STITES & HARBISON PLLC



John L. Tate

Title: Senior Member

Phone: 502-681-0460

Location: Louisville, KY

Email: jtate@stites.com

Download: vCard

A senior member of the firm's Torts & Insurance Practice Group, John's national and regional litigation practice focuses on defending complex product liability lawsuits and managing serial litigation. His extensive trial experience includes medical devices, pharmaceuticals, intellectual property, and a variety of personal injury matters. John has tried product liability cases to jury verdicts in eight states.

John also maintains an active appellate practice representing appellees, appellants, and *amici curiae* in state and federal courts.

One of John's long-standing interests is the application of Daubert criteria to exclude substandard opinion testimony. Decisions on this topic include *Morehouse v. Louisville Ladder*, 2004 U.S. Dist. LEXIS 21766 (South Carolina); *Reynolds v. Freightliner*, 2006 U.S. Dist. LEXIS 97244 (Kentucky); *Hayes v. MTD Products*, 2007 U.S. Dist. LEXIS 66109 (Kentucky); *Campos v. MTD Products, Inc.*, 2009 U.S. Dist. LEXIS 12951 (Tennessee); *Walker v. Louisville Ladder*, 2009 U.S. Dist. LEXIS 9917 (Tennessee); *Scarvelli v. Leatt Corporation*, 2013 U.S. Dist. LEXIS 98366 (Ohio); *Lyons v. Leatt Corp.*, 2017 U.S. Dist. LEXIS 148783 (Ohio); and *Wilden v. Laury Transp., LLC*, 901 F.3d 644 (6th Cir. 2018).

CAPABILITIES

Practice Areas

- Product Liability Litigation
- Pharmaceuticals & Medical Devices Litigation
- Class Action, Mass Action & Multi-District Litigation
- Business Litigation
- Insurance Coverage, Bad Faith & Regulatory Litigation

- Appellate Advocacy

RECENT ASSIGNMENTS

- In recent years, lead counsel in jury trials in Ohio, Indiana, Tennessee, Kentucky, and Florida
- Appellate victory for automobile manufacturer vacating a $2.5 million punitive damage verdict
- Defense verdict for Leatt Corporation in federal court in Cleveland (OH) in claim by teenaged paraplegic and his parents
- Helped secure summary judgment, and argued successful 6th Circuit appeal, defeating high-stakes side underride lawsuit against major trailer manufacturer

BAR ADMISSIONS

- Kentucky
- U.S. Court of Appeals for the 11th Circuit
- U.S. Court of Appeals for the 4th Circuit
- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 7th Circuit
- U.S. Court of Appeals for the 8th Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the Western District of Kentucky
- U.S. Supreme Court

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- Trial Advocacy Program
  American College of Trial Lawyers, Guest Presenter and Faculty, Chicago, IL, Aug. 21-23, 2026
- Automakers Potentially Liable for Stolen Cars
  ,with Emily Larish Startsman Stites & Harbison Client Alert, September 23, 2025

