



Mary Anne Mellow

SHAREHOLDER IN CLAYTON, MO

Mary Anne Mellow is a shareholder of Sandberg Phoenix. She concentrates her practice in civil litigation involving products liability, medical malpractice and insurance defense and has significant experience handling the defense of sophisticated medical malpractice cases and medical device, drug and pharmaceutical litigation since 1982.

Mary Anne has defended multi-party cases in Missouri and Southern Illinois involving more than 500 plaintiffs alleging product liability/failure to warn claims against defendants for talcum powder use allegedly causing ovarian cancer. Her case experience also includes a wide variety of surgical/medical procedures including obstetrics/gynecology, thoracic surgery, radiology and emergency room care.

She has handled medical device litigation for Cordis and Sims Deltec, Inc. involving catheters, syringes and chemotherapy pumps. She represented Firemen's Fund-Interstate, Darwin Professional Underwriters, Allied World Assurance Company Ltd., The Doctors Company and Catlin Underwriting in physician, psychologist, nursing and nursing home malpractice cases and has defended cases for Illinois Provider Trust, St. Elizabeth Medical Center and St. Paul Insurance Company. She regularly consulted on risk management matters with Southern Illinois Healthcare which operates four hospitals in southern Illinois and has actively defended those hospitals in malpractice litigation for over 20 years.

Mary Anne also gained a reputation in the products liability field by successfully defending product manufacturers in significant and catastrophic injury cases involving aerial devices, digger derricks, forklifts, tractors, cranes, tank cars, tractor trailers, autos, wheelchairs, helmets, lawn mowers and snow blowers. In addition, she has continued to represent Altec Industries, Inc. throughout Illinois and Missouri on their high exposure products liability cases for 25 years.

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SERVICES

Product, Asbestos & Toxic Tort Liability

Personal Injury & Tort Defense

Medical Malpractice Defense

State Board Disciplinary Proceedings

Fire & Arson Defense

INDUSTRIES

Automotive

Consumer Products

Drugs & Pharmaceuticals

Heavy Machinery

Hospitals

Hunting & Sporting Goods

Long-term Care & Senior Living

Manufacturing & Distribution

Medical Devices

Physicians & Allied Health Professionals

Mary Anne also serves as the EEOC Chairperson for Sandberg Phoenix.

REPRESENTATIVE EXPERIENCE

Jacqueline Fox v. Imerys, et al., St. Louis, Missouri State Court – In 2016, Mary Anne served as local trial counsel for a raw material supplier in the talc trial where it was alleged the genital use of talcum powder caused plaintiff's ovarian cancer. Defense Verdict (2016)

Burbridge v. Harsco Corporation, et al. In March 2012, Mary Anne, together with partner Mark Prost, tried and won a defense verdict in this case involving a train conductor alleging permanent eye injuries from shattered glass from a train accident. She also successfully defended the case upon appeal in 2014.

Joseph v. Dr. Carroll. In March 2006, Mary Anne, along with Sig Adler, won a defense verdict on behalf of NCMIC Insurance Company after a 5 day jury trial. A chiropractic cervical adjustment allegedly performed on plaintiff resulted in a vertebral artery dissection, leading to several strokes 35 days later which resulted in permanent peripheral vision loss for this 56 year old truck driver. In closing argument, plaintiff's counsel asked for an award of \$1.2 million. The jury returned a defense verdict in 4 hours, rejecting plaintiff's arguments.

Shaw v. Dr. Charles. In August 2004, Mary Anne second-chaired this complicated medical malpractice action in Macon County, Illinois. Charlie Hughes, of Hughes, Hill & Tenney, served as lead counsel. Plaintiff claimed that following two surgeries by defendant, he first developed a bowel obstruction, then an intermittently draining fistula that has required TPN care for the last six years. The jury returned a verdict in plaintiff's favor but for substantially less than the plaintiff requested. A post-trial motion is pending.

Brawley v. American Isuzu Motors. Mary Anne and Bryan Cavanaugh represented the defendant in this April 2004 trial in St. Louis County. The plaintiff claimed the defendant breached a written and implied warranty in connection with his lease of an Isuzu Rodeo. We negotiated an excellent settlement during the first day of trial.

