

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:22-MD-3036-RJC-DCK**

**IN RE: GARDASIL PRODUCTS LIABILITY
LITIGATION**

MDL No. 3036

**THIS DOCUMENT RELATES TO
ALL CASES**

**JOINT AND UNANIMOUS RECOMMENDATION FOR APPOINTMENT OF
PLAINTIFFS' LIAISON COUNSEL**

COME NOW, Paul Pennock of MORGAN & MORGAN, Bijan Esfandiari of BAUM HEDLUND ARISTEI & GOLDMAN, and Rachel Lanier of THE LANIER LAW FIRM, each having filed their respective applications for leadership positions in this matter, and submit this Joint and Unanimous Recommendation of Allison Mullins of the Turning Point Litigation firm for appointment as Liaison Counsel for Plaintiffs in the above-captioned MDL proceeding. This Joint and Unanimous Recommendation is submitted pursuant to Paragraph 5 of the Court's First Pretrial Order (ECF No. 24). In support hereof, the undersigned shows the following:

1. As directed by the Court's First Pretrial Order, the undersigned counsel for Plaintiffs conferred and sought consensus with as many of the other known counsel who are representing individual Plaintiffs in this MDL proceeding as was practicable. Specifically, the undersigned counsel reached out to other plaintiffs' counsel by email and conducted multiple video conference calls in which various issues related to this MDL were discussed, including candidates for appointment as liaison counsel.

2. Through these various efforts to confer, it became clear that Ms. Mullins was the best and unanimous choice to serve as liaison counsel in this MDL proceeding. Ms. Mullins and her firm are counsel for three individual plaintiffs, all in North Carolina, whose claims have been referred to the MDL. Moreover, and as further discussed in Exhibit B (attached), she has significant multidistrict experience, including serving as trial counsel for bellwether cases in *In re: C.R. Bard Inc., Pelvic Repair System Products Liability Litigation*, MDL No. 2187.

3. We understand that Ms. Mullins has accepted this recommendation and is willing to serve in this important role if appointed by the Court. We therefore jointly and unanimously recommend Ms. Mullins and respectfully request that the Court appoint her to serve as Plaintiffs' Liaison Counsel in this matter.

4. In accordance with the Court's First Pretrial Order, a current CV for Ms. Mullins is attached as Exhibit A. Attached as Exhibit B is a statement that summarizes Ms. Mullins' educational background, licensing status, relevant experience, and addresses the rates that she would request for her work as liaison counsel, if appointed.

This, the 20th day of September 2022.

/s/ **Bijan Esfandiari**

Bijan Esfandiari

Paul Pennock

Rachel Lanier

EXHIBIT A

Allison Mullins
Turning Point Litigation
Mullins Duncan Harrell & Russell PLLC
300 N. Greene St., Suite 2000
Greensboro, NC 27401
336-645-3321

Education

J.D., cum laude, Wake Forest University School of Law, 1996
B.A., cum laude, Wake Forest University, 1993

Academic Honors

Hankins Scholar (undergraduate)
Law Alumni Scholar
Order of the Coif
Articles Editor, Wake Forest Law Review
Wake Forest Moot Court Board

Admissions

North Carolina, 1996
United States Supreme Court, 2006
United States Court of Appeals, Fourth Circuit, 1997
United States Court of Appeals, Eleventh Circuit, 1998
United States District Court, Middle District of North Carolina, 1996
United States District Court, Western District of North Carolina, 1998
United States District Court, Eastern District of North Carolina, 1998
United States District Court, Southern District of West Virginia, 2013
United States Court of Federal Claims, 2017

JUDICIAL CLERKSHIPS

Law Clerk to the Honorable N. Carlton Tilley, Jr, United States District Court for the Middle District of North Carolina (1996-1997)

Law Clerk to the Honorable Susan H. Black, United States Court of Appeals for the Eleventh Circuit (1997-1998)

PROFESSIONAL MEMBERSHIPS, LEADERSHIP, AND ACHEIVEMENTS

Fellow, American College of Trial Lawyers

Vice-Chair, Federal Civil Procedure Committee (2021-present)

North Carolina State Committee

Fourth Circuit Judicial Conference (permanent member)

North Carolina Judicial Standards Commission, State Bar appointee (2018-present)

The Chief Justice's Commission on Professionalism (2019-present)

Chair, Civil Practice Committee

International Society of Barristers (2018-present)

Wake Forest University School of Law, Board of Visitors (2020-present)

Trustee, Guilford Technical Community College (2018-present)

North Carolina Bar Association Board of Governors (2016-2019)

Triad Business Journal, Outstanding Women in Business (2017)

Top 250 Women in Litigation, Benchmark Litigation (2017-present)

Chambers and Partners, "Band 2" Rating for General Commercial Litigation in North Carolina

Best Lawyers in America® (Woodward/White, Inc.), 2022 Product Liability Litigation—
Plaintiffs in the Triad "Lawyer of the Year."

