David R. Cohen

Federal Special Master Law and Court Monitor

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APPOINTING JUDGES

Honorable John Adams	United States District Court · Akron
Honorable Ann Aldrich (deceased)	United States District Court · Cleveland
Honorable Christopher Boyko	United States District Court · Cleveland
Honorable John Z. Boyle	United States District Court · Phoenix
Honorable Timothy L. Brooks	United States District Court · Fayetteville, Arkansas
Honorable James Carr	United States District Court · Toledo
Honorable Sharon Johnson Coleman	United States District Court · Chicago
Honorable David Dowd (deceased)	United States District Court · Akron
Honorable Richard Gergel	United States District Court · Charleston, SC
Honorable Nathaniel Gorton	United States District Court · Boston
Honorable Kathleen McDonald O'Malley	Federal Circuit Court of Appeals, Washington, DC
Honorable Solomon Oliver, Jr.	United States District Court · Cleveland
Honorable Sul Ozerden	United States District Court · Gulfport
Honorable Thomas Parker	United States District Court · Cleveland
Honorable Dan Aaron Polster	United States District Court · Cleveland
Honorable Julie Robinson	United States District Court · Kansas City
Honorable Mary Rowland	United States District Court · Chicago
Honorable Arthur Schwab	United States District Court · Pittsburgh
Honorable Kathryn Vratil	United States District Court · Kansas City
Honorable Jack Zouhary	United States District Court · Toledo

SPECIAL MASTER APPOINTMENTS

MULTIDISTRICT LITIGATION

CASE	DOCKET	TYPE
In re National Prescription Opiate Litig.	MDL No. 2804	**National Health Crisis**
In re Aqueous Film-Forming Foams Prod. Liab. Litig.	MDL No. 2873	**Mass Tort**
In re Polyurethane Foam Antitrust Litig.	MDL No. 2196	**Antitrust**
In re Oral Sodium Phosphate Prod. Liab. Litig.	MDL No. 2066	**Mass Tort**

CASE	DOCKET	TYPE
In re Whirlpool Corp. Front-Loading Washer Prod. Liab. Litig.	MDL No. 2001	**Consumer Class Action**
In re Community Bank of N. Virginia Mortgage Lending Pracs.	MDL No. 1674 (W.D. Pa.)	**Truth in Lending Class Action**
In re Welding Fumes Prods. Liab. Litig.	MDL No. 1535	**Mass Tort**
In re Sulzer Hip Implant Prod. Liab. Litig.	MDL No. 1401 (Senior Law Clerk)	**Mass Tort**

OTHER CLASS ACTIONS

CASE	DOCKET	TYPE
United Ass'n Nat'l Pension Fund v. Carvana Co.	no. 22-CV-2126 (D. Ariz.)	**Securities Class Action**
Murphy v. Gospel for Asia, Inc.	no. 17-CV-1535 (W.D. Ark.)	**Forensic Accounting Class Action**
Sibley v. Sprint Nextel Corp.	no. 08-CV-2063 (D. Kan.)	**National Employment Class Action**
Harlow v. Sprint Nextel Corp.	no. 08-CV-2222 (D. Kan.)	**National Employment Class Action**
In re Sears Front-Load Washer Prod. Liab. Litig.	no. 06-CV-7023 (N.D. Ill.)	**National Consumer Class Action**
*Massachusetts v. E*Trade Access, Inc.*	no. 03-CV-11206 (D. Mass)	**ADA Class Action**
Howe v. City of Akron	no. 06-cv-02779 (N.D. Ohio)	**1983 Discrimination Class Action**
Bland v. PNC Bank, N.A.	no. 15-CV-1042 (W.D. Pa.)	**FLSA Class Action**
Reinig v. RBS Citizens, N.A.	no. 15-CV-1541 (W.D. Pa.)	**FLSA Class Action**
Stewart v. Anchor Drilling Fluids, USA, Inc.	no. 16-CV-1372 (W.D. Pa.)	**FLSA Class Action**
Williford v. Rice Energy, Inc.	no. 17-CV-945 (W.D. Pa.)	**FLSA Class Action**
Woloszyn v. Patriot Drilling Fluids	no. 17-CV-1076 (W.D. Pa.)	**FLSA Class Action**
Serrette v. Patriot Drilling Fluids	no. 17-CV-914 (W.D. Pa.)	**FLSA Class Action**

