



Mark A. DiCello

Partner

Cleveland

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Overview

After 20 years of jury trials and serving in lead roles in some of the largest personal injury cases in Ohio and around the country, Mark DiCello co-founded DiCello Levitt to create a first-of-its kind firm that brought together top talent in the most important areas of complex litigation.

Beginning his career as an Assistant County Prosecutor, Mark honed his trial skills, streamlining and simplifying issues being presented to juries. After representing the state in criminal matters, Mark wanted to turn his attention to ensuring that victims were represented in others ways: via the private civil justice system.

Mark's clients range from individuals suffering catastrophic personal injuries to groups of plaintiffs harmed by medical devices, pharmaceutical products, chemicals, automobiles, and more. He has led headline-grabbing mass tort and product liability cases and co-led massive multidistrict litigations. As a result of his efforts, Mark has been recognized by a number of different organizations, including being ranked as a Super Lawyer and receiving both the Crisis Management Trailblazer and Elite Boutique Trailblazer awards from *The National Law Journal*. *Lawdragon* has also recognized Mark as one of the 500 Leading Plaintiff Consumer Lawyers, and *Benchmark Litigation* recognizes Mark as a "Litigation Star" in Product Liability and Personal Injury. Mark is also rated an "AV" Preeminent Attorney by Martindale-Hubbell, and a member of The Summit Council, a national group of noted trial lawyers across the United States with several multi-million-dollar jury verdicts.

Understanding that technology often evolves at a faster pace than the law, Mark frequently teaches other lawyers about how to best use new tools in discovery to counter some of the most sophisticated arguments presented by "big tech" defendants. For example, Mark is a frequent lecturer on using trial science to reach jurors, modeling damages for large-scale litigation, and leveraging technology to develop discovery in some of the most difficult, scorched-earth

litigation. By developing cutting-edge techniques to represent those individuals hurt by large corporations, Mark is able to present their stories after a vigorous focus-group and mock-trial process, in coordination with DiCello Levitt's Trial Advocacy Center.

Mark presently represents thousands of individual service members and their families who were injured at the U.S. Marine Corps Base Camp Lejeune, North Carolina, by exposure to drinking water contaminated with industrial solvents, benzene, and other chemicals. Leading the charge to hold the government accountable for his clients' catastrophic injuries and losses, Mark employs his decades of experience in leading mass torts and complex litigation to achieve justice for those willing to make the ultimate sacrifice.

Mark continues to lead with vision and, together with co-founder Adam Levitt, has built a diverse and fearless team of lawyers focused on some of the most important litigation of our time.

Practice Areas

AGRICULTURE AND BIOTECHNOLOGY

CIVIL AND HUMAN RIGHTS LITIGATION

LABOR AND EMPLOYMENT LITIGATION

MASS TORT LITIGATION

PERSONAL INJURY

PRODUCT LIABILITY

WHISTLEBLOWER, QUI TAM, AND FALSE CLAIMS ACT

Education

Cleveland-Marshall College of Law, J.D.

University of Dayton, B.A.

Representative Matters

Notable Representations

In Re: Stryker LFit V40 Femoral Head Products Liability Litigation MDL-2768

June 30, 2017, Appointed to Plaintiff's Steering Committee

- National Multidistrict Litigation over alleged defects in Stryker Howmedica's recalled LFIT V40 Femoral Head

Timothy Bruck, Executor v. Gary McClintick and Mentor Board of Education, 15CV000701

February 13, 2017, Jury Verdict, \$1,267,500.00

- Mentor Board of Education School Bus Driver crashed into the vehicle driven by Jessica "Toby" Cribbs. Compensatory and Punitive Damages Awarded. The bus driver was not cited and claimed that he had the green light when he went through an intersection striking Ms. Cribbs' vehicle.

Arnold Black v. Detective Randy Hicks, Officer Jonathan O'Leary, Chief Ralph Spotts and City of East Cleveland, No. CV-14-826010

May 31, 2016, Jury Verdict, \$22,000,000.00

- Mr. Black was stopped because of a mistaken identity and beaten and kept in a storage locker for days by police. The detective in the case testified that his department supported the mistreatment of Mr. Black.

In Re Stryker Rejuvenate & ABG II Hip Implant Litigation MCL-296

Settlements: \$2,100,000,000.00+

March 19, 2013, Appointed to the Science Committee

- Multi-County Litigation in New Jersey on behalf of the nation's Plaintiffs alleging injury by Stryker Howmedica's Recalled Stryker Rejuvenate & ABG II Hip Implants.

In Re: Propecia (Finasteride) Product Liability Litigation MDL-2331

June 22, 2012, Appointed to Plaintiff's Steering Committee

- Multi-District Litigation alleging that Propecia, Merck's prescription drug for male pattern baldness, causes permanent sexual dysfunction in men.

In Re: Mentor Co. Obtape Transobturator Sling Products Liability Litigation MDL-2004

September 21, 2011, Appointed Co-Lead Counsel

- Multi-District Litigation alleging defects in Mentor Corp's Transobturator Sling that was used to treat stress urinary incontinence in women.