- Witnesses at Trial: A Practical Guide to Lay and Expert Evidence
  NBI Continuing Education Webcast, June 20, 2025
- Defeating Challenges to the Admissibility of Opinion Testimony
  Multi-State Client Seminars, Oct. 22-24, 2024
- A Forever Chemicals Primer: When, Why, How, Who, and Where?
  ,*with Jennifer J. Cave* Forever Chemicals: What Does Your Business Need to Know and Do?, Stites & Harbison Webinar Series, Part 1, October 8, 2024
- Diversity in the Courtroom, American College of Trial Lawyers
  Guest Presenter and Faculty, Chicago, IL, Aug. 23-25, 2024
- Corporate Depositions: The Sword and The Shield
  33rd Annual Medical Device Seminar, Coeur d'Alene, ID, June 11, 2021
- Combatting The Rise of Extreme Opinions in the Jury Room
  co-speaker with A. Jabbour, Ph.D., and W. Ruskin, Esq., IADC Webinar, April 8, 2020
- Seeing and Avoiding Ethical Pitfalls
  Kentucky Paralegal Association Annual Convention, Lexington, KY, November 8, 2019
- Effective Appellate Oral Advocacy
  A joint project of ACTL, AAAL, and Access to Justice Commission, Chase School of Law, July 26, 2019
- Challenging Expert Testimony: What Works, What Doesn't
  Kentucky Bar Association Annual Convention, Louisville, KY, June 13, 2019
- Preparing and Presenting Witnesses in Civil Litigation
  Kentucky Bar Association Annual Convention, Lexington, KY, June 14, 2018
- Daubert Success and Practice Strategies
  30th Annual Medical Device Seminar, Naples, FL, June 9, 2017
- Witnesses
  Chapter 8, *Kentucky Civil Practice at Trial* (4th ed., 2017)
- Do Daubert Motions Really Work?
  Inside Counsel, December 29, 2016
- Cross-Examination Using Learned Treatises
  Products Liability Law & Strategy, January 2016
- Extreme Sports Challenge the Courts
  ,*with Emily Larish Startsman* *Product Liability Law & Strategy*, August 2015
- Evidentiary Objections at Trial
  LBA Trial Academy, August 2014
- Fire and Explosion Litigation Strategies
  DRI Product Liability Conference, National Harbor, Md., April 2013
- Federal Jurisdiction and Venue
  Product Liability Law & Strategy, v. 31, no. 1, July 2012

- Litigation Prevention: Using Litigation Experience to Help Reduce Product Risks
  4th Annual Product Safety & Liability Conference, Washington, D.C., October 2011
- Expert Reports
  in *Litigators on Experts*, American Bar Association, Section of Litigation, October 2010
- Warnings & Instructions From A to Z
  3d Annual Product Safety & Liability Conference, Washington, D.C., October 2010
- How to Survive a Daubert Challenge
  AICPA National Conference on Forensic Accounting, Boston, Mass., September 2010
- Establishing Diversity in Medical Device Litigation
  Product Liability Law & Strategy, v. 29, no. 2, August 2010
- Daubert and Rule 702: Effectively Presenting and Challenging Experts in Federal Court
  ALM Webinar, January 2010

FIRM LEADERSHIP

- Torts & Insurance Practice Group, Former Co-Chair
- Stites University
- Diversity Committee, Member

MEMBERSHIPS

- Product Liability Advisory Council
- Federation of Defense & Corporate Counsel
- International Association of Defense Counsel
- Defense Research Institute
- Lawyers for Civil Justice

EDUCATION

- University of Louisville Louis D. Brandeis School of Law J.D., *magna cum laude* 1981
- University of Louisville M.A., 1971
- Wake Forest University B.A., 1969

BEFORE STITES & HARBISON

John's first career was teaching high school and college students in history, English literature, and rhetoric. He later spent seven years in an environmental regulatory agency before going into private practice.

MORE THAN STITES & HARBISON

A long-time supporter of the arts, John served for 12 years on the board of directors of Actors Theatre of Louisville. He was previously a member of the board of directors of the American Lung Association of Kentucky and served as board president in 1994-96. John also served as trustee of St. Francis School in Goshen and on the board of the Louisville Audubon Society. John served multiple terms as a director of the Louisville Bar Foundation, the philanthropic arm of the Louisville Bar Association, culminating in 2016 with service as the foundation's president.

BESIDES STITES & HARBISON

John and his wife, Phyllis, live on a working farm outside of Louisville, raise, rescue, and board horses, and clean lots of stalls.

ACCOLADES

- Fellow, American College of Trial Lawyers
- *Martindale-Hubbell*® AV-Preeminent® Peer Review Rated
- *Best Lawyers in America*®, Commercial Litigation; Personal Injury Litigation - Defendants; and Product Liability Litigation - Defendants (1995-2026)
- *Best Lawyers in America*®, Louisville Area Lawyer of the Year for Defense of Product Liability Litigation (2012)
- *Kentucky Super Lawyers*® (2007-26)
- *Kentucky Super Lawyers*®, Top 50 Lawyers in Kentucky (2007, 2010-17, 2019-20)
- *Louisville Magazine* "Top Lawyer" (2014, 2016)
- Brandeis School of Law at the University of Louisville, Distinguished Alumnus award (2011)
- *Benchmark Litigation* magazine, Litigation Star (2008, 2009, 2013-25)