Hollingsworth LLP
Litigation Matters.®

Mark A. Miller

Partner

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Early in his career, Mark Miller quickly gained an appreciation for many facets of litigation and trial. Most notably, he was fascinated by the continuous learning from case-to-case and how litigation impacts businesses and involves people's lives. Knowing that others greatly depend on him, he instinctively understands that the path to success varies by client, and that finding a practical and creative angle can be the difference between winning and losing. To that end, Mark embraces the challenge of taking complex theories and breaking them down to their simplest and most convincing level.

Mark focuses his practice on highly complex litigation and has defended corporate clients in serial mass tort and class action litigation, including both state and federal multidistrict litigation. He has significant pretrial and trial experience that typically includes developing and managing the defense of mass toxic tort and products liability cases, analyzing ongoing litigation, coordinating the work of local counsel, selecting and preparing expert witnesses, deposing fact and expert witnesses, and drafting and arguing motions. Mark also litigates parallel tort actions seeking personal injury, property damage, and/or medical monitoring damages. He has successfully defended such cases whether filed individually, as part of a mass tort, or as a class action.

In the arena of environmental law, Mark has successfully defended clients in mass toxic tort cases in state and federal courts in which the plaintiffs alleged personal injuries and property damages from exposures to chemicals including PCBs, dioxins, nuclear by-products, lead, arsenic, and TCE. He has experience litigating natural resource damages claims brought by trustees relating to historical operations at our clients' facilities, often dating back more than 100 years. Mark is also experienced in advising clients, in conjunction with regulatory counsel, to find pre-litigation solutions to complex NRD issues, and working with teams of experts to assess potential impacts to natural resources and the services provided by those resources. More specifically, he has:

- Successfully represented a Fortune 500 public utility in a CERCLA cost recovery mediation against the United States in a "war plants" case.
- Represented an aluminum manufacturer in a remediation cost-recovery action.

- Defended a power plant in a citizen suit alleging violations of the PSD and NNSR provisions of the Clean Air Act.
- Represented a pesticide manufacturer in litigation related to a cancellation proceeding under FIFRA.
- Represented a Fortune 500 chemical manufacturer in a NEPA case concerning genetically-modified alfalfa.
- Advised large chemical companies, manufacturers, public utilities, and other corporations on litigation risk assessment and compliance with statutory and regulatory schemes including CERCLA, the PSD and NNSR provisions of the Clean Air Act, FIFRA, and NEPA.

Mark's many years of trial experience have allowed him to develop sharp trial instincts and shaped his ability to be quick on his feet. His product liability experience includes:

- Successfully defending a Fortune 500 automobile parts manufacturer in a federal consumer class action alleging defective product design, false advertising, and consumer fraud, by defeating class certification through a preemptive motion to strike the class allegations and obtaining summary judgment on all counts.
- Defending large corporations in the context of serial and multidistrict litigation against personal injury allegations stemming from the use of prescription pharmaceuticals.
- Being part of the firm's trial team that successfully tried a case on remand from one of the most active federal MDLs for a large pharmaceutical company, achieving the first defense verdict in Florida after the jury deliberated for less than 45 minutes following a three-week trial. In that same litigation, he also obtained summary judgment on various grounds including adequacy of the drug's warning, secured *Daubert* rulings excluding plaintiffs' expert testimony, and won a motion to preclude punitive damages under preemption principles.

Effectively able to switch directions, Mark's expertise extends to white collar matters. He has represented corporate clients in internal audits and investigations to determine compliance with federal securities and health care laws, and he has represented clients confronted with ongoing government investigations and subpoenas from federal entities such as the Securities and Exchange Commission and the U.S. Department of Justice. Mark also has experience with insurance coverage matters, having litigated claims on behalf of policy holders in several property damage and business interruption cases arising from Hurricane Katrina.

From 1999 to 2001, following law school, Mark clerked for the Honorable Thomas J. Moyer, Chief Justice of the Ohio Supreme Court.

Services

Complex Litigation
Environmental
Government Investigations, White Collar & Civil Defense
Natural Resource Damages
Pharmaceutical & Medical Device
Products Liability & Toxic Torts

Education

Cleveland-Marshall College of Law (J.D., 1999, *magna cum laude*)
Youngstown State University (B.S., 1993)

Admissions

District of Columbia
United States Supreme Court
United States Courts of Appeals for the Second, Fourth, Sixth, Seventh, Ninth, and Eleventh Circuits
United States Court of Appeals for the District of Columbia Circuit
United States Court of Appeals for the Federal Circuit
United States District Courts for the District of Columbia, and the Northern District of Ohio
United States Court of Federal Claims

Accolades

- Chambers USA
  - "Mark Miller is doing great work. His responsiveness and quality of work are excellent." — Client
  - "Mark Miller is very easy to work with and works well with other law firms." — Client

Memberships

- Defense Research Institute, Member