Awards & Honors

Ohio Litigation Star – Product Liability, Personal Injury, **Benchmark Litigation** (2021-2024)

500 Global Plaintiff Lawyers, **Lawdragon** (2024)

500 Leading Plaintiff Consumer Lawyers, **Lawdragon** (2022-2024)

Ohio Super Lawyers Honoree, **Super Lawyers** (2016-2024)

Trial Lawyer of the Year, **Public Justice** (2021)

Crisis Management Trailblazer, **The National Law Journal** (2020)

Elite Boutique Trailblazer, **The National Law Journal** (2018)

“AV” Preeminent Attorney, **Martindale-Hubbell**

Publications & Presentations

“Mass Tort Update: Greatest Hits,” *Hair Straightener & Social Media Litigation*, HarrisMartin’s MDL Conference, (January 2023)

“Cutting Edge Depo Techniques: What Needs to be Heard,” 360 Advocacy, Damages Conference: Go Big or Go Home, Co-Chair (2017)

“Making the ‘Sudden and Unexpected’ Medical Emergency Predictable and Foreseeable,” 360 Advocacy, Trucking Conference: A New Look at How to Win Trucking Cases, Co-Chair (2017)

“Look at the Science to Drive the Monster Verdicts,” 360 Advocacy, Damages Conference: Go Big or Go Home, Co-Chair (2016)

“Views from Leadership: How to Utilize Lead Counsel in a Mass Tort Case,” Ohio Association for Justice Summer Conference (2016)

“Story Structure,” 360 Advocacy, Damages Conference: Go Big or Go Home, Co-Chair (2015)

“Voir Dire,” 360 Advocacy, Trial Lawyer MMA: Combining the Disciplines, Co-Chair (2014)

“Make No Small Plans: Damage Modeling in the Mega Case,” 360 Advocacy, Damages Conference: Go Big or Go Home, Co-Chair (2014)

“Mass Torts: You Have the Case, Now What? Marketing, Intake and Beyond,” Ohio Association for Justice Winter Conference (2013)

“Witnesses Tell the Story Better than Any Lawyer: Learn How to Develop All Witnesses to Find the Theme and Tell the Story,” 360 Advocacy, Trial Skills Retreat: Empowering Witnesses (2013)

“Trial as Theatre, not a Movie: Understanding Where the Witnesses Belong on the Stage and What They Add to the Production,” 360 Advocacy, Trial Skills Retreat: Empowering Witnesses (2013)

“Developing Trial Strategies and Approaches,” Law Seminars International: Litigating Class Actions (2013)

"Take your Damages from Good to Great by Maximizing all Witnesses' Credibility and Effectiveness: A Hands-On Workshop," 360 Advocacy, Damages Conference: Go Big or Go Home, Co-Chair (2013)

"Stryker Rejuvenate ABG II Hip Implant Litigation Update," American Association for Justice: Winter Convention (2013)

"How Trial Consultants and Focus Groups Can Improve Your Results in Voir Dire," 360 Advocacy, Trial Skills Retreat: Voir Dire (2012)

"I Don't Know Who are the Best Jurors for my Case – Workshopping Attendee Case Issues to Help Find the "Right Jurors," 360 Advocacy, Trial Skills Retreat: Voir Dire (2012)

"Applying What You Have Learned," 360 Advocacy, Trial Skills Retreat: Opening and Closing Arguments (2012)

"Trial Lawyers and Class Actions — Protecting Consumers and Elevating Your Practice," National Trial Lawyers: Winter Summit (2012)

"Using Focus Groups to Develop Case Themes and Litigation Strategies," 360 Advocacy, The Trial Skills Retreat (2011)

Conference Co-Chair, 360 Advocacy, Medical School for Plaintiff Lawyers (2011)

Conference Co-Chair, 360 Advocacy, DePuy Hip Recall Seminar (2011)

"Words in Action in The Courtroom (and in Discovery) "Understanding the Importance of Particular Words and Phrases: How the Use or Nonuse of These Can Dramatically Affect Persuasion," 360 Advocacy, Trial Toolbox: Building a Winning Case (2010)

"How to effectively use mock trials, focus groups and pre-trial preparation," Mass Torts Made Perfect: Torts Made Perfect (2010)

Admissions & Memberships

Bar Admissions

Illinois

New Jersey

New York

Ohio

Pennsylvania

Court Admissions



U.S. District Court, District of Colorado
U.S. District Court, Central District of Illinois
U.S. District Court, Northern District of Illinois
U.S. District Court, Southern District of Illinois
U.S. District Court, Eastern District of Missouri
U.S. District Court, District of Nebraska
U.S. District Court, District of New Mexico
U.S. District Court, Southern District of New York
U.S. District Court, Northern District of Ohio
U.S. District Court, Southern District of Ohio
U.S. Court of Appeals, Second Circuit
U.S. Court of Appeals, Sixth Circuit
U.S. Court of Appeals, Seventh Circuit
U.S. Court of Appeals, Eighth Circuit
U.S. Court of Appeals, Ninth Circuit
U.S. Supreme Court

Memberships

The Summit Council
American Association for Justice, Leaders Forum
National Trial Lawyers, Executive Committee, Class Action Trial Lawyers Division
National Trial Lawyers, Executive Committee, Trucking Trial Lawyers Division
Ohio Association for Justice
Ohio State Bar Association
New York State Bar Association
New York State Academy of Trial Lawyers
National Advisory Board, Association of Plaintiffs Interstate Trucking Lawyers of America