Best Lawyers in America® (Woodward/White, Inc.), 2021 First Amendment in the Triad
"Lawyer of the Year."

Best Lawyers in America® (Woodward/White, Inc.), 2020 Appellate Practice in the Triad
"Lawyer of the Year."

Best Lawyers in America® (Woodward/White, Inc.), 2019 Appellate Practice "Lawyer of the
Year."

Best Lawyers in America® (Woodward/White, Inc.), 2018 Greensboro Product Liability
Litigation—Plaintiffs "Lawyer of the Year."

Best Lawyers in America® (Woodward/White, Inc.), 2017 Greensboro Appellate Practice “Lawyer of the Year.”

Best Lawyers in America® (Woodward/White, Inc.), 2016 Greensboro Personal Injury—Plaintiffs “Lawyer of the Year.”

Best Lawyers in America® (Woodward/White, Inc.), 2015 Greensboro Appellate Practice “Lawyer of the Year.”

Best Lawyers in America® (Woodward/White, Inc.) (2009-2022) multiple areas including: Appellate Practice, Commercial Litigation, First Amendment Litigation, Personal Injury Litigation—Plaintiffs, Personal Injury Litigation-Defendants, Product Liability Litigation—Plaintiffs, Product Liability Litigation—Defendants, Intellectual Property Litigation, Patent Litigation

Martindale-Hubbell’s top (“AV”) Peer Review Rating *

North Carolina Super Lawyers, Listed Civil Litigation Defense (2006-2009), General Litigation (2010-2022), and as one of the “Top 50 Women” attorneys in North Carolina (multiple years, beginning in 2007)

North Carolina magazine’s Legal Elite (2014-2022)

North Carolina magazine’s Legal Elite “Best Women Lawyers in the State” (multiple years beginning in 2014)

Andrew C. Hecker Award (2008), given by the Federation of Defense and Corporate Counsel for the year's most outstanding FDCC Quarterly article

Triad Business Journal's 40 Leaders Under Forty (2005), awarded to the Triad's outstanding young business and community leaders

Chairperson of Litigation Section Council, (2009-2010) North Carolina Bar Association

Past Vice Chairperson of Constitutional Rights and Responsibilities Section Council, North Carolina Bar Association

Past Chairperson of Appellate Law Section, Federation of Defense and Corporate Counsel

Chairperson (2002-2004) and past chairperson and Steering Committee member (2004-2007), SynerG (a group dedicated to inspiring Greensboro’s future by connecting the next generation of leaders and encouraging creation of a city environment attractive to young talent)

Past Chairperson of North Carolina State Bar’s Liaison Committee to the Administrative Offices of the Courts

Chairperson, Amicus Committee, Federation of Defense and Corporate Counsel (2011-2013)

Wake Forest University Board of Trustees (1991-1992)

Federation of Defense and Corporate Counsel (2007-2013)

Federal Bar Association, Middle District of North Carolina Chapter

Middle District of North Carolina, Local Rules Committee

Appellate Rules Committee, North Carolina Bar Association (past member)

North Carolina Advocates for Justice

The American Association for Justice

Fellow, American Bar Association Foundation

Joseph Branch Inn of Court, 2008-present

Guilford Inn of Court (2000-2006)

American Bar Association Council of Appellate Lawyers (past member)

DRI Appellate Advocacy Committee (past member)

NCBA Appellate Practice Section Council Chairperson (2013-2014)

* CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

PRESENTATIONS AND SPEAKING ENGAGEMENTS

Trial Practice Series, Making Objections and Preserving Issues for Appeal, North Carolina Legal Services Conference (for Legal Aid of North Carolina), September 2022

Troubling Times, professionalism presentation, a joint CLE by The Chief Justice's Commission on Professionalism, the North Carolina Advocates for Justice, and the North Carolina Association of Defense Attorneys, September 2020

The Chief Justice's Commission on Professionalism presentation on Professionalism Issues, North Carolina State Bar, February 2020

Trial Practice Series, Preserving Issues for Appeal, North Carolina Legal Services Conference (for Legal Aid of North Carolina), November 2019

