



Gretchen M. Callas

Member

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Gretchen M. Callas is a trial lawyer who routinely represents publicly traded companies in significant matters involving products liability, class actions, and industrial disasters. She practices out of the Firm's office in Charleston, West Virginia.

Gretchen is a capable trial lawyer with more than twenty-five years' experience. In 2021, she was on the trial team in *City of Huntington, et al. v. AmerisourceBergen Drug Corporation*, 609 F.Supp.3d 408 (2022). The bench trial over the claims of a City and County who were seeking over a billion dollars to remedy an alleged public nuisance took three months. Gretchen was at counsel table each day, and took an active role in the presentation of evidence throughout trial. The case resulted in one of a handful of defense verdicts in the national opioid litigation.

Gretchen's courtroom skills haven't gone unnoticed – Benchmark Litigation, *Chambers USA* and *Best Lawyers®* have recognized Gretchen for her mass litigation and class action work. She was named a "Benchmark Litigation Star" in 2023 and "Lawyer of the Year" by *Best Lawyers®* for Charleston, West Virginia in the category of Mass Tort/Class Actions. Gretchen has defended companies in class actions brought under the West Virginia Wage Payment and Collection Act and financial services companies and pharmaceutical companies from claims arising under the West Virginia Consumer Credit and Protection Act.

Gretchen's experience is extensive and wide-ranging, and her cases often involve both legal and logistical complexities. She defended a heavy equipment manufacturer against claims involving decades of occupational noise exposure, served as liaison counsel on behalf of 20 defendant companies before the West Virginia Mass Litigation Panel, and managed the discovery phase of cases involving hundreds of depositions. She also has extensive trial and appellate experience related to these representations.

Her work has taken her to many unexpected places, including underground mine sites. Gretchen knows these on-site investigations are crucial to understanding her clients' cases, where she takes the time to talk to clients and employees, review documents, and get a working knowledge of the physical location. Gretchen put these on-site investigation skills to work while serving as a leader of the defense team that handled the civil litigation resulting from the 2010 Upper Big Branch mine disaster.

Gretchen does more than work, though – she also gives back to the legal community. From 2010 to 2013, she served as a chairperson in the Campaign for Legal Aid of West Virginia and has been a member of the Visiting Committee for the West Virginia University College of Law since 2016. When Gretchen manages to find some free time, she loves spending it outdoors – she's an avid skier.

Awards

- Impact Case Award, Benchmark Litigation, 2023

- Listed as a "Benchmark Litigation Star" in *Benchmark Litigation 2023*
- *Best Lawyers®* Charleston-WV Mass Tort Litigation/Class Actions - Defendants "Lawyer of the Year" (2019)
- *Best Lawyers®* Business Edition, "Women in Law" (2017)
- *Chambers USA: America's Leading Lawyers for Business* in the area of Litigation: General Commercial Law in West Virginia (2013-2015, 2018-2021, 2023)
- *The Best Lawyers in America®* for Mass Tort Litigation/Class Actions - Defendants (2011-2024)
- West Virginia *Super Lawyers®* for Civil Litigation - Defense Law (2010, 2015-2020, 2023)

Notable Legal Experience

Class Action & Complex Litigation

- Leader of defense team handling civil litigation resulting from Upper Big Branch mine disaster, involving twenty-nine fatalities
- Managed extensive pre-litigation investigation, involving site visits to underground mines
- Defended employers in class actions brought under West Virginia Wage Payment and Collection Act
- Defended financial services companies and pharmaceutical companies in actions brought under the West Virginia Consumer Credit and Protection Act

Product Liability Litigation

- Defended a heavy equipment manufacturer in product design claims brought by more than 300 construction workers, involving issues of occupational exposure to products spanning five decades
 - Served as liaison counsel to the court on behalf of 20 defendant companies before the West Virginia Mass Litigation Panel
 - Managed discovery phase involving hundreds of depositions
 - Handled multiple rounds of trial preparation and appellate work

