



## David G. Wix

### Tarpey Wix LLC

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## Practice Description

After 15 years at Baker & McKenzie and 3 ½ years owning and operating his own successful litigation-boutique firm, Dave co-founded Tarpey Wix, LLC. Dave concentrates his trial practice on complex commercial litigation disputes, including breach of contract, breach of warranty, fraud and related business torts, trade secret misappropriation, fiduciary wrongdoing, partnership and joint venture disputes and distributor disputes. Many of these litigation matters involve requests for extraordinary equitable remedies, such as injunctive relief. Dave also focuses on defending manufacturers involved in product liability lawsuits and has successfully defended manufacturers involved in class actions and multi-district mass tort claims alleging defective products. Dave is an experienced trial lawyer, having been lead counsel on numerous jury and bench trials, and he has taken and defended well over several hundred depositions.

In addition to his trial practice, Dave routinely advises corporations confronting major crises, such as product recalls. He has coordinated and advised clients on numerous national and global product recalls involving children's products, computer/electronic products, cell phones/speaker phones, fire extinguishers and smoke alarms, food products and automobile equipment. As part of his work on these high-profile matters, Dave works with clients on developing appropriate litigation strategies, interacting with governmental and regulatory agencies and responding to media inquiries.

Dave also assists clients in reducing potential product liability and product recall exposure by developing appropriate product recall plans and protocols, investigating and responding to product incidents, implementing risk-reduction strategies and reviewing the adequacy of product warnings and labels.

## **Publications and Articles**

- “Exploration of Warranties under Article 2 of the Uniform Commercial Code,” co-author and editor of the IDC Monograph for IDC Quarterly, Third Quarter 2013, Vol. 23, No. 3.
- “Personal Liability for Product Recalls: Should Corporate Officers Be Concerned,” ABA Tort Trial & Insurance Practice Section, Product Liability Committee Newsletter, Summer 2013
- “The Arbitration Process,” A Special Feature Article of The IDC Quarterly, contributing author, IDC Quarterly, Volume 22, Number 3 (Published 3rd Quarter 2012).
- Contributing author to the Illinois Association of Defense Trial Counsel 2011 Survey of Law published in early 2012.
- “TC Dunham Pays About \$4.5 Million for 2006 Lacquer Fire,” quoted in an article appearing in Hardwood Floors Magazine on January 20, 2012.
- “How to Survive a Product Recall,” quoted extensively in an article appearing on Inc.com on June 24, 2010.
- “The Doctrine of Forum Non Conveniens: Are Foreign Plaintiffs Suing American Manufacturers in the United States Entitled to a Presumption in Favor of Their Choice of Forum?,” International Association of Defense Counsel, Product Liability Committee Newsletter, June 2009.
- “Planning for and Implementing a Product Recall,” International Association of Defense Counsel Journal, July 2007.
- Editor and contributor, “Global Product Recall Handbook,” Baker & McKenzie publication, October 2006.
- “The Importance of Effectively Communicating Product Warnings,” International Association of Defense Counsel, Product Liability Committee Newsletter, February 2006.
- “The Admissibility of a CPSC Preliminary Determination of Substantial Product Hazard In Litigation Involving the Product,” Defense Research Institute, Product Liability Committee Newsletter, February 2006.
- “Managing the Crisis of a Terrorist Attack”, Baker & McKenzie Homeland Security Practice Group monthly newsletter, January 2005.

- “The Recovery of Damages Caused by Defective Parts Supplied by Component Manufacturers: Recent Developments in Illinois”, International Association of Defense Counsel, Product Liability Committee Newsletter, December 2004.
- Co-editor, Product Liability in North America (Book published by Baker & McKenzie – latest edition 2004).
- Co-author of a chapter for IILCE’s treatise, Illinois Civil Practice, entitled “Motions During and at Close of Defendant’s Case in Chief”.

## **Presentations**

- “Recent Developments in Commercial Law: The Impact on Collection Cases” – February 16, 2015 – ILCBA Spring Seminar
- “Consumer Products: The Latest on the CPSIA and Product Testing” – September 28, 2010 – webinar presentation with Chip Magid of Dorsey & Whitney, LLP sponsored by the Product Liability Committee of the International Association of Defense Counsel.
- “Emails and Documents – Do’s and Don’ts” – July 1, 2010 – presentation to CODA Automotive’s Quality Control and Design Groups – Santa Monica, CA.
- E-Data & Discovery – Simple Steps to Protect Infantino From Avoidable Risk – June 2, 2009 – presentation to Infantino management – San Diego, CA.
- “Navigating the New Consumer Product Safety Legislation in the United States” – October 22, 2008 – presentation with Michael J. Wagner and Erin M. Maus as part of seminar entitled “Emerging Global Risks: Trends and Realities in Product Liability and Recalls” – New York, NY
- “Dealing with Suppliers in China: Product Quality and Product Recall Issues” – September 5, 2008 – presentation with Michael J. Wagner at seminar sponsored by the John Marshall Law School Center for Intellectual Property and The Sister Cities China Committee – Chicago, IL
- “Minimizing the Costs Associated with Defective Products: The Importance of Product Recall and Product Safety Programs” – August 26, 2008 – presentation to Huawei Technologies (USA) – Dallas, TX.
- “E-Data and Discovery – Protecting Zebra Technologies Corporation from Avoidable Risk – The Simple Steps Every Executive Should Know” – May 5, 2008 – presentation to Zebra Technologies Corporation with Ethan Berghoff and Erin Maus – Vernon Hills, IL.

- “International Product Recalls: Managing the Process and Minimizing the Risk” – October 11, 2007 – presentation at the Defense Research Institute Annual Meeting (International Law Committee) – Washington, D.C.
- “Product Recalls Around the World: Managing the Process” – August 30, 2007 – presentation to Mattel, Inc. – El Segundo, CA.
- “Preparing for and Implementing a Global Product Recall” – July 16, 2006 – presentation at the International Association of Defense Counsel Annual Meeting – Rome, Italy.
- “Product Liability and Product Recalls in the United States” – July 12, 2006 – presentation to ANCMA (association of manufacturers of motorcycles, motorcycle equipment and accessories) – Milan, Italy.
- “Protecting Your Company in the Event of a Product Recall”:
  - May 19, 2004, Chicago, IL
  - November 2, 2004, San Diego, CA
  - November 4, 2004, Palo Alto, CA
  - February 24, 2005, Toronto, Canada
- “The Support Anti-terrorism by Fostering Effective Technology (SAFETY) Act: An Overview of the Purpose, Benefits and Application Process” – March 17, 2005 – Chicago, IL.
- “What To Do If Your Product is the Victim of a Terrorist Attack” – May 20, 2004 – Chicago, IL.
- “The U.S. TREAD Act and its Effect in Germany” – June 13, 2003 – Frankfurt, Germany.
- “Strategies and Tactics for Defending Cases Involving Elevator Door Malfunction” – presentation at Schindler Elevator Corporation’s National Defense Counsel Meeting – February 11, 2003 – Las Vegas, NV.