



## Mark A. DiCello

Mark regularly acts as lead and co-lead counsel in major personal injury and mass tort actions.

### Contact Information

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Mark has established a national practice representing victims ranging from individuals suffering catastrophic personal injuries to groups of plaintiffs affected by harmful medical devices, pharmaceutical products, chemicals, automobiles, and more. He has been chosen by federal and state courts around the country to lead the representation of plaintiffs in mass tort and product liability actions. In recent years, he was appointed co-lead counsel in the massive multidistrict litigation involving defective medical and pharmaceutical products.

Mark is frequently asked to speak to gatherings of trial lawyers, and has addressed national organizations on topics ranging from defective medical devices, medical malpractice, environmental catastrophes, and advanced trial skills.

### Industry Experience

- Transportation
- Health Care
- Medical device
- Pharmaceutical

### Notable Representations

- *In Re: Stryker LFit V40 Femoral Head Products Liability Litigation MDL-2768?*  
June 30, 2017, Appointed to Plaintiff's Steering Committee
  - National Multi-District Litigation over alleged defects in Stryker Howmedica's recalled LFIT V40 Femoral Head
- *Timothy Bruck, Executor v. Gary McClintick and Mentor Board of Education, 15CV000701*  
February 13, 2017, Jury Verdict, \$1,267,500.00



- Mentor Board of Education School Bus Driver crashed into the vehicle driven by Jessica “Toby” Cribbs. Compensatory and Punitive Damages Awarded. The bus driver was not cited and claimed that he had the green light when he went through an intersection striking Ms. Cribbs’ vehicle.
- *Arnold Black v. Detective Randy Hicks, Officer Jonathan O’Leary, Chief Ralph Spotts and City of East Cleveland, No. CV-14-826010*  
May 31, 2016, Jury Verdict, \$22,000,000.00
  - Mr. Black was stopped because of a mistaken identity and beaten and kept in a storage locker for days by police. The detective in the case testified that his department supported the mistreatment of Mr. Black.
- *In Re Stryker Rejuvenate & ABG II Hip Implant Litigation MCL-296?*  
Settlements: \$2,100,000,000.00+  
March 19, 2013, Appointed to the Science Committee
  - Multi-County Litigation in New Jersey on behalf of the nation’s Plaintiffs alleging injury by Stryker Howmedica’s Recalled Stryker Rejuvenate & ABG II Hip Implants.
- *In Re: Propecia (Finasteride) Product Liability Litigation MDL-2331*  
June 22, 2012, Appointed to Plaintiff’s Steering Committee
  - Multi-District Litigation alleging that Propecia, Merck’s prescription drug for male pattern baldness, causes permanent sexual dysfunction in men.
- *In Re: Mentor Co. Obtape Transobturator Sling Products Liability Litigation MDL-2004?*  
September 21, 2011, Appointed Co-Lead Counsel
  - Multi-District Litigation alleging defects in Mentor Corp’s Transobturator Sling that was used to treat stress urinary incontinence in women.

## Writings and Presentations

- “Mediation and Settlement: It is All in The Preparation,” 360 Advocacy, Damages Conference: Go Big or Go Home, Co-Chair (2017)
- “Cutting Edge Depo Techniques: What Needs to be Heard,” 360 Advocacy, Damages Conference: Go Big or Go Home, Co-Chair (2017)
- “Making the ‘Sudden and Unexpected’ Medical Emergency Predictable and Foreseeable,” 360 Advocacy, Trucking Conference: A New Look at How to Win Trucking Cases, Co-Chair (2017)
- “Look at the Science to Drive the Monster Verdicts,” 360 Advocacy, Damages Conference: Go Big or Go Home, Co-Chair (2016)
- “Views from Leadership: How to Utilize Lead Counsel in a Mass Tort Case,” Ohio Association for



- Justice Summer Conference (2016)
- “Story Structure,” 360 Advocacy, Damages Conference: Go Big or Go Home, Co-Chair (2015)
  - “Finding Medical Malpractice and Mass Tort cases from your Probate and Social Security/Disability Work,” 28th Annual Accredited CLE (2015)
  - “Voiur Dire,” 360 Advocacy, Trial Lawyer MMA: Combining the Disciplines, Co-Chair (2014)
  - “Make No Small Plans: Damage Modeling in the Mega Case,” 360 Advocacy, Damages Conference: Go Big or Go Home, Co-Chair (2014)
  - “Panel Discussion on E-Filing in State and Federal Court,” 27th Annual Accredited CLE (2014)
  
  - “Mass Torts: You Have the Case, Now What? Marketing, Intake and Beyond,” Ohio Association for Justice Winter Conference (2013)
  - “Witnesses Tell the Story Better than Any Lawyer: Learn How to Develop All Witnesses to Find the Theme and Tell the Story,” 360 Advocacy, Trial Skills Retreat: Empowering Witnesses (2013)
  - “Trial as Theatre, not a Movie: Understanding Where the Witnesses Belong on the Stage and What They Add to the Production,” 360 Advocacy, Trial Skills Retreat: Empowering Witnesses (2013)
  - “When the Big Truck Case Calls Your Office,” National Trial Lawyers, Trial Lawyers Summit (2013)
  - “Critical First Steps When You are Retained by a Truck Crash Victim,” Association of Plaintiff Interstate Trucking Lawyers of America: Super Summit II- Top Guns (2013)
  - “Developing Trial Strategies and Approaches,” Law Seminars International: Litigating Class Actions (2013)
  - “Take your Damages from Good to Great by Maximizing all Witnesses’ Credibility and Effectiveness: A Hands-On Workshop,” 360 Advocacy, Damages Conference: Go Big or Go Home, Co-Chair (2013)
  - “Panel Discussion on E-Discovery in State and Federal Court,” 26th Annual Accredited CLE (2013)
  - “Stryker Rejuvenate ABG II Hip Implant Litigation Update,” American Association for Justice: Winter Convention (2013)
  - “How Trial Consultants and Focus Groups Can Improve Your Results in Voir Dire,” 360 Advocacy, Trial Skills Retreat: Voir Dire (2012)
  - “I Don’t Know Who are the Best Jurors for my Case – Workshopping Attendee Case Issues to Help Find the “Right Jurors,” 360 Advocacy, Trial Skills Retreat: Voir Dire (2012)
  - “Applying What You Have Learned,” 360 Advocacy, Trial Skills Retreat: Opening and Closing Arguments (2012)



