Court. The Court addressed the question of whether New Hampshire would recognize a claim for medical monitoring, and was the first state supreme court case dealing with the issue on a matter involving the PFAS family of chemicals. The Court reversed the order of the superior court, dismissing the \$70 million case against John's client and establishing the first precedent denying such claims.

John is part of a national trial team representing a manufacturer of power tools and outdoor power equipment using Lithium Ion batteries. He has handled cases throughout the Midwest, including Missouri, Illinois, Indiana and Kentucky.

Community

- New Commandment Ministries, Co-Founder and Board Member, 2004-Present
- BGEA Rapid Response Team, Chaplain certified in disaster response counseling, 2008-2017, Assistant Director, 2016-2017