CRIMINAL

CASE	DOCKET	TYPE
United States v. Black	no. 16-CR-20032 (D. Kan.)	**Sixth Amendment and Attorney-Client Privilege**

PATENT

CASE	DOCKET	TYPE
Snap-On Bus. Solns. v. Hyundai Motor America	no. 07-CV-1961 (N.D. Ohio)	**Patent and Indemnity**
A.R. Arena Products, Inc v. Grayling Industries, Inc.	no. 11-CV-1911 (N.D. Ohio)	**Patent**

OTHER COMPLEX LITIGATION

CASE	DOCKET	TYPE
Rover Pipeline LLC v. Rohrs	no. 17-CV-225 (N.D. Ohio)	**Federal Eminent Domain Class Compensation**
Hutchens v. Abbott Labs., Inc.	no. 11-CV-176 (N.D. Ohio)	**Pharmaceutical Product Liability**
Columbia Gas Transm. LLC v. Booth	no. 16-CV-1418 (N.D. Ohio)	**Federal Eminent Domain Class Compensation**
Universal Surveillance Corp. v. Checkpoint Systems, Inc.	no. 11-CV-1755 (N.D. Ohio)	**Antitrust**
Overcash Pipeline, LLC v. Shaw	no. 16-CV-785 (N.D. Ohio)	**Computer Forensic Discovery in Business Dispute**
EEOC v. Spitzer Management, Inc.	no. 06-CV-02337 (N.D. Ohio)	**Employment Discrimination**
Sterling Jewelers, Inc. v. Zales Corp.	no. 12-CV-2823 (N.D. Ohio)	**Lanham Act**
C.B. Fleet Co. v. Colony Specialty Ins. Co.	no. 11-CV-375 (N.D. Ohio)	**Insurance Contract & Bad Faith**
Baxter v. Lincoln Electric Co.	no. 08-WF-17037 (N.D. Ohio)	**Product Liability**
Banford v. Aldrich Chemical Co., Inc.	no. 2003-CV-8704 (Ohio Ct. Common Pleas)	**Mass Tort Explosion**

DUTIES

- Overseeing and resolving all discovery and e-discovery issues.
- Ruling on privilege issues.
- Negotiating Settlement Agreements between plaintiffs, defendants, and insurers (see example comments from parties).
- Designing claims administration processes to pay settlement class.
- Serving as appellate reviewer of claimant settlement awards.
- Creating protocols and entering common benefit attorney fee awards (see examples).
- Monitoring and addressing ethical concerns.
- Monitoring compliance with Court-ordered injunctive relief.
- Drafting opinions for Judicial signature, ranging from pre-trial global Daubert issues, to summary judgment motions, to post-trial, case-specific JNOV motions.
- Coordinating federal and state-court litigation.
- Ruling on motions in limine.
- Presiding over Markman hearings and construing disputed patent terms (see examples).
- Assisting Judges in courtroom during bellwether trials.