- “Trial Lawyers and Class Actions — Protecting Consumers and Elevating Your Practice,” National Trial Lawyers: Winter Summit (2012)
- “Mentor ObTape and TVM Litigation Update,” Teleseminar (2012)
- “Electronic Discovery: Plaintiffs’ Counsel, Defendants’ Counsel and the Client’s Perspective,” Law Seminars International: Litigating Class Actions (2012)
- “Class Action & Mass Tort – Issues and Opportunities,” 25th Annual Accredited CLE (2012)
- “Case Selection “The Key Issues: Cleft Lip, Cleft Palate, Fetal Risk,” 360 Advocacy, Topamax Summit (2011)
- “Using Focus Groups to Develop Case Themes and Litigation Strategies,” 360 Advocacy, The Trial Skills Retreat (2011)
- “Dealing with the Difficult Three: Judge, Jury, Defense Counsel,” 360 Advocacy, Personal Injury Litigators Summit (2011)
- “Deposing the Defense Expert in Big Rig Trucking Cases,” Mass Torts Made Perfect: Torts Made Perfect (2011)
- “Dealing with the Difficult Three: Judge, Jury, Defense Counsel,” 360 Advocacy, Personal Injury Litigators Summit (2011)
- Conference Co-Chair, 360 Advocacy, Medical School for Plaintiff Lawyers (2011)
- “Learn How to Bulletproof Your Interstate Trucking Case – Panel Discussion,” Association of Plaintiff Interstate Trucking Lawyers of America: Super Summit I- Top Guns (2011)
- Conference Co-Chair, 360 Advocacy, DePuy Hip Recall Seminar (2011)
- “Practical Considerations in Interstate Trucking Cases – Avoiding Mistakes,” Association of Plaintiff Interstate Trucking Lawyers of America: Trucking Tuesdays Webcast (2010)
- “Words in Action in The Courtroom (and in Discovery) “Understanding the Importance of Particular Words and Phrases: How the Use or Nonuse of These Can Dramatically Affect Persuasion,” 360 Advocacy, Trial Toolbox: Building a Winning Case (2010)
- “Maximizing the Value of Your Cases and Your Practice,” 360 Advocacy, The Plaintiff Practice Goes Green (2010)
- “Who are the Potential Plaintiffs, How to Value Their Claims and Advising Them Regarding the Immediate Settlement Offers,” 360 Advocacy, The Gulf Coast Disaster: Representing the Plaintiffs – Individuals to Institutions (2010)
- “How to effectively use mock trials, focus groups and pre-trial preparation,” Mass Torts Made Perfect: Torts Made Perfect (2010)
- “Deposing Key Defense Employees (Including Supervisory Employees) in Big-Rig Truck and Bus Collision,” Florida Association for Justice: Workhorse Seminar (2010)



- Conference Chair, DePuy Litigation Summit, 360 Advocacy (2010)
- “How to Put the Trucking Company’s Lawyer in an Ethical Box,” Association of Plaintiff Interstate Trucking Lawyers of America: Fatigued Truckers: From Crash to Closing Argument (2009)
- “Hot Topics in Today’s Legal Practice,” Lake County Bar Association: Hot Topics in Today’s Legal Practice (2008)
- “Ohio UM/UIM Litigation,” Pennsylvania Association for Justice, Pittsburg (2006)
- “Ohio UM/UIM Litigation,” Pennsylvania Association for Justice, Philadelphia (2006)
- “Ohio UM/UIM Litigation,” Pennsylvania Association for Justice, Harrisburg (2006)
- “Pre-Suit Challenges in Trucking,” Lake County Bar Association: Lunch Forum (2006)

## **Memberships**

- The Summit Council
- American Association for Justice, Leaders Forum
- National Trial Lawyers, Executive Committee, Class Action Trial Lawyers Division
- National Trial Lawyers, Executive Committee, Trucking Trial Lawyers Division
- Ohio Association for Justice
- Ohio State Bar Association
- New York State Bar Association
- New York State Academy of Trial Lawyers
- National Advisory Board, Association of Plaintiffs Interstate Trucking Lawyers of America

## **Practice Areas**

- Medical Malpractice
- Products Liability
- Personal Injury
- Mass Tort
- Class Action
- Wrongful Death

## **Education**

- Cleveland-Marshall College of Law, J.D.
- University of Dayton, B.A.



## **Bar Admissions**

- Ohio
- New York

## **Court Admissions**

- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio
- U.S. Court of Appeals, Sixth Circuit
- U.S. Supreme Court