Data Breach and Privacy

- Defeated proposed class action against a specialty pharmacy for breach of privacy and alleged violations of the Stark Act
- Defended claims for breach of privacy brought against the fiscal agent for the State of West Virginia's Medicaid program
- Resolved cases in West Virginia and Pennsylvania involving the NotPetya cyber-attack and a medical software provider
- Assisted with national class action settlement for a data breach involving a medical device manufacturer

Work History

- Jackson Kelly PLLC (1996-Present)

Practices

- Class Action & Complex Litigation
- Commercial Litigation
- Labor & Employment
- Litigation
- Medical Device
- Pharmaceutical
- Product Liability Litigation

Industries

- Health Care

Education

- West Virginia University (M.P.A., 1996)
 - Patricia Harris Roberts Fellowship (1992-1994)
 - Phi Kappa Phi
- West Virginia University College of Law (J.D., 1996)
 - Order of the Coif (1996)
 - *West Virginia Law Review*, Executive Editor (1995-1996)
 - Patrick Duffy Koontz Award (1996)
- Miami University (B.A. in Public Administration, *cum laude*, 1992)
 - Phi Beta Kappa

Admissions

- West Virginia (1996)
- U.S. Court of Appeals, Fourth Circuit (1998)
- U.S. District Court, Northern District of West Virginia (1998)
- West Virginia Supreme Court of Appeals (1996)
- U.S. District Court, Southern District of West Virginia (1996)

Professional Organizations

- Member, West Virginia University College of Law Visiting Committee (2016-Present)
- Member, West Virginia University College of Law Development Council (2009-2015)
- Sustaining Member, Product Liability Advisory Council (PLAC) (2009-Present)
- Chairperson, Campaign for Legal Aid of West Virginia (2010-2013)
- Member, Distribution Committee for the Greater Kanawha Valley Foundation (2009-2013)

Speaking Engagements & Publications

Speaking Engagements

- Presenter, West Virginia Chamber of Commerce HR Conference, "House Bill 2011: Deliberate Intent Reform" (2015)
- Presenter, West Virginia Bar Association Annual Meeting, "Class Action Litigation Strategies" (2014)
- Presenter, Product Liability Advisory Council, 2014 Fall Convention, Chicago, Illinois, "Litigation Hot Topics: Spoliation" (2014)
- Presenter, West Virginia Bankers Association, "FDIC Overdraft Guidance and recent class actions" (2011)

Writings and Publications

- "United Mine Workers v. Bagwell: New Restrictions on Severe Civil Contempt Fines," *97 West Virginia Law Review* 1079 (1995)
- Author, "Discovery and Work Product Issues Relating to Expert Witnesses Under Federal Rule of Civil Procedure 26(a)(2)," Defense Trial Counsel of West Virginia Nineteenth Annual Meeting Notebook (2001)
- Co-Author, "Dealing with the Peer Review Privilege in West Virginia and Virginia," Joint Meeting of the West Virginia and Virginia Bar Associations (2003)
- Co-Author, "Dealing with the Peer Review Privilege," Defense Trial Counsel of West Virginia Annual Meeting (2003)
- Author, "Experts' Disclosure of Underlying Facts or Data under Rule 705," West Virginia University Continuing Legal Education (2005)
- Co-Author, "Eli Lilly v. Gottstein: In Defense Of Protective Orders," *Law360* Sept. (2010)
- Co-Author, "Preemption: Where does the Court stand after *Bruesewitz v. Wyeth, LLC* and *Williamson v. Mazda Motor of America, Inc.*," *Law360* (2011)

- Co-Author, "What did we learn?: Examining the Court's Recent Decisions on Preemption," Law360, July 2011
- Author, "Welcome to Our World: MSHA Vulnerability to Suit Under Federal Tort Claims Act for Negligent Inspection," 34 Energy & Min. L. Inst. Chapter 9 (2013)