



## David D. Burnett

Partner

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### Overview

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David Burnett is a partner in DiCello Levitt's Washington, D.C. office. His practice includes product liability mass torts, securities class actions, commercial litigation, and environmental cases.

For nearly two decades, David has championed the rights of plaintiffs, from individuals to classes of shareholders, as well as U.S. states and counties and *Fortune* 100 companies in cases involving allegations of negligence, fraud, public nuisance, breach of contract, and other corporate misconduct. He has successfully taken on Wall Street banks, technology giants, pharmaceutical corporations, and cosmetics companies.

David's dedication has earned him a place on the 2024 *Lawdragon* 500 Leading Plaintiff Financial Lawyers list. His work frequently involves securities claims, financial analysis, and data-intensive issues, as he discussed in a *Law360* article titled "The Importance of Data and Data Analysis in Litigation," which was also presented as a D.C. Bar continuing legal education course.

Currently, David represents local governments in litigation against social media companies in the litigation, *In re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, addressing the alleged harmful effects of addictive social media platforms on children, schools, and local and state governments. He has shared insights on social media litigation at conferences for the National School Boards Association, the Local Government Attorneys of Virginia, and the Maryland Association of Counties. Additionally, David represents local governments in the opioid litigation, *In re: McKinsey & Co., National Prescription Opiate Consultant Litigation*, alleging McKinsey's role in exacerbating the opioid epidemic through its marketing strategies. He also assists *In re: Hair Relaxer Marketing Sales Practices and Products Liability Litigation* on a team representing plaintiffs who claim that hair relaxer products



cause cancer. His responsibilities range from writing briefs to negotiating with defendants on behalf of all multidistrict litigation plaintiffs, including state attorneys general.

David's prior experience includes representing U.S. states, counties, and cities in litigation arising from the nationwide opioid crisis (*In re: National Prescription Opiate Litigation*). He took and defended dozens of depositions of experts and government employees and collaborated with epidemiologists and economists to quantify the cost of social services programs recommended to combat the epidemic. He recently offered takeaways from this work in a *Law360* article titled "Opioid Suits Offer Case Study In Abatement Expert Testimony." The opioid lawsuits have resulted in settlements totaling nearly \$50 billion.

David has also represented investors in complex securities fraud class actions against major corporations such as Amazon, AbbVie, Alexion, Qualcomm, and the stock exchanges NYSE, Nasdaq, and BATS. He has assisted victims of the September 11 terrorist attacks in sharing their stories of being injured at Ground Zero, helping them obtain substantial monetary judgments through the victims' compensation fund.

During his tenure at one of the world's largest business litigation law firms, David represented prominent insurance companies, including Allstate, Prudential, MBIA, and AIG, in litigation against Wall Street banks following the 2007-2008 financial crisis. These cases, which involved allegations of fraud in the sale of mortgage-backed securities and collateralized debt obligations, resulted in hundreds of millions of dollars in favorable settlements for investors.

In addition to his legal practice, David served as a vice president of underwriting at a leading litigation finance firm, where he assessed the legal and economic merits of potential investments in lawsuits and monitored active litigation investments with significant potential value.

While in law school at the University of Virginia, David worked as a teaching assistant in Legal Research and Writing, authored two journal articles, edited professors' articles for the *Journal of Law and Politics*, and clerked at a Wall Street firm and a plaintiffs firm in Washington, D.C.

Outside of professional achievements, David dedicates his time to community service. He volunteers as the president of the Abenaki Tower and Trail Association, a historic conservation organization in New Hampshire, and has been a decade-long member of the Board of Advisors of the Appalachian Mountain Club, the nation's oldest conservation non-profit. Prior to attending law school, David worked with at-risk youth for Outward Bound, worked in a hut on the Appalachian Trail, interned at the Wilderness Society, and bicycled across the country for charity.

