



Samuel Lanier Felker

Shareholder

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Sam Felker is an experienced trial attorney who focuses his practice on defending complex litigation and class actions in state and federal courts.

Sam represents clients in significant litigation, MDLs and class actions involving consumer products, food safety, transportation, maritime incidents, toxic torts, health care and commercial matters. Sam has tried cases throughout the United States in state and federal court and in arbitration proceedings. In complex litigation matters, Sam serves as national, regional and local counsel depending on the client's needs.

In the food industry, Sam represents retailers and manufacturers in product labeling and food safety matters, including product recalls, U.S. Food and Drug Administration (FDA) and U.S. Department of Agriculture (USDA) regulation and compliance. Sam has also defended substantial lawsuits alleging contamination of products and resulting injuries and losses. In the area of commercial litigation, Sam represents clients in matters involving insurance coverage, data breach response, wills and trusts, real estate, breach of contract, theft of trade secrets, defamation and intellectual property.

A trained mediator, Sam is well-versed in all forms of alternative dispute resolution and is a AAA Arbitrator. Based on his training and substantial litigation experience, Sam seeks the earliest and best resolution for the client in whatever dispute is presented.

Representative Matters

- Defended an automotive OEM against class action filed by plaintiffs in Florida on behalf of Florida, New York, and nationwide classes of truck purchasers and leases alleging deceptive practices regarding towing capacities. Favorably resolved during pleadings stage.
- Defended a maritime client in serious personal injury matters occurring in client's barge operations.
- Defended a consumer class action in Florida against a national retailer alleging mislabeling of CBD products. Successfully resolved case prior to class certification, after removal and filing of dispositive motions.
- Represented a food manufacturer in a nationwide FDA recall of egg products due to alleged bacterial contamination. Also handled related insurance coverage issues for client to recover maximum insurance payments, and defended multiple suits by customers.
- Served as lead defense counsel in a national class action suit involving allegedly defective roofing materials. Secured dismissal of class action based on statute of repose.
- Represented a food manufacturer in a nationwide USDA recall of meat products due to alleged bacterial contamination. Also advised client regarding insurance coverage issues and assisted with recovery of maximum insurance payments.
- Defended a consumer class action in Tennessee against a major retailer involving allegedly defective products sold through the client's website. Secured dismissal of case based on arbitration clause in the client's website terms of service.
- Successfully defended a serious personal injury case in Texas alleging a national retail client sold tainted baby food products. Motion to dismiss granted by Federal Court based on innocent retailer defense.

- Assisted a major nationwide food chain with response to data breach involving customer's credit card information.
- Defended hospital clients in multiple suits alleging data breaches and invasion of privacy.
- Defended a major manufacturer of pelvic mesh devices in multiple suits in federal court, and also served on the client's national expert witness team.
- Successfully defended a transportation company in serious collision cases in Florida involving wrongful death, traumatic brain injury, and serious orthopedic injuries.
- Secured a large arbitration award for a client in a suit against its former CFO, who was accused of embezzling company funds, breaching fiduciary duties, and failing to repay amounts owed to the company.
- Successfully defended a Florida wrongful death case involving alleged exposure to asbestos in various construction products. Secured dismissal with dispositive motions after initial discovery.
- Led a team of more than 50 attorneys and legal professionals in defending a pharmaceutical company in diet drug litigation in Tennessee, consisting of more than 2,500 federal court cases throughout the state. Also served on the client's national expert witness team deposing medical causation experts throughout the country.
- Defended a Japanese insurance company in a significant insurance coverage dispute involving the cost of defending hundreds of suits filed over alleged defective products.
- Represented clients in FDA food contamination recalls involving peanut butter products and ingredients.
- Defended a smoke alarm manufacturer in a wrongful death case, and coordinated the national defense of similar products.
- Defended a leading manufacturer of orthopedic knee and hip devices in multiple suits alleging product defect and failure.
- Defended one of the nation's largest pharmacy chains in a putative class action in the Southern District of Florida alleging mislabeling, violation of the Florida consumer protection act, deceptive advertising and unjust enrichment relating to a store-branded hand sanitizer product. In a major victory for the client, the defense team secured dismissal of the suit with prejudice prior to class certification based on a lack of standing and failure to state a claim.



Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Listed in *Best Lawyers in America*® for Commercial Litigation, 2008 – 2024; Mass Tort Litigation/Class Actions - Defendants and Personal Injury Litigation - Defendants, 2011 – 2024; Product Liability Litigation - Defendants, 2012 – 2024; Bet-the-Company Litigation, 2019 – 2024
- Named the Best Lawyers® 2020 Personal Injury Litigation - Defendants "Lawyer of the Year" in Nashville
- Named the Best Lawyers® 2019 and 2016 Mass Tort Litigation/Class Actions - Defendants "Lawyer of the Year" in Nashville
- Selected to Mid-South Super Lawyers since 2006, Personal Injury Defense, Products
- Named to *Lawdragon Leading 3000 Lawyers in America*
- Listed as a 2017 *Benchmark Litigation* "Local Litigation Star"
- Trained Civil Mediator under Tennessee Supreme Court Rule 31
- Member – Nashville Bar Association Board of Directors (2021 – 2023)
- Member – Nashville Bar Association, Federal Courts Committee
- Member – Tennessee Bar Association; former chair of Litigation Section
- Member – Broward County Bar Association
- Former Co-Chair – American Bar Association, ABA Products Liability Committee
- President – Tennessee Stonewall Bar Association
- Former Member – Metropolitan Nashville Board of Health

- Past Chair (2014 – 2017)
- Member – DRI
- Recipient – Human Rights Campaign's Nashville Community Leadership Award (2008)
- Member – [Baker Donelson's 24-Hour Transportation Emergency Response Team](#)



Publications

- Co-author – "Shouldn't Fixing the Problem Be Enough? Post-recall Civil Litigation and the Prudential Mootness Doctrine," republished August 4, 2023, in Mealey's Litigation Report (August 2023)
- Co-author – "Preparing for the Inevitable Battle: Discovery and the Admissibility of Other Similar Incidents," ABA Publishing, American Bar Association (July 2023)
- Co-author – "Passage of the Respect for Marriage Act Signals That Same-Sex Marriage Will Remain the Law of the Land," republished in SHRM (Originally published December 9, 2022; Updated on January 3, 2023)
- "Featured Seasoned Litigator: Samuel Lanier Felker," *Trial Spotlight Newsletter* (October 2021)
- Co-author – "An Introduction to Tort Based Healthcare Litigation," ABA Publishing, American Bar Association (2021)
- Co-author – "Looming Tidal Wave of COVID-19 Lawsuits," *For the Defense* (July 2020)
- Co-author – "Chipotle's Record \$25 Million Fine Sends Tough Message as the Restaurant Industry Begins Reopening," republished May 6, 2020, in *General Counsel News* (April 30, 2020)
- Co-author – "Businesses Face Coming Tidal Wave of COVID-19 Litigation," *Daily Business Review* (April 30, 2020)
- Co-author – "Food Processors Face Uncertain Future Due to COVID-19," *Processing Magazine* (April 22, 2020)
- Co-author – "Tidal Wave of COVID-19 Lawsuits on the Way" (April 21, 2020)
- "Food Producers and Manufacturers Face Uncertain Future as COVID-19 Pandemic Drags On" (April 3, 2020)
- Co-author – "Defense Production Act is Invoked by President Trump" (March 19, 2020)
- Co-author – "USDA Unveils New Federal Hemp Production Rules Amid Concerns from the Industry," *Nutrition Industry Executive* (March 2020)
- "USDA Unveils New Federal Hemp Production Rules" (October 2019)
- "FDA Issues Cybersecurity Alert to Health Care Providers and Device Manufacturers" (October 2019)
- Co-author – "Fla. Approves Plan for Hemp Production Despite FDA Constraints on CBD," *Law.com* (September 2019)
- "Florida Approves Plan for Hemp Production, Despite FDA Constraints on CBD" (August 2019)
- "How to ENGAGE the Jury During Voir Dire," *ABA Products Liability Litigation Section Newsletter* (August 2018)
- "The Internet of Things: 'The Next Big Thing' for Products Litigation," American Bar Association's Section of Litigation publication *Litigation News* (January 2017)
- Co-author – "Ransomware Attack on Hospital Highlights the Importance of Preparation for All Organizations," Bloomberg BNA (April 2015)
- "Reflections on Weeks - The End of a Winning Streak for Brand-Name Manufacturers or Just a Blip on the State-Law Tort Screen?," ABA Section of Litigation, Products Liability Website Newsletter (April 2013)
- "50 State Survey on Statutes of Limitations," Tennessee Chapter, ABA Products Liability Committee (2012)
- "Top Ten Things: Attorney Client Privilege for In-House Counsel," Association of Corporate Counsel website (July 2011)
- "50 Statute Survey on Plaintiff's Medical Care and Treatment - Discovery and Evidentiary Issues," Tennessee Chapter, ABA Products Liability Committee (2011)



