

# Richard J. Sapp

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DES MOINES OFFICE

Richard (Dick) Sapp has practiced primarily in [product liability](#), complex [commercial litigation](#), and [appellate practice](#) for more than 40 years. In addition, Dick has also been retained as litigation counsel on behalf of the Iowa General Assembly and Governor of Iowa on constitutional cases of significance and governmental investigation matters.

Dick is an elected member of the American College of Trial Lawyers, the Product Liability Advisory Council, the American Board of Trial Advocates, and the International Association of Defense Counsel.

He is a frequent author and speaker on product liability and trial practice topics. He has been consistently recognized by peers and clients as one of the very few Iowa attorneys to receive the top-level Band I rating in litigation by Chambers USA, America's Leading Lawyers for Business. He is a past president of the Iowa Defense Counsel Association.

His record of cases includes representation of clients or amicus organizations in many significant Iowa appellate decisions involving product liability and tort issues. He has frequently provided testimony or resource background to legislative committees and membership on litigation related legislation and product liability issues.



## PRACTICE AREAS

- Intellectual Property
- Litigation
- Intellectual Property Litigation
- Appellate Practice
- Business & Commercial Litigation
- Class Actions
- Environmental Litigation
- Intellectual Property Litigation
- Personal Injury & Tort Defense
- Product Liability

## RECOGNITION

**American College of Trial Lawyers**  
Fellow

**Chambers USA, America's Leading Lawyers for Business**  
Band I Rating

**The Best Lawyers in America®**  
1999–2024

**The Best Lawyers in America®**  
Lawyer of the Year, Personal Injury Litigation—Defendants, Des Moines, 2012, 2018, 2020

**Great Plains Super Lawyers**  
2007, 2009–2023

**Martindale-Hubbell**

## EDUCATION

- Drake University (B.A., with honors; J.D.)

## BAR ADMISSIONS

- Iowa
- Admitted to practice in all state and federal courts in Iowa
- Eighth Circuit Court of Appeals
- U.S. Supreme Court

## RECOGNITION

AV® Preeminent

### **Select Advisory Commission on Federal Judicial Candidates**

Member, 2015, appointed by U.S. Sen. Charles Grassley to advise senator on federal judicial candidate nominees

### **Magistrate-Judge Merit Selection Panel, U.S. District Court, Southern District of Iowa**

Member, appointed by Chief Judge James Gritzner, 2013

### **Iowa Academy of Trial Lawyers**

### **Product Liability Advisory Council (PLAC)**

### **American Board of Trial Advocates**

### **International Association of Defense Counsel**

### **Iowa Defense Counsel Task Force Report on Iowa Civil Jury Instructions**

- Chairman, 1990
- Author of Products Liability Chapter

### **Advisory Group to Southern District of Iowa Federal Courts, pursuant to Civil Justice Reform Act of 1990**

Member, appointed by Chief Federal Judge Charles Wolle, 1993, as representative of civil case defendants

### **Order of the Coif**

### **Omicron Delta Kappa**

### ***Drake Law Review***

## SPEECHES & PUBLICATIONS

### ***Plaintiff's Medical Care and Treatment—Discovery and Evidentiary Issues: a 50-State Survey***

Pharmaceutical Subcommittee of the ABA Products Liability Committee of the Section of Litigation, 2010 (co-author of Iowa chapter)

### **“Clarifying Iowa Law on Crashworthiness and Enhanced Injury—the Iowa Supreme Court Adopts Sections 16 and 17 of the Restatement (Third) of Products Liability”**

Iowa Defense Counsel Association, 2010 (co-author)

## SPEECHES & PUBLICATIONS

### ***PLAC Jury Instruction Handbook***

Product Liability Advisory Council (PLAC), 2009 (author of Iowa chapter)

### ***Update on Punitive Damages Claims: A 50-State Survey***

ABA Section of Litigation, Products Liability Committee, 2007 (co-author of Iowa chapter)