## Practice Areas

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CLASS ACTION LITIGATION

COMMERCIAL LITIGATION

ENVIRONMENTAL LITIGATION

PRODUCT LIABILITY

PUBLIC CLIENT

SECURITIES AND FINANCIAL PRODUCTS LITIGATION

### Education

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University of Virginia, B.A. University of Texas at Austin, M.A., American Studies University of Virginia School of Law, J.D.

### Representative Matters

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Represent MDL plaintiffs and individual local governments in *In re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, MDL 3047 (N.D. Cal.), alleging that social media platforms are addictive and harm children and, in turn, schools and local governments.

Represent individual local governments in *In re McKinsey & Co., National Prescription Opiate Consultant Litigation*, MDL No. 2996 (N.D. Cal.), alleging that McKinsey contributed to the opioid epidemic by helping to market prescription opioids.

Represent MDL plaintiffs and individual clients in *In re Hair Relaxer Marketing Sales Practices and Products Liability Litigation*, MDL No. 3060 (N.D. Ill.), and parallel cases in state court, alleging that hair relaxer products cause cancer.

Represent MDL plaintiffs in *In re: Abbott Laboratories, et al., Preterm Infant Nutrition Products Liability Litigation* (MDL No. 3026), alleging that infant formula manufactured by Abbott Labs and Mead Johnson causes necrotizing enterocolitis in premature infants.

Represent families of victims of 2022 mass shooting at Buffalo, NY grocery store in litigation against social media companies and gun manufacturers.

Represented the States of West Virginia, Rhode Island, and Washington and MDL plaintiffs in litigation against opioid manufacturers and distributors and pharmacies.

Represented investors in securities class actions against Amazon, AbbVie, Alexion, Qualcomm, and the stock exchanges NYSE, Nasdaq, and BATS.

Represented Allstate, Prudential, MassMutual, MBIA, AIG, and Lehman Brothers in litigation against Wall Street banks arising from the 2007-08 financial crisis.

Represented consumers in class action against Volkswagen and Audi arising from engine defects'.

Represented the State of New Jersey in Superfund cost-recovery case against industrial polluter.



Represented individual in In re: Proton Pump Inhibitor Products Liability Litigation alleging that stomach-acid drugs cause kidney injuries.

Represented first responders and office workers at Ground Zero in litigation against Iran.

Represented citizen of Chad in pro bono asylum and green-card applications.

Represented Quinn Emanuel in litigation against former client.

## Awards & Honors

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500 Leading Plaintiff Financial Lawyers, *Lawdragon* (2024)

## Publications & Presentations

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### Presentations and Articles

“Opioid Suits Offer Case Study In Abatement Expert Testimony,” *Law360*, May 23, 2024

“Affirmative Litigation by Local Governments: Social Media Harm and PCB Contamination,” presentation at Local Government Attorneys of Virginia spring 2024 conference, April 2024

“Affirmative Litigation by Local Governments: Social Media Harm and PCB Contamination,” presentation at National School Boards Association 2024 annual conference, April 2024

“The Importance of Data and Data Analysis in Litigation,” Continuing Legal Education program for the District of Columbia Bar, May 3, 2023

“The Importance of Data and Data Analysis in Litigation,” *Law360*, June 16, 2022

“The Emerging Market for Litigation Funding,” *The Hedge Fund Journal*, June 2013 (John Pierce and David Burnett)

“Implications of Statute-of-Limitations Rulings on Mortgage-Backed-Securities Cases,” *Westlaw Journal Derivatives*, August 3, 2012 (Daniel L. Brockett, Jeremy Andersen, and David Burnett)

Note, “Judging the Aesthetics of Billboards,” 23 *Journal of Law and Politics* 171 (2007)

Note, “Fast-Food Lawsuits and the Cheeseburger Bill: Critiquing Congress’s Response to the Obesity Epidemic,” 14 *Virginia Journal of Social Policy and the Law* 357 (2007)

## Admissions & Memberships

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### Bar Admissions



New York

District of Columbia

**Court Admissions**

U.S. District Court, Southern District of New York

U.S. District Court, District of Columbia

U.S. District Court, Northern District of Illinois