TRUSTEESHIPS

All Trust Fund Totals = $6.7 Billion

W.R. Grace Asbestos Personal Injury Trust

First Opiate Settling Defendants Fee Trust

First Opiate Settling Defendants Costs Trust

Endo Public Opioid Political Subdivision Costs And Fees Fund Trust

Mallinckrodt Municipal and Tribe Opioid Attorneys' Fee Fund Trust

Kroger Tribal Opioid Settlement Trust

First Opiate Ohio Attorney Fee and Cost Trust

Janssen Tribal Opioid Settlement Fund Trust

Distributors-Tribal Opioid Settlement Fund Trust

Opioid MDL Court Common Benefit Fund Trust

Opioid MDL Track One Common Benefit Fund Trust

Teva/Allergan National Opiate Settlement Attorney Fee Fund Trust

Teva/Allergan National Opiate Settlement Cost Fund Trust

Walmart National Opiate Settlement Attorney Fee Fund Trust

Walmart National Opiate Settlement Cost Fund Trust

CVS National Opiate Settlement Attorney Fee Fund Trust

CVS National Opiate Settlement Cost Fund Trust

Walgreens National Opiate Settlement Attorney Fee Fund Trust

Walgreens National Opiate Settlement Cost Fund Trust

Allergan Tribal Opioid Settlement Trust

CVS Tribal Opioid Settlement Trust

Teva Tribal Opioid Settlement Trust

Walgreens Tribal Opioid Settlement Trust

Walmart Tribal Opioid Settlement Trust

2025 Multi Defendant Tribal Opioid Settlement Trust

Sandoz Settlement Fund Trust

Third Opiate Settling Defendants Fee Trust

Third Opiate Settling Defendants Costs Trust

Fourth Opiate Settling Defendants Fee Trust

Fourth Opiate Settling Defendants Costs Trust

Kroger Opiate Attorney Costs Fund Trust

Kroger Opiate Attorney Fee Fund Trust

ORGANIZATIONS

U.S. District Court, Northern District of Ohio
Court-Approved ADR Mediator

U.S. District Court, Western District of Pennsylvania
Court-Approved ADR Neutral – Mediator, Arbitrator, Special Master

Academy of Court-Appointed Masters
President Emeritus
Member, Board of Directors
Charter Member

Babson College / Goldman Sachs 10,000 Small Business Entrepreneurial Curriculum
Invited Scholar, Graduate

American College of E-Neutrals
Member, Board of Directors
Charter Member

Association of Certified E-Discovery Specialists
Invited Member, Certification Committee
Charter Class, Certified E-Discovery Specialist

The Sedona Conference
Core Work Group Member, Mass Torts & Punitive Damages, 2008 – present
E-Discovery Dispute Resolution Program For Special Masters & Mediators

Duke Law School Center for Judicial Studies
Treatise Contributor, *Class Action Settlement Guidelines and Best Practices*

Judicial Panel on Multidistrict Litigation
Assisting the Honorable William S. Duffey, Jr. with design and content of private Intra-Net resource website for MDL Transferee Judges

American Inns of Court

Member, 1992 – present
Program Committee Member
Membership Committee Co-chair
Co-authored a six-part program, entitled "When a Lawyer and Her Client are Both Indicted," which is now listed in the National American Inns of Court Program Library Catalog.

Federal Bar Association, Judiciary Division

Bench/Bar Relations Committee
Board of Directors, N.D. Ohio Chapter
National Convention 2000 Steering Committee

Financial Industry Regulatory Authority (FINRA)

Public Arbitrator (no. A58913)

American Arbitration Association

Weeklong Intensive Mediation Training

Associate Adjunct Professor of Law, Case Western Reserve University Law School

Teaching Pretrial Practice to third-year students. Consistent student evaluations of "excellent."

Licensed Instructor, Ohio Peace Officers Training Council

Teaching trial testimony to City of Cleveland Police Cadets.

PROFESSIONAL ADMISSIONS

- Ohio Supreme Court, Atty. No. 0055347
- Colorado Supreme Court, Atty. No. 022420
- New York Supreme Court, Atty. No. 5082193
- United States District Court, Northern District of Ohio
- United States Court of Appeals, Sixth Circuit
- Judicial Panel on Multidistrict Litigation
- United States Supreme Court

HONORS

- Francis McGovern Award for Outstanding Writing and Research on Special Masters
- Case Western Reserve University Law School, Honorary Society of Benchers
- Life Member, Sixth Circuit Judicial Conference
- Life Member, Judicial Conference of the Eighth Judicial District of Ohio
- 2008 Magistrate Judge Merit Selection Panel

PUBLICATIONS

Appointing Special Masters and Other Judicial Adjuncts: A Benchbook for Judges (5th ed. 2013).

Editor and Contributor. Benchbook download link on site.

Cohen's Special Master Case Reporter

Editor and Publisher. Monthly Reporter link on site.

***Special Masters versus Magistrate Judges: No Contest*, The Federal Lawyer 73 (Sept. 2014).**

Article link on site.

***The Judge, the Special Master, and You*, Litigation Magazine (ABA Vol. 40 no. 4).**
Article link on site.

***The Most Powerful Federal Venue Statute of All*, Inter Alia Magazine (FBA Aug. 2010).**
Article link on site.

David R. Cohen, Note, *Judicial Malpractice Insurance? The Judiciary Responds to the Loss of Absolute Judicial Immunity*, 41 Case W. Res. L. Rev. 267 (1990). This Note received national attention: Are Judges Overcharged for Insurance? Law Review Article Says Premiums Are Too High, The National Law Journal at 10 (March 19, 1991).