Blatz v. American Isuzu Motors, Inc. In November, 2003, Mary Anne, with the assistance of Bryan Cavanaugh, won a directed verdict on behalf of American Isuzu Motors in a trial in St. Louis County. Plaintiff leased a 2000 Isuzu Rodeo for three years and the client issued a written warranty with it. Three days after the lease expired, plaintiff filed suit against American Isuzu. After the close of plaintiff's evidence, the court directed a verdict for American Isuzu Motors, finding that plaintiff could not prove several elements of plaintiff's case and that plaintiff failed to provide damages and that plaintiff failed to comply with plaintiff's own requirements under the Isuzu written warranty.

Hayungs v. Memorial Hospital of Carbondale. In July of 2003, she began trial in a medical malpractice case in Jackson County, Illinois, where Mary Anne represented Memorial Hospital of Carbondale. Plaintiff alleged negligence in the failure to diagnose a subarachnoid hemorrhage, resulting in the subsequent death of the plaintiff's wife. The parties entered into a favorable settlement in this case during the first week of trial.

Maurizio v. Memorial Hospital of Carbondale. In June of 2000, Mary Anne represented Memorial Hospital of Carbondale in this six week medical malpractice jury trial in Williamson County, Illinois where plaintiffs alleged physician and nursing malpractice during performance of a hysterectomy which resulted in an injured ureter and significant urological problems. Plaintiff also filed a negligent credentialing action against the hospital for the OB/GYN who performed this surgery and a failure to supervise the physician to restrict his gynecological privileges. After the underlying medical malpractice action was tried and the Court directed a verdict against the defendant OB/GYN, the parties settled during the negligent credentialing phase of the trial.

Bauer v. Gundaker Realtors v. ReMax Gateway. In September 1999, Mary Anne represented ReMax Gateway and Mary Kay Carapella in this real estate malpractice case where plaintiff claimed fraud and negligent misrepresentation for failing to disclose problems with the home's septic tank system resulting in significant repairs after closing and reduction of the home's property value. This case was tried in St. Louis County. The Court directed a verdict in favor of our client at the close of all the evidence.

Hansford v. Memorial Hospital of Carbondale. In April, 1999, Mary Anne represented Memorial Hospital of Carbondale in this premise liability case where a patient exited the Cancer Care Center and fell on a sidewalk sustaining significant hip and ankle fracture injuries. The case proceeded to trial against the hospital resulting in a defendant's verdict.

Granda v. Morgan Engineering. In 1995, Mary Anne defended this products liability action in Madison County, Illinois for her client, Morgan Engineering. Plaintiff claimed the overhead crane installed in Granite City Steel was defective in its design and lack of warning devices. A Madison County jury, after a long trial, returned a defense verdict for her client.

McCray v. Memorial Hospital of Carbondale. In July, 1995, Mary Anne represented Memorial Hospital of Carbondale and resident Dr. Clay Halberg, where plaintiff claimed the failure to diagnose and treat bacterial meningitis resulted in the death of a Southern Illinois University student. This case was tried in Jackson County, Illinois, and the jury returned a defense verdict after a long trial.

Pride Electric v. Dr. Broncato. In 1994, she represented Pride Electric, Inc. in St. Louis County, Missouri. Pride Electric filed suit based upon theories of breach of contract and quantum meruit against the defendant for failure to pay for electrical work performed to his physician office. This bench trial resulted in a plaintiff's verdict for her client.

Rohr v. Memorial Hospital of Carbondale. In 1988, she second chaired this case with Peter von Gontard in Madison County, Illinois where plaintiff claimed an alleged failure to timely diagnose and treat bacterial meningitis. The case settled during the first week of trial.

Lam v. Atlas Tool. In 1986, she served as co-counsel at trial on this product liability case. Plaintiff claimed injuries for an allegedly defective snow blower that a physician plaintiff used during a St. Louis snowstorm. During trial, this case resulted in a favorable settlement.

