



THOMAS P. CARTMELL

Founding Partner

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In Brief

- **Co-founder of Wagstaff + Cartmell LLP**
- **Appointed by several federal courts, leading multi-district pharmaceutical and medical device litigation**
- **Served as Co-Lead Counsel in the transvaginal mesh litigation against Ethicon, Inc.**

Tom Tom Cartmell co-founded Wagstaff + Cartmell LLP in 1997 and has been trying cases and handling lawsuits for more than 20 years across the United States. Tom has a diverse litigation practice. He has served as Co-Lead Counsel in a number of multi-district pharmaceutical and medical device litigation. Some of his most notable cases include the *In Re: Avandia* pharmaceutical litigation in the Eastern District of Pennsylvania, the *In Re: Bextra and Celebrex Product Liability* litigation in the Northern District of California, and the transvaginal mesh litigation against Ethicon, Inc. pending in the Southern District of West Virginia. He has also represented the State of Kansas and several other states in litigation or arbitration as well as local hospitals, corporations and physicians.

Tom frequently lectures in Kansas City and around the country on trial tactics/litigation strategy. He has served as an adjunct professor of trial advocacy at the University of Kansas School of Law. In addition, he has served as the Municipal Judge in the City of Mission Hills, Kansas since his appointment in 2003.

Notable Litigation

JUUL Labs, Inc., MDL No. 2913

Tom has been appointed the Plaintiff's Government Entity Liaison Counsel of the JUUL Labs Inc. MDL in the Northern District of California in front of the Honorable William H. Orrick.

3M Combat Arms Earplug Products Liability, MDL No. 2885

Tom has been appointed to the Executive Committee of the 3M Combat Arms Earplug Products Liability Litigation MDL in the Northern District of Florida in front of the Honorable M. Casey Rodgers.

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

Tom 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.

Bodziony et al v. Federal Signal Corporation

Tom represented Federal Signal Corporation, a manufacturer of sirens for emergency vehicles, in this mass tort product liability litigation in Missouri involving firefighters' product liability claims of hearing loss.

Big Tobacco v. State of Kansas – Contract Arbitration

Tom and his partners represented the State of Kansas in arbitration proceedings against tobacco companies arising out of the tobacco companies seeking payment adjustments of more than \$50 million based on the interpretation of the 1998 Master Settlement Agreement between tobacco companies and the State of Kansas.

In Re: Zolof Product Liability Litigation, MDL No. 2342

The Honorable Cynthia M. Rufe appointed Tom to Plaintiffs' Steering Committee for the In Re: Zolof (Sertraline Hydrochloride) Product Liability Litigation, MDL No. 2342 in the Eastern District of Pennsylvania.

In Re: Depuy Orthopedics, Inc. Pinnacle Hip Implant Products Liability Litigation, MDL 2244



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Tom serves on the Steering Committee in this case pending in the Northern District of Texas in front of the Honorable Ed Kinkeade. This case involves hip implants and includes claims of negligent design and failure to warn.

In Re: Avandia Marketing, Sales Practices and Products Liability Litigation, MDL No. 1871

Tom was a member of the Steering Committee and Co-Lead Trial Counsel in this product liability multi-district litigation in the Eastern District of Pennsylvania arising out of the use of the medication Avandia. The lead trial in this matter settled shortly for trial and

In Re: Celebrex/Bextra Product Liability Litigation, MDL No. 1699

Tom was a member of the steering committee and co-lead trial counsel in this product liability multi-district litigation arising out of the use of the medications Bextra and Celebrex. The lead case settled on the eve of trial and ultimately all cases in the MDL settled for in excess of \$745 million.

In Re: Ephedra Products Liability Litigation, MDL No. 2071

Tom represented clients from across the nation in this product liability litigation in the Southern District of New York arising out of injuries suffered from ingestion of ephedra containing weight loss supplements. Tom acted as settlement-resolution counsel on behalf of plaintiffs in the NVE and MuscleTech litigation, resulting in more than \$50 million in settlements.

\$5.7 Million Verdict Against Ethicon and Johnson & Johnson

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

Confidential Settlement Against Blue Cross Blue Shield v Pfizer, Inc.

Represented BCBS in a third-party payor case against Pfizer, Inc. in Federal Court in San Francisco. The case settled for a confidential amount.

\$1.2 Million Verdict - 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.

Janet Dick v. Children’s Mercy Hospital

Defense verdict for Children’s Mercy Hospital of Kansas City in case in which plaintiff was claiming catastrophic injury and seeking several million dollars in damages.

\$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.

\$1 Million Verdict - Chen Pei v. Kansas City, Missouri – Auto/Pedestrian Accident

Plaintiff’s verdict against the City of Kansas City, Missouri, on behalf of the family of Chen Pei, a 20-year old student at the University of Missouri-Kansas City, who was tragically hit by a car.

In Re: Avandia MDL No. 1871

Confidential settlements were reached for clients who suffered cardiac events after ingesting Avandia, a diabetes medication manufactured by GlaxoSmithKline.



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\$9 Million in Settlements - Ephedra-Containing Diet Supplement Litigation

Settlements for multiple clients in excess of \$9 million were reached. The case was against manufacturers of diet supplements containing ephedra and caffeine.

In Re: Celebrex/Bextra MDL No. 1699

Confidential settlements were reached for hundreds of clients against manufacturers of Bextra/Celbrex, anti-inflammatory medications manufactured by Pfizer, Inc.

Practice Areas

Tom handled cases in a broad range of areas including professional liability, personal injury, product liability and complex commercial and business disputes. Tom has significant experience in multi-district litigation and has tried cases to verdict in multiple state and federal courts throughout the country.

His primary areas of practice include:

- Injury & Wrongful Death
- Medical Malpractice
- Legal Malpractice
- Drug and Medical Devices
- Business Disputes
- Nursing Home Injuries/Abuse
- Toxic Torts
- Antitrust Litigation
- Securities & Financial Fraud Litigation

Education

- J.D., University of Kansas School of Law
 - Editor, Kansas Law Review
- B.S. in Business Administration, University of Kansas
 - Hilltopper Award – 1990

Professional Organizations

[Kansas City Metropolitan Bar Association \(KCMBBA\)](#)
[Johnson County Bar Association](#)
[American Bar Foundation, Fellow](#)

Admissions

[Kansas](#)
[Missouri](#)
[U.S. District Court, District of Kansas](#)
[U.S. District Court, Western District of Missouri](#)
[U.S. District Court, Eastern District of Missouri](#)
[U.S. Court of Appeals, Tenth Circuit](#)

Honors and Awards

- American College of Trial Lawyers – Inducted 2017



- *Best Lawyers* “Lawyer of the Year” in professional malpractice - 2013, 2014
- International Society of Barristers Fellow - Inducted 2008
- *The Best Lawyers in America* – 2007 to Present
- *Missouri and Kansas Super Lawyers* – 2006 to Present
- Kansas City Chapter of the American Board of Trial Advocates (ABOTA), Past President – Inducted 2005
- *The Kansas City Business Journal* “Best of the Bar” – 2004 to Present
- Missouri Bar Foundation [Lon O. Hocker Memorial Trial Lawyer Award](#) - 2003
- Kansas City Metropolitan Bar Association [Thomas J. Conway Award](#) - 2001
- Martindale-Hubble’s peer review ratings – AV Preeminent

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