Civil Law Update, North Carolina Bar Association CLE, February 2019

E-Discovery Primer (co-presenter), Superior Court Judges Conference, June 2017

Presentation on Civil Litigation, to Clerk of Court and staff, United States District Court for the Middle District of North Carolina, September 2016

E-Discovery, Experts, and Ethics, North Carolina Bar Association Litigation Section CLE, February 2016

Sex, Lies & Backup Tapes: A Discussion of Ethics from an Out-of-the-Box Practice, Greensboro Bar Association, CLE, January 2015

A Day in the Courtroom: Observation of a Trade Secrets Mock Trial, North Carolina Bar Association CLE, June 2014

Ethics on Trial: The John Edwards Case, Greensboro Bar Association CLE, February 2014

Defending John Edwards: Professional Ethics in the Public Eye, West Virginia Association for Justice, January 2014

The Anatomy of an Appeal, North Carolina Bar Association CLE, October 2013

NCBA 2013 Annual Review; Civil Law Update, North Carolina Bar Association CLE, October 2013

Clients with Unique Challenges, Annual Meeting of North Carolina Bar Association, Litigation Section's CLE, June 2013

The John Edwards Trial: A View from the Inside, North Carolina Bar Association CLE, May 2013

Ethics In Pre-Trial Procedure, North Carolina Bar Association CLE, February 2013

The Brave New World of E-Discovery, Litigating Complex Commercial Disputes in North Carolina CLE, February 2013

Preserving Issues for Appeal, North Carolina Advocates for Justice CLE, January 2013

The John Edwards Trial and More, Charlotte Bar Association CLE, January 2013

Issues in Medical Malpractice, Wake Forest University, presentation to law and medical students, January 2013

Inside the John Edwards Trial, Greensboro Association of Criminal Defense Attorneys CLE, November 2012

The Importance of Advocacy, University of North Carolina at Greensboro, presentation to nursing students, 2012

Key Elements of Effective Appellate Brief Writing, Appellate Practice for Young Lawyers CLE, November 2011

Effectively Managing Electronic Discovery, FDCC Litigation Management College, 2010, 2011

Ethical Considerations of Alternative Fee Arrangements, FDCC CLE, 2011

Preserving Issues for Appeal, Appellate Practice CLE, 2010

Communicate, Advocate, Persuade - The Definition of Appeals CLE, Course Planner, 2009

Cross Examination of an Economic Expert, Trial Tips from the Trenches CLE, 2009

Ethics on Appeal, Advanced Litigation Strategies for Trial and Beyond: Avoiding Common Pitfalls and Coming Out on Top CLE, 2008

Ethical Issues and E-Discovery CLE, 2008

Legal Malpractice and the Civil Defense Lawyer, Federation of Defense and Corporate Counsel CLE, 2008

Navigating in the Brave New World of E-Discovery: Ethics, Sanctions and Spoliation, Federation of Defense and Corporate Counsel CLE, 2007

E-Litigation: Surviving and Thriving in Today's Electronic Environment, CLE Course Planner, April 2007

North Carolina and Foreign Judgments, Enforcement of Judgments CLE, January 2007

Comparing Richmond to Raleigh, State and Federal Appellate Practice CLE, February 2005

Annual seminars on libel and related issues for media clients

The Fundamentals of Non-Competition Agreements, Women in Law for Women in Business Seminar

PUBLICATIONS

Co-author, North Carolina chapter (“The Insider’s Guide to the North Carolina Appellate Courts”), Appellate Practice Compendium (Dana Livingston, ed. 2012)

Legal Malpractice and the Civil Defense Lawyer, Vol. 59, No. 4, FDCC Quarterly 325 (2009)

The Trap of Motions in Limine (or Why You Should Not Believe Everything You Read, Even in the Rules of Evidence), The Litigator, the official publication of the Litigation Section, Vol. 29, No. 1 (September 2008)

Navigating in the Brave New World of E-Discovery: Ethics, Sanctions and Spoliation, Vol. 57, No. 4, FDCC Quarterly 327 (Summer 2007)

Superseding and Staying Judgments in North Carolina (published in Superseding and Staying Judgments: A National Compendium (Roger D. Townsend, ed. 2007))

Damages in Defamation Per Se Actions: Presumptions Are Not What They Used To Be, The Constitutionalist, the official Publication of the Constitutional Rights & Responsibilities Section, Volume II Number 4 (April 2006)

Co-author, Fourth Circuit section of “MLRC 50-State Survey: Media Privacy and Related Law” (2003 - 2009)