Speaking Engagements

- Panelist – "Discovery and Admissibility of Other Similar Incidents," ABA Section of Litigation, Joint Regional CLE with Products Liability Committee (January 2023)
- "Drone On! Emerging Legal Issues for Commercial Use of Unmanned Aerial Vehicles: Will You and Your Clients Be Ready for the Invasion of American Airspace?," ABA Environmental, Mass Torts & Products Liability Joint CLE (Winter 2016)
- Panelist – "Cyber Security Risks and Apportioning of Liability: What You Need to Know in 2016 and Beyond," webcast, The Knowledge Group (August 2016)
- Panelist – "Send Me in Coach? the Business Case for Diversity in the Legal Profession," ABA Corporate Counsel CLE (Winter 2015)
- "Practical Implications of the Recent Federal Rules Amendments - from Bench and Bar Perspectives," Tennessee Bar Association (December 2015)
- Moderator – "When Good Lawyers Go Bad-Consequences of Rambo Litigation Tactics In Depositions and At Trial," ABA Section of Litigation Annual Conference (April 2015)
- "Leading Through Public Service," Nashville Bar Association, Young Leader's Class (2015)
- "The Costs of Leadership," Tennessee Bar Association Leadership Conference (Winter 2014)
- "Products Liability Year in Review," ABA Joint CLE Conference, Products Liability Committee (Winter 2014)
- Panelist – "Ebola and the Public Health System: Risk Management and Legal Duties in Fighting a Deadly Infectious Disease," ABA Health Law Committee Roundtable (October 2014)
- Participant – "Criminal Prosecution of Food Companies," ABA Products Liability Committee, Food & Supplements Subcommittee Roundtable (December 2013)
- "Does the Fall of DOMA Change the Lyrics to 'Love and Marriage Go Together Like a Horse and Carriage'?", Lawyers' Association for Women Monthly Meeting (September 2013)
- "Effective Time Management and Stress Management," LCLD Mentoring Group, Vanderbilt Law School (October 2012)
- "International Issues that Arise in Litigation of Pharmaceutical and Medical Device Cases," ABA Pharmaceutical/Medical Device Regional CLE Workshop (November 2011)



Education

- University of Virginia, J.D., 1980
- University of Tennessee School of Law, 1978
 - Torchbearer Award for Academic Excellence
- Mississippi State University, B.S., 1977



Admissions

- Florida Bar, 2016
- Tennessee Bar, 1980
- Tennessee Supreme Court, 1980
- U.S. District Court, Middle District of Tennessee, 1980
- U.S. District Court, Eastern District of Tennessee, 2001
- U.S. District Court, Western District of Tennessee, 2007
- U.S. District Court, Southern District of Florida, 2016
- U.S. District Court, Middle District of Florida, 2020
- U.S. Court of Appeals Sixth Circuit, 1987
- U.S. Court of Appeals First Circuit, 1993