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 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.

RECOGNITION

American College of Trial Lawyers
Fellow

Chambers USA, America's Leading Lawyers for Business
Band I Rating, 2004–2026

The Best Lawyers in America®
1999–2027

The Best Lawyers in America®
Lawyer of the Year:
- Personal Injury Litigation—Defendants, Des Moines, 2012, 2018, 2020, 2025
- Product Liability Litigation, Des Moines, 2025

Martindale-Hubbell
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



PRACTICE AREAS

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

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

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

Drake Law Review

PROFESSIONAL & COMMUNITY AFFILIATIONS

American Bar Association

Litigation Section

Iowa State Bar Association

- Litigation Legislation Committee
- Litigation Section Council

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**

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; *Carr v. Deere & Company*, defense of claim alleging severe burn injuries from negligent use of rotary cutter, Arkansas State Court (2020); *Mann v. Deere & Company*, defense of traumatic brain injury arising from tractor/vehicle collision, Arkansas State Court (2023).

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).

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).

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 multidistrict "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); *Ceu v. Hyundai*, defense of crashworthiness case relating to seatbelts and airbags (2023).

***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); *State of Iowa v. Purdue Pharma* (pending).

***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); T*yson 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.

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)

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.