



## NICOLE E. NAROTZKY

Partner  
Co-Chair of Litigation Group  
Co-Chair of Tort & Product Liability Group

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### OVERVIEW

Nicole Narotzky is co-chair of Maslon's Litigation Group and is also co-chair of Maslon's Tort & Product Liability Group. Her practice is focused on product liability litigation, and she has successfully defended major medical device and pharmaceutical manufacturers in federal and state courts throughout the country. Nicole has significant experience with the issues of federal preemption and regulatory control over claims involving FDA-approved medical devices. She also has extensive experience representing clients in a variety of commercial disputes, including construction law and intellectual property disputes.

Nicole is a 2003 graduate from the University of Minnesota Law School where she graduated *magna cum laude* and Order of the Coif. Nicole also served as the note and comment editor for the *Journal of Law and Inequality*. Nicole earned her bachelor's degree *with honors* in political science from Brown University in Providence, Rhode Island.

### SELECTED EXPERIENCE

- Manage and defend claims and litigation for world-leading medical device company: formulate and execute nationwide strategy to respond to and litigate voluntary recall of signature product; implemented early resolution program and when resolution not possible, aggressively defend each individual action (2009-present).
- Defend litigation related to implanted medical devices: aggressively develop alternative causation, strategically approach discovery issues, and negotiate early, reasonable settlements and dismissals (2006-2013).
- *In re Individual 35W Bridge Litigation*, 806 N.W.2d 811, 806 N.W.2d 820 (2011). Represented engineering company that provided the original design for the I-35W bridge that collapsed over the Mississippi River in Minneapolis on August 1, 2007.
- *Hammitt v. Medtronic, Inc.* (Anoka Co. D. Ct., Minnesota, (2004)). Counsel in a lawsuit involving the recall of a medical device. Case was never certified for class action and settled.

### Reported Cases

### AREAS OF PRACTICE

Litigation

- Appeals
- Business Litigation
- Construction & Real Estate Litigation
- Intellectual Property Litigation
- Tort & Product Liability

### BAR ADMISSIONS

Minnesota

U.S. District Court

- Minnesota

U.S. Court of Appeals

- Eighth Circuit
- Federal Circuit

### EDUCATION

University of Minnesota Law School

J.D., *magna cum laude*, 2003

Honors: Order of the Coif

Brown University

B.A., *with honors*, 1999

Major: Political Science

- *Duggan v. Medtronic, Inc.*, No. 09-CV-12046-PBS, 2012 WL 45503 (D. Mass. Jan. 10, 2012).
- *Walker v. Medtronic, Inc.*, No. 2:07-00317, 2010 WL 4822135 (S.D. W. Va. Nov. 24, 2010).
- *Clark v. Medtronic, Inc.*, 572 F. Supp. 2d 1090 (D. Minn. 2008).
- *Smith v. Gorback, et al.*, Cause No. 2005-58539 (Harris County, Tex. 2007).

#### **Pro Bono**

- *Ex parte Armstrong* (Tex. Crim. App. 2017). Member of team of Maslon lawyers serving as pro bono counsel for Douglas Tyrone Armstrong, a Texas death row inmate convicted of capital murder in 2006. The team successfully secured the vacation of Armstrong's death sentence by the Texas Court of Criminal Appeals.

#### **LEADERSHIP & COMMUNITY**

- Minnesota Women Lawyers: Community Action Committee
- Defense Research Institute
- American Intellectual Property Law Association
- ABA Death Penalty Representation Project: Pro Bono Attorney Volunteer
- Children's Law Center of Minnesota: Pro Bono Attorney Volunteer
- Minnesota State Bar Association
- Hennepin County Bar Association
- Ramsey County Bar Association

#### **SELECTED HONORS**

- **Attorney of the Year**, *Minnesota Lawyer*, 2018
- **Light of Justice Award**, Texas Defender Service, 2018

#### **SELECTED PRESENTATIONS**

- "How to Manage your Client Through the Various Stages of Resolving a Dispute," panel member, Section of Dispute Resolution Spring Conference, American Bar Association, 2019
- "MDL - To Centralize or Not Centralize, That is the Question," panel member, Products Liability SuperCourse, ACC Minnesota and The Network of Trial Law Firms, 2018
- David Suchar, Steve Schleicher, Nicole Narotzky, and Katie Maechler to Present at the 2018 Products Liability SuperCourse for The Network of Trial Law Firms and ACC Minnesota
- "After the Fall: The Legacy of the I-35W Bridge Collapse Litigation and What It Means to the Design & Construction Industry in Minnesota," Maslon Speaker Series, 2013
- "Exploring Device Manufacturers' Duty to Train Physicians on the Effective Use of a Particular Device," 17th Annual Drug and Medical Device Litigation Conference, 2012

#### **SELECTED PUBLICATIONS**

- "A brush with danger: the growing product liability risk imposed by Chinese imports," co-author, *ON Litigation*, Vol. 1, Spring 2009
- "Is There a Perfect Notice Letter?" *The IPC Browser* 8-10 (Vol. 4, No. 2, Spring 2004)