STITES & HARBISON PLLC

Carol Dan Browning

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Carol Browning is an accomplished trial attorney who has tried more than 35 cases to jury verdict in multiple jurisdictions. She is a Fellow of the American College of Trial Lawyers. Her practice includes drug and medical device litigation, products liability and medical malpractice defense. She also serves as counsel to physicians and hospitals.

Ms. Browning serves as national or state counsel for multiple drug, medical device and product manufacturers and is involved in multi-district litigation pending in various federal district courts and in coordinated litigation pending in state courts throughout Kentucky. She has tried cases to verdict for pharmaceutical, medical device and product manufacturers in both federal and state court. In addition, she regularly defends companies in pharmaceutical pricing and other civil actions brought by states Attorneys General.

As a member of the firm based in the Louisville office, she currently serves as Chair of the Pharmaceuticals & Medical Device Litigation Group and as co-chair of the Torts & Insurance Practice Group. She has previously served on the firm's Management Committee.

CAPABILITIES

Practice Areas

- Antitrust, Consumer Protection & Attorney General Defense
- Class Action, Mass Action & Multi-District Litigation
- Environmental Litigation
- Pharmaceuticals & Medical Devices Litigation
- Product Liability Litigation

- Litigation & Appeals
- Professional Liability Litigation

RECENT ASSIGNMENTS

- Ongoing representation of international pharmaceutical companies in the Kentucky “AWP” cases. In these cases, the Attorney General has sued manufacturers alleging conspiracy to inflate reported drug prices and thereby defraud state Medicaid programs. Stites & Harbison served as lead counsel in what has become one of the most favorable AWP rulings in the country.

REPORTED DECISIONS

- *In re Onglyza & Kombiglyze Products Liability Litigation*, No. 22-6078, 2024 WL 577372 (6th Cir. Feb. 13, 2024)
- *In Re: Onglyza (Saxagliptin) And Kombiglyze Xr (Saxagliptin And Metformin) Products Liability Litigation*, 5:18-MD-2809-KKC (E.D. Ky 2020)
- *Adams v. Am. Optical Corp.*, 382 F. Supp. 3d 519 (W.D. Va., 2019)
- *Estate of Demoss v. Eli Lilly & Co.*, 234 F. Supp. 3d 873 (W.D. Ky 2017)
- *Shumate v. Medtronic*, Inc. 41 F. Supp. 3d 665 (W.D. Ky. 2014)
- *Shelton v. Medtronic*, Inc., 41 F. Supp. 3d 622 (W.D. Ky. 2014)
- *Schilmiller v. Medtronic*, Inc., 41 F. Supp. 3d 721 (W.D. Ky. 2014)
- *Roden v. Medtronic, Inc.*, 41 F. Supp. 3d 593 (W.D. Ky. 2014)
- *Miller v. Medtronic, Inc.*, 41 F. Supp. 3d 644 (W.D. Ky. 2014)
- *Hardy v. Medtronic*, 41 F. Supp. 3d 571 (W.D., Ky. 2014)
- *Padgett v. Medtronic*, 41 F. Supp. 3d 582 (W.D., Ky. 2014)
- *Mauk v. Medtronic, Inc.*, 41 F. Supp. 3d 654 (W.D. Ky. 2014)
- *Hubbard v. Medtronic, Inc.*, 41 F. Supp. 3d 614 (W.D. Ky. 2014)
- *Goffner v. Medtronic, Inc.*, 41 F. Supp. 3d 604 (W.D. Ky. 2014)
- *Beavers v. Medtronic, Inc.*, 41 F. Supp. 3d 633 (W.D. Ky. 2014)