### ***“The Restatement (Third) Products Liability—A Primer”***

Iowa Defense Counsel Products Liability Seminar, April 2007

### ***National Survey of State Consumer Fraud Laws***

Product Liability Advisory Council, 2004 (author of Iowa chapter)

### ***“Wright v. Brooke Group, Ltd.”***

Defense Update, Iowa Defense Counsel Association, 2004 (co-author)

### ***“On the Cutting Edge: Evidentiary, Constitutional and Strategic Issues in Federal Litigation”***

Federal Practice Seminar, Iowa State Bar Association, Des Moines, Iowa, December 17, 2004 (panel speaker)

### ***“Defense of Punitive Damages Claims in Products Liability”***

Iowa Defense Counsel Association, Annual Meeting, September 2003

### ***“State By State Overview: Statutes of Limitations Applicable to Pharmaceutical or Medical Device Product Liability Litigation”***

ABA Pharmaceutical and Medical Device Subcommittee, spring 1997 (co-author)

### ***Products Liability 50 State Handbook***

West Publ. 1994 (author of Iowa chapter)

### ***Iowa Defense Counsel Task Force Report on Civil Jury Instructions***

Iowa Defense Counsel Association, October 1990 (chairman and author of Products Liability chapter)

### ***“Pre-Trial Challenges to Expert Testimony in Toxic Tort Cases”***

*For the Defense*, Vol. 31, No. 6, June 1989 (author)

**Numerous other articles and presentations on product liability and trial practice issues.**

## PROFESSIONAL & COMMUNITY AFFILIATIONS

### **American Bar Association**

Litigation Section

## PROFESSIONAL & COMMUNITY AFFILIATIONS

### Iowa State Bar Association

- Litigation Legislation Committee, Member, 1984–1990
- Vice Chairman, 1988–1990
- Litigation Section Council, 1993–1995

### Polk County Bar Association

### Defense Research Institute

### Iowa Association of Business & Industry

Liability Reform Committee, Chair, 1996–1998

### Iowa Defense Counsel Association

- Board of Directors, 1987–1994
- President, 1993–1994

## SIGNIFICANT CASES

### ***Deere & Company, Moline, Illinois***

Iowa counsel for defense of product liability cases involving farm and industrial equipment manufactured by Deere. Significant cases including: *Burke v. Deere & Company*, retained as appellate counsel to seek reversal in Eighth Circuit Court of Appeals of \$50 million product liability punitive damage award, obtained reversal of both punitive and compensatory damage award; *Burke v. Deere & Company*, 6 F.3d 497 (8th Cir. 1993); *Cummings v. Deere & Company*, Case No. 4:06-cv-00516 (S.D. Iowa Feb. 2008), granting summary judgment to Deere in commercial fire case.

### ***Kubota Corporation***

Defense of Kubota Corporation and Kubota Tractor Corporation in fatality products liability case involving tractor and end-loader; jury trial, defense verdict, August 9, 2017, *Specht v. Kubota*, Case No. 2:16-cv-01012 (U.S. District Court, Northern District of Iowa).

### ***Terry Branstad, Governor of the State of Iowa***

- Retained (2011) by Gov. Branstad to defend the Governor, State of Iowa, in defense of litigation challenging the constitutionality of certain item vetoes exercised by the Governor on an appropriations bill. *Danny Homan, William A. Dotzler, Jr., Bruce Hunter, David Jacoby, Kristin Running-Marquardt and Daryle Beall v. Terry E. Branstad, Governor of the State of Iowa*, 812 N.W.2d 623 (Iowa 2012).