Cobb v. Sports Illustrated: Actual Malice Requires More Than Negligence (March 13, 2002)

“Sour Grape Lawsuits: Defamation in Political Advertisements” (January 1, 2001)

Co-author, Insurance Regulation of Providers That Bear Risk, American Journal of Law & Medicine, Vol. 22

EXHIBIT B

Allison Mullins

Allison Mullins graduated from Wake Forest University, *cum laude*, in 1993. She earned her law degree, also *cum laude*, from Wake Forest University School of Law in 1996. Among other things, she was Order of the Coif, Articles Editor of the Wake Forest Law Review, and a member of a competition appellate team. She was admitted to the North Carolina Bar in 1996 and has been a member in good standing since that time.

Immediately following law school, Ms. Mullins clerked for the Honorable N. Carlton Tilley, Jr. in the United States District Court for the Middle District of North Carolina. In an early introduction to high profile litigation, Ms. Mullins was Judge Tilley's clerk during the *Food Lion v. ABC* trial in 1997. Following her clerkship with Judge Tilley, Ms. Mullins clerked for the Honorable Susan H. Black in the United States Court of Appeals for the Eleventh Circuit. After completing these clerkships, in 1998, Ms. Mullins joined Smith Helms Mulliss & Moore (later Smith Moore Leatherwood, now part of Fox Rothschild) in Greensboro, North Carolina where she practiced for 15 years. In 2013, along with three partners, Ms. Mullins (then Allison Van Laningham) formed Van Laningham Duncan PLLC d/b/a Turning Point Litigation (now Mullins Duncan Harrell & Russell PLLC d/b/a Turning Point Litigation). Turning Point Litigation was formed as a litigation boutique, focusing on complex trial and appellate matters. She continues to practice in the firm today.

Ms. Mullins' practice focuses on jury trials and appeals in complex commercial and civil matters, including representation of individuals who are injured by another's negligence. She has amassed trial experience in cases that involved a variety of subject matters. In early 2012, Ms. Mullins was retained by Senator John Edwards to defend him in a criminal campaign finance trial that was to begin in little more than a month. During the trial, she presented the

opening statement as well as examined and cross-examined witnesses. Ms. Mullins and the three-lawyer trial team of which she was a part were successful in their defense of Senator Edwards.

Ms. Mullins is widely recognized for her skills as a lawyer and a litigator, having received numerous professional accolades. She is a Fellow in the American College of Trial Lawyers. She is recognized among the Benchmark Top 250 Women in Litigation. She is consistently named to “top” lists by SuperLawyers, Best Lawyers, Legal Elite, and other professional groups and organizations.

In February 2013, Ms. Mullins was contacted by a Lead Counsel in the transvaginal mesh MDL then pending before the Honorable Joseph R. Goodwin of the Southern District of West Virginia. She was invited to join the trial teams for the bellwether trials in the Bard MDL, with the first bellwether trial set to begin only a few months later in July of 2013.

Ms. Mullins became a key member of the trial teams for the Bard bellwether trials, with the first bellwether resulting in a multi-million-dollar verdict for the plaintiffs. A primary focus of her work was preparing the plaintiffs (women and men) for their trial testimony. This was an arduous task, as the plaintiffs would be called on to relay very intimate and private details of the damage they suffered as a result of Bard’s mesh product in a heartfelt manner, while also being prepared to stand against the onslaught of cross examination. She traveled throughout the country meeting multiple times with each bellwether plaintiff. In addition to serving as a trial team member for all of the Bard bellwether trials, Ms. Mullins worked with MDL leadership to develop themes and strategies for the MDL as a whole. She also deposed multiple Bard corporate witnesses, a Bard expert, and the Rule 30(b)(6) representative from a company that was a key part of the Bard mesh supply chain. When Judge Goodwin directed the parties to

conduct discovery in large groups of cases denominated as “wave” cases, Ms. Mullins was very involved as well, deposing numerous witnesses (including implanting and explanting physicians) and preparing numerous plaintiffs for their depositions. Ms. Mullins also was actively involved with the important Fourth Circuit appeal and defense of the initial bellwether verdict.

If appointed as Plaintiffs’ Liaison Counsel in the Gardasil MDL, Ms. Mullins requests and would accept \$550 per hour for her work.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed on the date indicated below using the Court's ECF system, which will provide notice of this filing to all counsel of record.

This, the 20th day of September 2022.

/s/ Bijan Esfandiari

Bijan Esfandiari