MILLER & MARTIN

Leah M. Gerbitz

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PRACTICE AREAS

Healthcare Litigation | Class & Collective Action | Privacy & Data Security | Product Liability | Drug & Medical Device | Litigation | Healthcare | Crisis Management | Construction | Life Sciences | Investigations & Special Projects | White Collar & Corporate Investigation

Leah Gerbitz is a litigator who focuses on product liability, toxic tort and mass tort claims serving as national, regional and local counsel for consumer healthcare and pharmaceutical companies. Leah also has expertise in healthcare litigation including False Claims Act, fraud and abuse, HIPAA/HITECH, healthcare credentialing/peer review and healthcare risk management matters.

EDUCATION

- J.D., University of Tennessee College of Law, 1994
- B.S., Vanderbilt University, 1991

BAR ADMISSIONS

- Tennessee
- Georgia

ACCOLADES

- *The Best Lawyers in America*® – Commercial Litigation; Insurance Litigation; Mass Tort Litigation/Class Actions Defense; Product Liability Litigation (Defendants), since 2012
- *Best Lawyers*® "Lawyer of the Year" (Chattanooga, Tennessee) – Product Liability Litigation (Defendants), 2027
- *Best Lawyers*® "Lawyer of the Year" (Chattanooga, Tennessee) – Mass Tort Litigation/Class Actions (Defendants); Product Liability Litigation, 2023
- *Best Lawyers*® "Lawyer of the Year" (Chattanooga, Tennessee) – Product Liability Litigation (Defendants), 2015
- *Mid-South Super Lawyers*® 2013-2014
- Martindale-Hubbell® – AV® Peer Review Rated

MEMBERSHIPS

- American Bar Association, Section of Litigation, Committee on Corporate Counsel – Newsletter Editor
- American Health Lawyers Association

- American Inns of Court Justices Brock and Cooper
- Chattanooga Bar Association
- Federal Bar Association, Chattanooga Chapter
- State Bar of Georgia
- Tennessee Bar Association
- Tennessee Board of Professional Responsibility Hearing Committee – Member

COMMUNITY

- Women's Fund of Greater Chattanooga – Chair Board of Directors
- St. Paul's Episcopal Church, Vestry – Member and Senior Warden
- Girls Preparatory School, Alumni Board and Annual Fund – Former Council of Advisors
- Normal Park Museum Magnet School, Education Fund – Former President Board of Directors
- Normal Park Museum Magnet School PTA – Former President
- Chattanooga Ballet – Former Board of Directors
- Children's Advocacy Center – Former Board of Directors

EXPERIENCE

- Serves as national coordinating counsel for a consumer product company in defense of multi-state product liability litigation regarding talc.
- Represented national skilled nursing facility provider in defense of False Claims Act *qui tam* litigation.
- Obtained $7.2 million jury verdict for Plaintiff who sustained spinal cord injury from participating in fraternity sponsored slip-n-slide recruitment event.
- Represented behavioral health provider in defense of False Claims Act qui tam litigation; successfully resolved civilly with 5 year CIA.
- Extensive work with healthcare providers, health insurance companies, and medical staff leaders regarding credentials and privileges, peer review matters, due process hearings and related litigation.
- Represented health insurance company with regard to significant data breach involving protected health information.
- Part of team that represented an international construction specialized service organization defending claims regarding construction services that were part of a billion dollar utility service upgrade project.
- Represented a publicly-traded consumer products company as part of a team defending hundreds of pharmaceutical products liability cases filed in multiple state and federal jurisdictions, including two multi-district litigations In Re Phenylpropanolamine ("PPA") Products Liability Litigation, MDL No. 1407 (W. D. Wa.); *In Re: Ephedra Litigation*, MDL No. 1598 (S.D.N.Y.).
- Represented infant food product manufacturer in defense of product liability action alleging product contamination.
- Represented consumer product company in various consumer class action claims in multiple jurisdictions alleging false advertising, misrepresentation and breach of warranty.
- Successfully represented a large public hospital in a case involving credentialing actions against a disruptive physician, obtaining summary judgment on civil rights allegations and claims subject to the Health Care Quality Improvement Act.
- Represented a regional hospital in multiple medical malpractice claims and provided advice regarding risk management, HIPAA and credentialing issues.
- Represented one of the nation's largest chemical manufacturers as part of a team defending claims regarding construction and function of a CO2 conversion facility.
- Sulphuric Acid Trading Co., Inc. v. Greenwich Ins. Co., 211 S. W. 3d 243 (Tenn. Ct. App. 2006).
- In Re: Adoption of Downey v. Downey, 2003 WL 2010753 (Tenn. Ct. App.).
- City of Chattanooga v. Bellsouth Telecommunications et. al., 1 F. Supp. 2d 809 (E. D. Tenn. 1999); 2000 WL 122199 (Tenn. Ct. App. 2000).