## SIGNIFICANT CASES

- Retained (2011) by Governor Branstad to defend the Governor, State of Iowa, the State Board of Regents, and other state officials in defense of litigation challenging the constitutionality of Executive Orders issued by the Governor, brought by organized labor groups and legislators of the opposition party. Summary Judgment granted to Governor and all Defendants. *Central Iowa Building and Construction Trades Council, AFL-CIO; Cedar Rapids/Iowa City Building Trades Council, AFL-CIO; Scott Smith and William Gerhard, v. Terry E. Branstad, Governor State of Iowa in his official capacity as Governor of the State of Iowa; State of Iowa; Mike Carroll in his official capacity as Director of Iowa Department of Administrative Services; Iowa Department of Administrative Services; David W. Miles, Jack B. Evans, Bonnie J. Campbell, Robert N. Downer, Michael G. Gartner, Ruth R. Harkin, Greta A. Johnson, Craig A. Lang And Rose A. Vasquez in their official capacities as members of The Board of Regents; Board of Regents, State of Iowa*, Case No. 4:11-cv-00202 (S.D. Iowa) (Jarvey, J.).

### **Bruce Rastetter, chairman, Iowa State Board of Regents.**

- Defense of Chairman and other members of State Board of Regents against alleged open meetings law violations, summary judgment granted, *Krapf v. Board of Regents et. al.* (2017); *affirmed Krapf v. Rastetter*, 927 N.W.2d 202 (Iowa Ct. App. 2019)
- Retained (2012) to defend Chairman of State Board of Regents against conflict of interest charges brought by consumer activist organization, successfully obtained dismissal of charges after contested administrative hearing before State Ethics Board (August 23, 2012).

### **Iowa State Legislature**

- Retained as counsel to represent Iowa General Assembly majority leaders in constitutional challenge to line-item vetoes exercised by Governor as to major economic development/tort reform legislation; item vetoes held unconstitutional by unanimous Iowa Supreme Court. *Rants et al. v. Vilsack*, 684 N.W. 2d 193 (Iowa 2004).
- Retained as Special Counsel to Joint Committee on Government Oversight in investigation of government employee salary scandal (In Re: CIETC and IWD Investigation).
- Retained to file Intervention on behalf of House and Senate Majority Leaders to defend statute in a case that challenged the constitutionality of an Iowa statute under the “single subject” provision of the Iowa Constitution; raised standing argument as to Plaintiff. District Court dismissed case based on standing argument, *Godfrey v. State of Iowa et al.*, Equity No. CV5396 (Polk Cnty. Dist. Ct. July 2005), affirmed *Godfrey v. State of Iowa*, 752 N.W.2d 413 (Iowa 2008).

## SIGNIFICANT CASES

### ***Bell Helicopter, Division of Textron, Dallas, Texas***

Defense of Bell subsidiaries in fatality helicopter crash occurring during Iowa filming of Hollywood movie *The Final Season* (summary judgment granted, May 2009). *Schlotzhauer v. Aeronautical Accessories, Inc. et al.* (Polk Cnty. Dist. Ct.).

### ***Aventis Pharma f/k/a Rhône-Poulenc Rorer/Armour Pharmaceutical Company***

Iowa counsel for defense of hemophiliac/AIDS/blood factor cases filed in Iowa, related to nationwide federal multi-district “blood factor” medicine litigation. Lead counsel for all Defendants in arguing summary judgment motions. *Doe ex rel. Doe v. Baxter Health Care Corp., et al.*, 178 F. Supp. 2d 1003 (S.D. Iowa 2001) and Order (S.D. Iowa June 3, 2003) (granting summary judgment on all counts), affirmed by 380 F.3d 399 (8th Cir. 2004) (argued case in 8th Circuit Court of Appeals on behalf of all defendants).

### ***Pfizer Pharmaceuticals, successor-in-interest to Wyeth, Inc., New York, New York***

Retained as Iowa counsel in defense of suicide allegedly caused by ingestion of generic version of branded pharmaceutical manufactured by Wyeth; summary judgment granted in District Court, *Huck v. Trimark Physicians Group, et al.*, LACV 18947 (Sac Cnty. Dist. Ct.), affirmed by No. 12-0596 (Iowa Ct. App. April 24, 2013), affirmed on further review by *Huck v. Wyeth, Inc.*, 850 N.W.2d 353 (Iowa 2014).

