



# DIANE K. WATKINS

Partner

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## In Brief

- **Partner of Wagstaff + Cartmell LLP**
- **Tried cases to verdict on behalf of both plaintiffs and defendants**
- **Argued before the United States Court of Appeals for the Tenth Circuit and the Missouri Court of Appeals**
- **Recognized by her peers as a Missouri and Kansas Rising Star in litigation for seven years**

Diane K. Watkins devotes her practice to the representation of injured parties in complex litigation against pharmaceutical and medical device manufacturers. She has worked extensively in the ongoing litigation involving transvaginal mesh products against manufacturers Ethicon, Inc., Boston Scientific Corporation, American Medical Systems, Inc., C.R. Bard, Inc., and others. Additionally, she has presented at national meetings on issues pertaining to the transvaginal mesh litigation.

Diane has also successfully represented both plaintiffs and defendants in numerous medical malpractice, personal injury, business, and environmental actions. This representation has involved all aspects of litigation, up to, and including, jury verdict. Additionally, Diane has extensive experience in motions practice, brief writing, and oral argument, including at the appellate level in both federal and state courts. She also has represented indigent parties involved in family court matters on a pro bono basis.

She is a member of the Kansas City Metropolitan Bar Association and is a graduate of the Kansas City Metropolitan Bar Association's Leadership Academy.

### Notable Litigation

#### **In Re: Ethicon, Inc., MDL No.2327**

Wagstaff & Cartmell is heavily involved in this MDL.

Tom Cartmell has been appointed to the Executive Committee of the four Pelvic Repair System Products Liability Litigation MDLs in the Southern District of West Virginia in front of the Honorable Joseph R. Goodwin. He is Co-Lead Counsel for the Ethicon MDL. Jeff Kuntz is currently the head of the Expert Committee and Bellwether Trial Committee for this case.

Diane Watkins is co-chair of the Privilege Log/Confidentiality Order Task Force and a member of the Third-Party Discovery Task Force.

#### **\$10 Million Settlement – Environmental Property Damage**

Wagstaff & Cartmell reached a \$10 million class action settlement with an engineering firm on behalf of a class of Northwest Missouri landowners. The case involved allegations that a tannery distributed tannery sludge containing hexavalent chromium to landowners to use as fertilizer in four Missouri counties from 1983 to 2009. The defendant, an engineering firm, provided consulting services to the tannery during some of that time period.

#### **\$3.02 Million Verdict – Novogradac v. Beverly Manor et al.**

Received one of the top-five plaintiffs' verdicts in the State of Missouri in 2007 – \$3.02 million verdict in Platte County, Missouri, while representing a plaintiff in a nursing home abuse action.

#### **Defense Verdict – Alleged Failure to Timely Diagnose Stroke**

Wagstaff & Cartmell attorney, Diane Watkins, successfully defended a physician and a nurse in a jury trial in which the plaintiff alleged that the clients failed to timely diagnose a stroke.



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- **Serves as Co-Chair of the Privilege Log/Confidentiality Order Task Force and a member of the Third-Party Discovery Task Force in the In Re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation (MDL No. 2327)**
- **Currently represents states in consumer protection litigation against Johnson & Johnson and Ethicon, Inc. pertaining to their marketing of transvaginal mesh products**

## **Defense Verdict – Lawsuit Involving Brachial Plexus Injury**

Wagstaff & Cartmell attorney, Diane Watkins, successfully defended an OB/GYN in a jury trial involving a brachial plexus injury at birth, which was recognized as one of the top defense verdicts in 2007 by Missouri Lawyer’s Weekly.

## **Product Liability – Pain Pump Catheter Medical Device**

Wagstaff & Cartmell attorney, Diane Watkins, represented injured parties in product liability litigation against certain medical device manufacturers after numerous patients developed chondrolysis following the placement of a pain pump catheter at the conclusion of shoulder surgery.

## **Product Liability – SSRIs and Diabetes Drug**

Wagstaff & Cartmell attorney, Diane Watkins, represented parties injured by antidepressants in the Selective Serotonin Reuptake Inhibitors (SSRIs) class, such as Prozac, Paxil, Celexa, and Lexapro. She currently represents parties who have suffered injuries, including pancreatic diseases, due to certain diabetes medications, such as Byetta.

