



**ANDREW D. CARPENTER** [ partner ]

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**Biography**

Andy is a litigator who focuses his practice on complex litigation, such as class actions, multidistrict litigation and consolidated litigations. He has represented a wide variety of *Fortune* 500 clients, including Boston Scientific, DuPont, Zimmer Orthopedics, Philip Morris, Lorillard Tobacco Company, and The Coca-Cola Company, in jurisdictions across the United States as well as internationally.

**Appellate Advocacy:** As a member of Shook's Appellate Practice Group and a former Eighth Circuit clerk, Andy has successfully briefed and argued appeals before courts such as the U.S. Courts of Appeal for the Eighth and Sixth Circuits, as well as state appellate courts, including Missouri and Connecticut. Andy also drafted the winning petition in *Coca-Cola v. Pennington* that resulted in a writ by the Missouri Supreme Court vacating the trial court's certification of a statewide consumer class against Coca-Cola.

**Complex Briefing, Appeals, and Legal Strategy:** From 2008 to 2012, Andy directed the Lorillard Tobacco Company Legal Issues Group, which wrote and argued all major briefs and motions and coordinated appeals for the more than 8,000 *Engle* progeny cases pending in Florida. Andy was also responsible for directing and coordinating Lorillard's legal strategy in this litigation, as well as all motions and legal issues at trial. Andy wrote and argued many of the key motions and briefs for Lorillard in this litigation.

**Class Actions and MDLs:** From 2005 to 2008, Andy represented Boston Scientific/Guidant in MDL No. 1708, *In re Guidant Corp. Implantable Defibrillators Product Liability Litigation*, consisting of nearly 2,000 cases and 74 putative class actions cases pending in the U.S. District Court for the District of Minnesota. Andy was responsible for all legal issues and discovery briefing in that MDL. He developed and argued many of the key dispositive and evidentiary motions for the MDL representative lead cases, resulting in several important rulings, including a key choice of law victory. He also developed and argued the motion that resulted in the dismissal of all third-party payor claims in the MDL. This litigation was ultimately resolved on terms favorable to BSC. Andy was also responsible for overseeing the defense of Guidant's Canadian litigation.

**E-Discovery and Class Action MDLs:** From 2005 to 2008, Andy served DuPont as its class action and e-discovery counsel in MDL No. 1733, *In re Teflon Products Liability Litigation*, consisting of 22 putative class actions pending in the U.S. District Court for the Southern District of Iowa. In addition to helping coordinate the defense group's class certification defense, Andy was responsible for DuPont's document production, privilege logs and e-discovery issues. The district court denied class certification in every case, and rejected each of the plaintiffs' motions for discovery sanctions.

**Products Liability Class Actions:** As a member of SHB's Class Actions & Complex Litigation Steering Committee, Andy has also successfully defended national clients such as Smithfield Foods, Coca-Cola, Smith & Wesson, Smucker's, Mitsubishi, and Cingular Wireless in class action litigation.

**Class Action Settlements:** As a member of SHB's Resolution Strategies Practice Group, Andy has helped negotiate, brief, implement, and oversee the successful resolution of several national litigations, including the \$1.1 billion resolution of MDL No. 1401, *In re Sulzer Orthopedics, Inc. Hip Prosthesis and Knee Prosthesis Liability Litigation*, as well as the class resolution of multiple nationwide products liability classes for Mitsubishi Motors and DaimlerChrysler, and a nationwide employment class for Mutual of Omaha.

**Complex Products Liability Defense:** As a part of SHB's Global Product Liability Group, Andy has successfully represented both Philip Morris and Lorillard Tobacco Company in smoking and health litigation across the United States, including traditional class actions, third-party payor cost recovery actions, consolidated claims by individual smokers, and individual smoking and health cases. Beginning as an associate, Andy has been able to learn every aspect of defending a complex case from the ground up, beginning with the *Brown* flight attendant class action trial in Miami in 1997, the *Falise/Johns-Manville* Settlement Trust cost recovery trial in New York in 2000, and the Coolidge tobacco trial in Riverside, California, in 2003.

#### **Publications**

Andy is a principal author of the *Missouri and Kansas Class Action Law* blog, a legal blog dedicated to discussing developments in class actions and complex litigation in state and federal courts in Missouri and Kansas.

#### **Licenses**

Andy is admitted to practice before the state courts of Kansas and Missouri; the U.S. District Courts for the District of Kansas and the Western District of Missouri; and the U.S. Courts of Appeal for the First, Eighth, Sixth and Eleventh Circuits.

#### **Education**

1994 J.D., University of Kansas School of Law  
(Order of the Coif; Associate Editor, *Kansas Law Review*)

1991 B.A., *magna cum laude*, University of Kansas

### **PRACTICE AREAS**

Global Product Liability  
Class Actions & Complex Litigation  
International Litigation & Dispute Resolution  
Appellate Practice  
eDiscovery, Data & Document Management