### ***Aventis Crop Science USA***

Retained as Iowa counsel for defense of StarLink corn class action litigation filed in Iowa, and included within multi-district litigation proceeding in Chicago. In Re: *StarLink Corn, Kramer et al. v. Aventis Crop Science et al.* (S.D. Iowa) and *Sutter v. Aventis*, 145 F. Supp. 2d 1050 (S.D. Iowa 2002), resolved by multi-district settlements (April 2003).

### ***Robinson Fans, Inc., Pittsburgh, Pennsylvania***

Defense of worldwide manufacturer of industrial fans in case alleging design defects in large induced draft fans installed for operation of coal fired boilers, involving explosion and alleged multimillion-dollar property damage/business interruption loss at Archer Daniels Midland co-generation plant; trial in U.S. District Court, Southern District of Iowa, defense judgment. *Archer Daniels Midland Company v. Robinson Fans, Inc.*, Case No. 3:10-cv-100 (S.D. Iowa Feb. 8, 2013).

### ***Hyundai Motor Company***

Defense of case alleging defective airbag, obtained decision of Iowa Supreme Court adopting Restatement (Third) of Torts: Products Liability §§ 16 and 17 position on crashworthiness and comparative fault. *Jahn v. Hyundai Motor America*, 773 N.W.2d 550 (Iowa 2009).

## SIGNIFICANT CASES

### **Cooper Tire & Rubber Company, Findlay, Ohio**

Appointed lead counsel to handle all post-trial proceedings and appeal from \$34 million adverse verdict against *Cooper. Toe v. Cooper Tire and Rubber Company*, 834 N.W.2d 82 (Table), 2013 WL 1749739 (Iowa Ct. App. April 24, 2013).

### ***Lamplight Farms Incorporated and W. C. Bradley, Inc.***

Defense of world's leading manufacturer of torch fuel products in defense of fatality case alleging ingestion of torch fuel by minor. *Wells v. Lamplight Farms Incorporated, et al.*, Case No. 5:13-cv-04070 (N.D. Iowa).

### ***Purdue Pharma, Stamford, Connecticut***

Defense of Purdue in Iowa OxyContin® litigation, including *Griffith v. Purdue Pharma, et al.* (S.D. Iowa 2007).

### ***Tyson Foods, Inc., Springdale, Arkansas***

Retained (2010) as Iowa counsel and trial co-counsel in class action alleging wage, hour, and labor violations. *Sharp et al. v. Tyson Foods, Inc.*, Case No. 5:07-cv-04009 (N.D. Iowa) (September, 2011), (aff'd) 765 F.3d 791 (8th Cir. 2014); *Tyson Foods, Inc. v. Bouaphakeo*, 136 S.Ct. 1036 (U.S. 2016).

### ***O.F. Mossberg Sons, Inc.***

Defense of manufacturer of firearms in fatality hunting accident case. Summary judgment granted and affirmed in Eighth Circuit Court of Appeals decision upholding constitutionality of Iowa's statute of repose pertaining to products. *Estate of Branson v. O.F. Mossberg, Inc.*, 221 F.3d 1064 (8th Cir. 2000).

### **Additional Cases**

- *Wright v. Brooke Group, Ltd.*, 652 N.W.2d 159 (Iowa 2002), co-author of amicus curiae brief for Iowa Defense Counsel Association/Defense Research Institute in case adopting Restatement Third (Torts) for design defect liability.
- *Lovick v. Wil-Rich*, a division of the TIC United Corp., 588 N.W.2d 688 (Iowa 1999), retained as co-appellate counsel on behalf of TIC; case adopted limitations on post-sale duty to warn under Restatement Third.
- *Sutter v. Aventis*, 145 F. Supp. 2d 1050 (S.D. Iowa 2002), rejecting plaintiff's efforts to remand StarLink corn class action based on purposely pleading vague amount in controversy.