## **Substantial Settlement – Breach of Trust**

As counsel for an elderly beneficiary of a revocable trust, Diane K. Watkins obtained a substantial settlement in a lawsuit involving claims for breach of trust and negligence against a large financial institution after the trust was substantially depleted by the beneficiary’s adult son.

## **Pelvic Mesh Repair System Products Liability Litigation (S.D.W.V.)**

In 2012, thousands of lawsuits filed nationwide against several manufacturers of transvaginal mesh products. These cases were consolidated by the Judicial Panel on Multidistrict Litigation (JPML) into several MDLs before the Honorable Joseph R. Goodwin in the Southern District of West Virginia. Among the dozens of lawyers who applied for leadership positions, Judge Goodwin selected Tom Cartmell as one of a handful of attorneys to lead this mass litigation. Over the ensuing eight years, Tom and the Wagstaff & Cartmell team committed more than 50,000 hours prosecuting more than 100,000 cases – one of the largest mass consolidations ever. Media outlets have reported that settlements have totaled more than \$8 billion for women injured by these defective products. In addition to co-leading this mass action in federal court, Tom Cartmell and Jeff Kuntz played leading roles in several bellwether jury trials in federal and state courts, including:

### **\$35 Million Jury Verdict Against Ethicon and Johnson & Johnson (N.D. Ind.) –**

A jury in the Northern District of Indiana awarded plaintiff Barbara Kaiser \$10 million in compensatory damages and \$25 million in punitive damages, finding she had established both her claims of negligent design defect and negligent failure to warn. Jeff Kuntz served as Co-Lead Counsel in this case.

### **\$5.7 Million Jury Verdict Against Ethicon and Johnson & Johnson**

A jury in Bakersfield, California returned a \$5.7 million verdict in favor of plaintiff Colleen Perry for damages sustained from a TVT Abbrevo mesh sling device manufactured by Ethicon, Inc., a subsidiary of Johnson & Johnson.



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### **\$3.27 Million Jury Verdict – Huskey v. Ethicon, et al. S.D.W.V.**

Huskey v. Ethicon was the first Johnson & Johnson bellwether case to go to trial in Charleston, West Virginia. The plaintiffs, Jo and Allen Huskey, alleged her TVT-O was defective and caused her permanent and severe complications including chronic pelvic pain, sexual dysfunction and loss of consortium. After a nine-day trial, on September 5, 2014, Husky and her husband were awarded \$3.27 million and an affirmation of all five claims including failure to warn and design defect.

Jeff Kuntz served as Co-Lead Counsel in this case.

### **\$1.2 Million Jury Verdict Against Ethicon and Johnson & Johnson**

A jury in Dallas, Texas returned a \$1.2 million verdict in favor of plaintiff Linda Batiste for damages sustained from a TVT-O mesh sling device manufactured by Ethicon, Inc., a subsidiary of Johnson & Johnson.

### **Practice Areas**

Diane handled mass actions & personal injury, class actions & commercial litigation and healthcare and professional liability. Diane has built a national reputation handling some of the nation's largest and most challenging mass actions and achieving highly regarded results along the way. has represented developers, franchisees, investors, large companies, small businesses and entrepreneurs in a wide range of litigation. Diane represents leading hospital systems, physician groups, individual doctors and other healthcare professionals in malpractice cases in every area of medicine.

Her practice area include:

- Antitrust
- Breach of contract
- Business torts
- Franchise litigation
- Professional malpractice
- Financial and investment fraud
- SEC whistleblower/qui tam actions

### **Prior Work Experience**

Counsel to the Clerk, United States Court of Appeals for the Tenth Circuit  
Staff Attorney, Kansas Court of Appeals

### **Education**

- J.D., University of Kansas School of Law, 2000
- B.A., Kansas State University, 1997

### **Professional Organizations**

[Kansas City Metropolitan Bar Association](#)  
[American Bar Association](#)



**Admissions**

[Colorado](#)

[Kansas](#)

[Missouri](#)

[U.S. District Court, District of Kansas](#)

[U.S. District Court, Western District of Missouri](#)

[U.S. Court of Appeals for The Eighth Circuit](#)

[U.S. Court of Appeals for The Tenth Circuit](#)

**Honors and Awards**

Rising Star, Kansas City Star Magazine, 2010 – 2016

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