- *Ellington v. Fed. Home Loan Mortg. Corp.*, 13 F. Supp. 3d 723 (W.D. Ky. 2014)
- *Dillon v. Medtronic*, 922 F. Supp. 2d 751 (E.D. Ky. 2014)
- *Younger v. Evergreen Group Ky.*, 363 S.W.3d 337 (2014)
- *Esposito v. Lilly (In re Darvocet)*, 856 F. Supp. 2d 904 (E.D. Ky., 2012)
- *Mahaney v. Novartis*, 835 F. Supp. 2d 299 (W.D. Ky. 2011)
- *Univ. Med. Ctr., Inc. v. Beglin*, 375 S.W.3d 783 (2011)
- *3M Co. v. Engle*, Ky. 328 S.W.3d (2010)
- *Static Control Components, Inc. v. Lexmark Int'l, Inc.*, 749 F. Supp. 2d 542 (E.D. Ky. 2010)
- *Morris Aviation, LLC v. Diamond Aircraft Indus.*, 730 F. Supp. 2d 683 (W.D. Ky. 2010)
- *Static Control Components, Inc. v. Lexmark Int'l, Inc.*, 615 F. Supp. 2d 575 (E.D. Ky. 2009)
- *Vandevelde v. Poppens*, 552 F. Supp. 2d 662 (W.D. KY 2008)
- *White v. Howmedica, Inc.*, 490 F.3d 1014 (8th Cir. 2007)
- *Static Control Components, Inc. v. Lexmark Int'l, Inc.*, 487 F. Supp. 2d 891 (E.D. Ky. 2007)
- *Ferguson v. Aventis Pasteur, Inc.*, 444 F. Supp. 2d 755 (E.D. Ky. 2006)
- *Scheck Mech. Corp. v. Borden, Inc.*, 186 F. Supp. 2d 724 (W.D. Ky. 2001)
- *Clark v. Danek Med., Inc.*, 64 F. Supp. 2d 652 (W.D. Ky. 1999)
- *Tate v. Boeing Helicopters*, 140 F.3d 654 (6th Cir. 1998)
- *Niehoff v. Surgidev Corp.*, 950 S.W.2d 816 (1997)
- *Tate v. Boeing Helicopter*s, 921 F. Supp. 1562 (W.D. Ky. 1996)
- *Tate v. Boeing Helicopters*, 55 F.3d 1150 (6th Cir. 1995)
- *First Ky. Trust v. Christian*, Ky. 849 S.W.2d 534 (1993)
- *Mitchell v. Hadl*, Ky. 816 S.W.2d 183 (1991)
- *Blue v. Pursell*, Ky. App. 793 S.W.2d 823 (1989)

BAR ADMISSIONS

- Kentucky
- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 8th Circuit
- U.S. Court of Appeals for the 9th Circuit
- U.S. District Court for the Eastern District of Arkansas
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Southern District of Indiana
- U.S. Supreme Court
- Admitted Pro Hac Vice in Several Jurisdictions

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- GENERAL HEALTH CARE NEWS—N.D. Cal.: Claims of misrepresented genetic testing needed to satisfy Rule 9(b) fraud pleading standard
  by Jeffrey H. Brochin, J.D., Wolters Kluwer | VitalLaw, August 8, 2025
- Churchill Downs' powerful lawyers make it an unsinkable ship. Baffert and Zedan know best.
  by Bob Heleringer, Courier Journal, April 30, 2024 *,with Chadwick A. McTighe*
- Carol Dan Browning Appointed Chair of Pharmaceuticals & Medical Devices Litigation Group
  by editor, *The Lane Report*, April 29, 2024
- Carol Dan Browning Promoted to Chair of Pharmaceuticals & Medical Devices Litigation Group at Stites & Harbison, PLLC
  by Editor, Louisville Business First, People on the Move, April 25, 2024
- Law360's Legal Lions of the Week
  by Kevin Penton, *Law360.com*, February 16, 2024
- 6th Circ. Backs Drugmakers' Early Win In Diabetes Drug MDL
  By Hailey Konnath, Law360.com, February 13, 2024

