

Bradley W. Petersen, Esq.
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Brad Petersen has successfully represented clients in product liability, health care, and commercial litigation for almost 20 years. He has served as lead counsel and has first chair trial experience in the defense of product manufacturers in wrongful death, personal injury, and program/target-type cases that resulted in defense verdicts for his clients in difficult jurisdictions. Brad has served and continues to serve on national and regional counsel defense programs concerning specific products and claims. In addition to trial and litigation work, he counsels clients to assess and develop warnings and instructions for products and product manuals. Brad also has advised manufacturers and distributors on regulatory issues, including compliance with and responses to rulemaking and proposed rulemaking by the National Highway Traffic Safety Administration (NHTSA) and the Consumer Product Safety Commission (CPSC).

Representative experiences include litigation, trial work, or jury projects in the following areas:

- Automotive product defense – rollover, collision, crashworthiness, tire, fire, asbestos, and recall cases.
- Marine product defense – engine, ejection, prop guard, crashworthiness, carbon monoxide exposure, and fire cases.
- Medical device and pharmaceutical defense – latex glove, surgical instrument, skin treatment and hair removal systems, inferior vena cava filter, anesthetic contamination, and anesthetic drug for pain pump cases.
- Consumer product defense – ventilation fan, small motor, aerosol can, battery, coffee maker, ladder, machine washer, window guard, HVAC, and water filter cases.
- Health care defense – alleged medical malpractice cases involving hospitals.
- Commercial litigation and insurance defense – intellectual property, trade secret, class action, breach of contract, breach of warranty, tortious interference, dram shop, premises liability, trucking, commercial vehicle, automobile, motorcycle, and industrial equipment cases.

Brad's trials and resolved cases include:

Michery v. Ford Motor Company – As co-lead trial counsel, Brad successfully defended Ford in a serious, permanent injury case involving a frontal offset crashworthiness claim. After a two-week trial in the United States District Court, Central District of California (Los Angeles), the jury returned a unanimous defense verdict.

Castillo v. Ford Motor Company – As co-lead trial counsel, Brad successfully defended Ford in a wrongful death case involving a rollover crash and claims related to occupant protection and ejection mitigation. After a two-week trial in Crystal City, Zavala County, Texas, the jury returned a defense verdict.

Customer v. HVAC Manufacturer – As lead counsel, Brad successfully defended a large HVAC manufacturer against warranty claims that its unit was defective, resulting in a defense verdict and judgment for attorney fees and costs.

Patient v. Medical Device Manufacturer – As Arizona counsel, Brad worked with national counsel to successfully defend a large medical device manufacturer in the first bellwether trial of a device that fractured in the patient. After a month-long trial in Maricopa County, Arizona, the jury returned a defense verdict, which was identified as a “Significant Defense Verdict” in *Arizona Attorney's* 2012 Arizona Civil Verdicts review.

Cambren v. Ford Motor Company – As trial counsel, Brad successfully defended Ford in a catastrophic injury case involving a rollover crash and a claim that the truck was defective because it lacked electronic stability control (ESC). After a six-week trial in Los Angeles, California, the jury returned a defense verdict. The court of appeals upheld the defense verdict as to ESC but reversed the dismissal of another claim.

Mendoza v. Ford Motor Company – As lead trial counsel, Brad successfully defended Ford in a wrongful death and catastrophic injury case that involved a rollover crash and claims that the Ford Expedition's roof and seatbelt were defective. After a 3½-week trial in Maricopa County, Arizona, the jury returned a defense verdict in just two hours. *Mendoza* was identified as a “Significant Defense Verdict” in *Arizona Attorney's* 2007 Arizona Civil Verdicts review.

State Farm v. Broan-NuTone, L.L.C. – As lead counsel, Brad successfully defended Broan in product liability case involving a fire based on the Plaintiff's failure to preserve the fire scene. Broan moved for sanctions and the United States District Court of Arizona dismissed the case with prejudice. *See State Farm Fire & Casualty Co. v. Broan Mfg. Co.*, 523 F. Supp. 2d 992 (D. Ariz. 2007).

Canales v. Ford Motor Company – As co-lead trial counsel, Brad successfully defended Ford in a wrongful death case involving a rollover crash and a claim that the driver lost control due to an alleged defect. After a two-week trial in Hidalgo County, Texas, the jury returned a defense verdict.

Prior Work Experience

Snell & Wilmer L.L.P., Partner Product Liability, Co-Chair Consumer Product Safety Group (1999-2012)
Dewey Ballantine LLP, Summer Associate with Offer (1998)

Education

University of Iowa, College of Law (J.D., *with distinction*)
IOWA LAW REVIEW, Note and Comment Editor
University of Iowa (B.B.A., Finance, *with high distinction, with honors*)
Kirkwood Community College (A.A.)

Court Admissions

Supreme Court of Arizona
Supreme Court of Texas
United States District Court, District of Arizona
United States District Court, Northern, Eastern, and Western Districts of Texas
Pro hac vice admissions have included Arkansas, California, Delaware, Indiana, Iowa, Kansas, Missouri, Nevada, New Jersey, New Mexico, Oregon, South Carolina, the Virgin Islands, Washington, and Wisconsin.

