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Goodell, DeVries, Leech & Dann, LLP

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PROFILE

Mr. Leech is one of the founding partners of the firm. He has an extensive practice in the areas of products liability, employment, insurance coverage, toxic tort and commercial and business litigation.

Mr. Leech has represented major corporations and insurers in product liability matters involving chemical, pharmaceutical, manufacturing and consumer product industries. He has tried cases involving such diverse products as elevators and escalators, motorcycles, ethical pharmaceutical products, specialty chemicals, punch presses and many other products.

On September 2, 2010, the District of Columbia Court of Appeals issued its Opinion in *Phillips v. Fujitec America, Inc., et al.*, 3 A.3d 324 (D.C. 2010). Mr. Leech represented Fujitec America, Inc., an elevator manufacturer and installer. A young woman had tragically fallen to her death while trying to climb out of an elevator cab that was stalled between floors of a building which she was visiting. Mr. Leech won summary judgment in the District of Columbia Superior Court, arguing that the decedent was contributorily negligent and had assumed the risk of injury by climbing out of the elevator, instead of listening to instructions to wait for help to arrive. Sid also argued the case on appeal.

In the area of ethical pharmaceutical products, Mr. Leech defended Merrill Dow Pharmaceuticals, Inc., in litigation involving its product Bendectin, and tried one of the first Bendectin cases *Oxendine v. Merrill Dow Pharmaceuticals, Inc.* in the Superior Court of the District of Columbia. Mr. Leech also defended Warner-Lambert Company in product liability actions involving its product, Dilantin. In this case, Plaintiffs filed a Petition for Class Certification which would have created a national class if it had been granted. Mr. Leech has also represented Pharmacia & Upjohn and Bristol-Myers Squibb in pharmaceutical product liability litigation.

Mr. Leech has been active in the defense of employment-related litigation for the last twenty years. He represented American Standard Corporation in the first case in which the Court of Appeals of Maryland recognized a cause of action for "abusive discharge." He represented Marriott Corporation in a cause of action brought by a discharged executive-level employee which included claims for breach of contract, breach of implied contract, defamation and which prayed for punitive damages. After more than four weeks of trial in the United States District Court for the District of Maryland, the jury returned a verdict in favor of Marriott Corporation on all causes of action. Mr. Leech has defended cases involving allegations of employment discrimination for American Standard, Canteen Corporation, Denny's and The Men's Wearhouse among others.

In the area of insurance coverage, Mr. Leech represented the Travelers Indemnity Company in a declaratory judgement action involving 44 insurance carriers pending in the United States District Court for the District of Maryland, *Nationwide v. Lafarge Corporation, et al.* Civil Action No.: H-90-2390. This case involved an underlying claim for over \$100,000,000.00 in damages related to the premature deterioration of reinforced concrete railroad ties being used by all of the railroads in the Northeast corridor. Lafarge Corporation was seeking reimbursement of its cost of defense in an amount exceeding \$27,000,000.00. Many of the issues were resolved on Cross Motions for Summary Judgment but a trial involving the fairness and reasonableness of expenses incurred by counsel for Lafarge Corporation was conducted before Judge Alexander Harvey, II and a jury in the United States District Court for the District of Maryland resulting in a jury verdict which saved Mr. Leech's client over \$8,000,000.00.

In asbestos litigation, Mr. Leech represented Metropolitan Life Insurance Co. for over ten years. More recently, he tried a group of Mesothelioma cases to verdict in the Circuit Court for Baltimore City for a ship fitting company. In the area of

construction litigation, Mr. Leech represents the owner of a large commercial apartment complex against the design professionals, the General Contractor and several Sub-Contractors.

In the area of toxic tort litigation, Mr. Leech has represented The Dow Chemical Company, Dow Brands and Dow Elanco against claims relating to various chemicals and consumer products, including insecticides such as Dursban. In *Kahn v. Dow Elanco*, Mr. Leech represented Dow Elanco in the United States District Court for the District of Maryland in claims involving the development of Multiple Chemical Sensitivity Syndrome as a result of alleged Dursban exposure.

As part of his commercial and business litigation practice, Mr. Leech has represented the owner of closely held corporations and partnerships and joint ventures involving a dispute with the estate of the client's ex-partner, ex-co-owner and ex-joint venturer. Mr. Leech represented American General Financial Services in litigation involving the "imposter rule" under the Uniform Commercial Code. This was a case in which the person presenting the negotiable instrument for negotiation was guilty of identity theft. Mr. Leech handled this particular case for American General Financial Services at all levels, including his oral argument in Maryland's highest court, the Maryland Court of Appeals. Mr. Leech has handled litigation involving commercial leases and the rights of minority shareholders in the Court of Special Appeals and the Court of Appeals of Maryland. Mr. Leech has defended one condemnation trial to verdict involving the valuation of a commercial property in Baltimore City. Mr. Leech has also tried to verdict a case involving a bankers blanket bond in which he represented a commercial bank against its surety company.

EDUCATION

College of Wooster (B.A., 1964)

The Columbus School of Law of the Catholic University of America (J.D., 1968)

COURT ADMISSIONS

- Court of Appeals of Maryland
- District of Columbia Court of Appeals
- Supreme Court of the United States of America
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the District of Columbia Circuit
- United States District Court for the District of Maryland
- United States District Court for the District of Columbia

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

- American Bar Association (Litigation Section - Co-Chairman, Federal Procedure Committee TIPS Section)
- Maryland State Bar Association (Board of Governors 1975-1976, 1990-1992, 1995-1997)
- Bar Association of Baltimore City, Inc. (President 1989-1990)
- The District of Columbia Bar Association
- The Fourth Circuit Judicial Conference
- Maryland Association of Defense Trial Counsel
- Defense Research Institute
- American Board of Trial Advocates
- American Bar Foundation (Fellow)
- Maryland Bar Foundation (Fellow)
- Baltimore Bar Foundation (Fellow and Director)
- Bar Associations Insurance Trust (Trustee)
- Rule Day Law Club

SIGNIFICANT REPORTED DECISIONS

Adler v. American Standard Corporation, 291 Md. 31 (1981)

Oxendine v. Merrill Dow Pharmaceuticals, 506 A.2d 1100 (D.C. Court of Appeals 1986)

Ramsdell v. American Standard Inc., 849 F.2d 606 (1988) (4th Cir. 1988)

American Standard Corporation v. Gerald F. Adler, 830 F.2d 1303 (4th Cir. 1987)

Liberty Mutual Insurance Company v. Travelers Indemnity Company, 78 F.3d 639 (D.C. Cir. 1996)

Nationwide v. Lafarge Corporation, et al., 910 F. Supp. 1004 (D. Md. 1996)

McKelvey v. Marriott Corporation, 488 F. Supp. 343 (D. Md. 1980)

Phillips v. Fujitec America, Inc., et al., 3 A.3d 324 (D.C. 2010).

State Security Check Cashing, Inc. v. American General Financial Services, 409 Md. 81, 972 A.2d 882 (2009).