PROFESSIONAL AFFILIATIONS

American Bar Association

Council on Litigation Management

Defense Research Institute

Illinois Bar Association

International Association of Defense Counsel

Missouri Bar Association

National Association of Railroad Trial Counsel

Network of Trial Law Firms

Trucking Industry Defense Association

EDUCATION

J.D., Washington University School of Law

B.A., Duke University, *magna cum laude*

LICENSURE(S) AND ADMISSION(S)

Illinois

Kansas

Missouri

United States District Court for the Southern District of Illinois

United States District Court for the Eastern District of Missouri

United States District Court for the Western District of Missouri

PRESENTATIONS

"Admissibility of Traffic Citations in Subsequent Civil Litigation," the International Association of Defense Counsel

"Strategic Implications of Joint and Several Liability, Contribution and Indemnity," the Network of Trial Law Firms

"Defending the Electrocution Lawsuit," DRI Products Liability Conference

"Confidentiality of Medical Records," Lorman Education Seminar i

Numerous seminars for Illinois Provider Trust and Memorial Hospital of Carbondale on medical staff and credentialing issues.

PUBLICATIONS

Co-author, *DRI Product Liability Compendium: Warnings, Instructions and Results, 3rd Edition* (April 2019)

Co-author, "Supreme Court Strikes Another Blow to Litigation Tourism in Bristol-Myers Squibb," *IADC Defense Counsel Journal*, Volume 85, No. 2 (2018)

Co-author, "The CMS Final Rule for Emergency Preparedness Implementation Deadline is Here: Is Your Facility Prepared?" *IADC Medical Device and Health Law Newsletter* (November 2017)

Co-author, "The CMS Final Rule for Emergency Preparedness Implementation Deadline is Here: Is Your Facility Prepared?" *IADC Medical Defense and Health Law Newsletter* (November 2017)

Co-author, "Updated Uniform Bill of Lading Changes: Are You at Risk?" *Inbound Logistics*, International Association of Defense Counsel (July 2017)

Co-Author, "Ready or Not, Here it Comes: How Current Regulations Must Adapt to the Development of Driverless Trucking Fleets," *IADC Transportation Committee Newsletter* (March 2017)

Co-Author, "The Duty to Preserve Electronic Evidence in the New Age of Transportation Under Amended FRCP 37(e)" *IADC Transportation Committee Newsletter* (February 2017)

Co-Author, "New Overtime Rules Mean Change Is Coming for All Employers – Transportation Included – Or Do They?" *IADC Transportation Committee Newsletter* (December 2016)

Co-Author, "General Jurisdiction via State Registration Statute – Consistent with Daimler? – Part II", *IADC Transportation Committee Newsletter* (November 2016)

Co-author, "Employee or Independent Contractor? How the Effects of Classification Impact Employer Liability," *IADC Defense Counsel Journal Volume 83, Ed. 1* (January 2016)

Co-Author, "General Jurisdiction via State Registration Statute – Consistent with Daimler?" *IADC Product Liability Newsletter*, International Association of Defense Counsel, (September 2015)

Co-Author, "Admissibility of Traffic Accident Citation in Subsequent Civil Suit For Injury," *IADC Transportation Committee Newsletter*, International Association of Defense Counsel (May 2014)

Co-Author, "Driving Logs: Can Deficiencies Expose Motor Carriers and Their Drivers to Criminal and Civil Liability?" *IADC Transportation Committee Newsletter*, International Association of Defense Counsel (March 2013)

Contributor, *Missouri Best Practices Guide*, International Association of Defense Counsel (2011)

Contributor, *Missouri Best Practices Guide*, International Association of Defense Counsel (2010)

Co-Author, "Crashworthiness Claims and Comparative Fault," *For the Defense*, Defense Research Institute (2008)

RECOGNITION

MARTINDALE HUBBELL

AV Preeminent® Peer Review Rating

2018

MISSOURI LAWYERS MEDIA

Women's Justice Award

2013-2018

MISSOURI & KANSAS SUPER LAWYERS

Super Lawyer

Personal Injury Defense

2007 - 2011

MISSOURI & KANSAS SUPER LAWYERS

Super Lawyer

Products Liability

2005 - 2007

MISSOURI & KANSAS SUPER LAWYERS

Super Lawyer

Medical Malpractice

2008

MISSOURI & KANSAS SUPER LAWYERS

Top 50 Female Super Lawyers

2005

MISSOURI & KANSAS SUPER LAWYERS

Top 50 Female Super Lawyers