Professional Memberships and Activities

State Bar of Arizona
State Bar of Texas
American Bar Association
Section of Litigation, Product Liability Committee Leadership (2009 to 2014)
Co-Chair Automotive Subcommittee (2009 to 2014)
Member of the Tort Trial and Insurance Practice Section (Commercial Transportation, Automobile Law, and Trial Techniques Committees)
Member of the Section of Litigation (Consumer Product and Automotive Committees)
Arizona Association of Defense Counsel

Publications and Presentations

Defending Rule 30(b)(6) Corporate Depositions and Successful Strategies, CLE Presenter:
Clear Law Institute National CLE Webinar (April 2015);
Strafford National CLE Webinar (June 2014, April 2013, June 2012, and August 2011); and
National Constitution Center CLE Webinar (October 2013).

Damages: A State by State Summary (Arizona), Contributing Author/Editor, American Bar Association's Tort Trial and Insurance Practice Section Commercial Transportation Litigation Committee (2014).

"Your Product Failed To Protect Me Even Though I May Not Have Chosen To Protect Myself" – Responding to Plaintiffs' Roof Crush, Ejection Mitigation, And Restraint Claims, Presenter, American Conference Institute's 4th Advanced Forum on Defending & Managing Automotive Product Liability Litigation (June 2011).

NHTSA Adopts a Final Rule for Ejection Mitigation, FMVSS 226, Author, ABA Section of Litigation Product Liability News (February 15, 2011).

Risks Manufacturers Face and How to Mitigate Risk, Presenter, Snell & Wilmer Product Liability Series Re Issues Facing Arizona Companies (October 2010).

The *Daubert* Standard's Effects on Arizona Courts, Author, LAW360 PRODUCT LIABILITY NEWSLETTER (May 18, 2010).

New and Treacherous CPSIA Rules, Presenter, Network of Trial Law Firms Seminar Uncorking Litigation Management Expertise (April 2009).

Hot Topics: Consumer Product Safety Improvement Act, Prop 65, and AB 1108, Presenter, Snell & Wilmer Consumer Product Safety Seminar Series (December 2008).

The Misuse Defense – Reviving the Complete Bar to Recovery, Co-author, e-Common Defense NEWSLETTER, Arizona Association of Defense Counsel (August 2005).

Am I Defending the Product or the Seller? – A Reaction to Bridgestone/Firestone, Co-author, e-Common Defense NEWSLETTER, Arizona Association of Defense Counsel (October 2004).

PRODUCT LIABILITY DESK REFERENCE: A FIFTY-STATE COMPENDIUM (Arizona), Contributing Author/Editor (2000-2003 Editions).

Presenter or co-presenter of law firm, bar association, and client CLE courses, including:

- Developments in Defending Restraint Claims in Rollover Cases
- Ejection Mitigation & Glazing
- Investigating Social Networking Sites and Use in Litigation
- Overview of Glazing Litigation
- Pre-Trial Issues
- Product Liability Online Resource Library
- Retaining, Using, and Deposing Experts
- Rule 30(b)(6) Depositions: Preparation, Problems and Suggestions
- Subrogation Spoliation
- Taking Depositions
- Trial Preparation
- Tire Marks for Cases Involving Allegations of Tread Separation Induced Skate

Professional Recognition & Awards

Southwest Super Lawyers®

Super Lawyers Edition, Personal Injury Defense: Product Liability (2015-2019)

Rising Stars Edition, Personal Injury Defense: Product Liability (2012 and 2013)

Phoenix Magazine©

Arizona's Top Attorneys (2015-2019)

Arizona's Outstanding Young Lawyers (2012 and 2013)

AzBusiness Magazine© – Top Lawyers List, Product Liability (2011)

Arizona's Finest Lawyers (2011)

Arizona Attorney Magazine – Arizona Civil Verdicts, Significant Defense Verdict (2007 and 2012)

Community Involvement

St. Francis Xavier Elementary School

Sports Committee Member (2015-2016)

5th Grade Girls Volleyball Team Manager & Assistant Coach (2014)

5th Grade Girls Softball Coach & Team Manager (2014-2015)

6th Grade Girls Volleyball Team Manager & Assistant Coach (2015)

Junior Varsity Softball Coach & Team Manager (2015-2016)

Varsity Volleyball Team Manager (2016 & 2017)

Varsity Softball Coach & Team Manager (2016-2017; CYAA Tournament Champions)

AZ Force Abalos Girls' Fast Pitch Softball Club

Assistant Coach (2015-2019)

Treasurer (2015-2019)

Website Editor (2014-2017)

Paradise Valley Girls Softball League / St. Francis Xavier Athletic Association

10U Softball Coach

Phoenix Lincoln Family Downtown YMCA Board of Management

Board Member (2002-2008)

Former-Board Volunteer (2008-2010)

Advisory Council (2010-2013)

Strong Kids & Families Campaign Kick-Off Host (2011-12 Campaign)

Friends Fitness Challenge Fundraiser, Co-Founder and Organizer (2007-2012)

Executive Board, Golf Committee Chairperson (2006 & 2007)

President's Club

Icemen That Care, Hacker Hockey Club

Iowa Career Exploration Network (ICE-Net), Alumni Volunteer

Volunteer Lawyers Program