- AstraZeneca, Bristol Myers, McKesson Snag Early Win In MDL
  By Hailey Konnath, *Law360*, August 2, 2022
- 4th Circ. Says 'Unfair' Va. Law Forces It To Nix Black Lung Suit
  ,with Bethany A. Breetz and Whitney Frazier Watt By Sarah Jarvis, Law360, November 9, 2020
- International Association of Defense Counsel 40th Annual Trial Academy
  Instructor, Stanford University, Palo, Alto, Calif., 2012
- Taught and lectured on skills courses
  University of Louisville Brandeis School of Law
- Fourteen Kentucky Practice Series: Trial Practice
  Co-author
- Bringing a Product to Life in the Courtroom
  ABA Section of Litigation, Atlanta, Georgia, November 2003
- Mock Trial of a Medical Malpractice Case
  Kentucky Bar Association Annual Convention, Louisville, Ky., July 1998
- Recent Developments in Products, General Liability, and Consumer Law
  Tort & Insurance Law Journal, Vol. 32:2, Winter 1997
- Use of Economists in the Evaluation and Presentation of Damages
  Kentucky Law Update, Louisville, Kentucky, 1995
- Evaluating Personal Injury and Wrongful Death Cases from a Defense Perspective
  Kentucky Academy of the Trial Attorneys, Louisville, Ky., August 1995

FIRM LEADERSHIP

- Torts & Insurance Practice Group, Co-Chair
- Management Committee (2004-08 and Feb. 2020-Jan. 2024)
- Pharmaceuticals & Medical Device Litigation Group, Chair (2024-present)
- Louisville Office Recruiting Committee, former Member

MEMBERSHIPS

- American College of Trial Lawyers
- Product Liability Advisory Council
- American Bar Association
- Kentucky Bar Association

- Louisville Bar Association
- Defense Research Institute
- International Association of Defense Counsel

COMMUNITY INVOLVEMENT

- Kentucky State Police Personnel Board (2020-present)
- Louisville Ballet, Former Board Member

EDUCATION

- University of Louisville Louis D. Brandeis School of Law J.D., *magna cum laude* 1987
- University of Kentucky B.S., Civil Engineering, 1982

MORE THAN STITES & HARBISON

Ms. Browning began her professional career as a civil engineer for the Army Corps of Engineers based in Louisville, Kentucky. She is a member of numerous professional organizations including the American College of Trial Lawyers, the Defense Research Institute, the International Association of Defense Counsel and Product Liability Advisory Council. She is active on committees within these organizations. She is also active in local charitable organizations. Ms. Browning and her husband, Winston, stay busy raising their four children. She is an aspiring equestrian and competes on her Morgan gelding, Flynn.

ACCOLADES

- *Martindale-Hubbell*® AV-Preeminent® Peer Review Rated
- *Best Lawyers in America*®, Litigation - Construction; Mass Tort Litigation / Class Actions - Defendants; Medical Malpractice Law - Defendants; Personal Injury Litigation - Defendants; and Product Liability Litigation - Defendants (2007-27)
- *Best Lawyers in America*®, Louisville Area Lawyer of the Year for Mass Tort Litigation / Class Actions - Defendants (2014, 2024, 2026)
- *Best Lawyers in America*®, Louisville Area Lawyer of the Year for Litigation - Construction (2017, 2020, 2025)
- *Best Lawyers in America*®, Louisville Area Lawyer of the Year for Product Liability Litigation - Defendants (2015, 2019, 2023)

- *Best Lawyers in America*®, Louisville Area Lawyer of the Year for Medical Malpractice Law - Defendants (2022)
- *Kentucky Super Lawyers*®(2007-26)
- *Kentucky Super Lawyers*®, Top 25 Women Lawyers in Kentucky (2007-26)
- *Kentucky Super Lawyers*®, Top 50 Attorneys in Kentucky (2013-15, 2018, 2022-26)
- *Benchmark: Litigation* magazine, Litigation Star (2008-09, 2013-26)
- *Forbes*, America's Best-in-State Lawyers, Product Liability (2025)
- *Lawdragon* 500 Leading Litigators in America, Product Liability, Drug & Medical Device (2024-26)
- University of Louisville Louis D. Brandeis School of Law Outstanding Alumna 2018
- *Benchmark Litigation* magazine, Top 250 Women in Litigation (2012)
- *Louisville Magazine* "Top Lawyer" (2014, 2016)