JUDICIAL OPINIONS

Here are some examples of appellate court endorsements of opinions I drafted:

- *In re: Welding Fumes Prods. Liab. Litig.*, 364 F.Supp.2d 669 (N.D. Ohio 2005) (in a matter of first impression, concluding plaintiffs' claims for failure to warn were not preempted by federal law) (**the Supreme Court quoted this opinion with approval** in *Altria Group, Inc. v. Good*, 129 S.Ct. 538 (2008) (Thomas, J., dissenting); further, this opinion was discussed at length with approval in Richard C. Ausness, *The Welding Fume Case and the Preemptive Effect of OSHA's Hazcom Standard on Common Law Failure-to-Warn Claims*, 54 Buff. L. Rev. 103, 119 (2006)).
- *In re: Sulzer Hip Prosthesis and Knee Prosthesis Liab. Litig.*, 268 F.Supp.2d 907 (N.D. Ohio 2003), *affirmed*, 398 F.3d 778 (6th Cir. 2005) (entering common benefit attorney fee awards following $1 Billion MDL class action settlement) (**on appeal, the Sixth Circuit complimented the "holistic and reasonable nature of the court's analysis"**).
- *Doughty v. City of Vermilion*, 118 F.Supp.2d 819 (N.D. Ohio 1999), *affirmed*, 2000 WL 1478388 (6th Cir. Oct. 4, 2000) (dismissing an exotic dancer's First Amendment claims, brought under 42 U.S.C. *1983) (**on appeal, the Sixth Circuit Court of Appeals stated this opinion was "well-reasoned" and wrote that, "[b]ecause the reasoning that supports the judgment in the defendants' favor has been clearly articulated by the district court in a thorough and comprehensive opinion, the issuance of a detailed written opinion by this court would serve no useful purpose"**).
- *Ohio Hosp. Ass'n v. Shalala*, 978 F. Supp. 735 (N.D. Ohio 1997), *reversed in part*, 201 F.3d 418 (6th Cir. 2000), *cert. denied*, 531 U.S. 1071 (2001) (examining subject matter jurisdiction in a lawsuit brought under the False Claims Act) (**on appeal, the Sixth Circuit Court of Appeals noted this opinion was "extensive and very helpful"**).
- *Weatherchem Corp. v. J.L. Clark, Inc.*, 937 F. Supp. 1262 (N.D. Ohio 1996), *affirmed in part and vacated in part*, 1998 WL 854427 (Fed. Cir. Dec. 7, 1998) (declaring two patents invalid) (**on appeal, the Federal Circuit Court of Appeals characterized this opinion as "thorough and legally sound"**).
- *Rose v. Village of Peninsula*, 875 F. Supp. 442 (N.D. Ohio 1995) (analyzing separation-of-powers issues and finding a village mayor's court unconstitutional) (**the Sixth Circuit Court of Appeals, in *DePiero v. City of Macedonia*, 180 F. 3d 770, 780 (6th Cir. 1999), adopted fully the *Rose* analysis, calling it "articulate and persuasive"**).

OTHER EMPLOYMENT

Senior Judicial Clerk, Northern District of Ohio

- **Honorable Kathleen McDonald O'Malley**, 1994-1996 and 1997-2004 – Contacted by Judge O'Malley upon her appointment to the federal bench, invited to serve as law clerk and assist with all aspects of forming new chambers procedures.
- **Honorable Solomon Oliver, Jr.**, 1996-1997
- **Honorable Ann Aldrich**, 1991-1992

Associate Attorney, Porter, Wright, Morris & Arthur, 1992-1994

- Specializing in commercial litigation in trial and appellate courts. Annual performance review ratings of "superior."

Before Law School, 1982-1989

Assistant Product Manager, Progressive Insurance Company
Managing high-risk truck programs.

Commercial Leasing Agent, M.H. Hausman Company
Specializing in retail leases and property sales.

Vice President, Infomat International
Start-up technology and advertising company

EDUCATION

Case Western Reserve University School of Law
Juris Doctor Magna Cum Laude, 1991

- Law Review Notes Editor
- Honors, Order of the Coif
- Class Rank – top 3%
- American Jurisprudence Award (three times)

University of Michigan Honors College
Bachelor of Arts with Distinction, 1981

- Double Major in Economics and Psychology
- Class Honors – three years

SPEAKING ENGAGEMENTS

2026	MDL Judicial Summit, Special Masters and Artificial Intelligence
2024	MDL Judicial Summit, The Role of the Special Master in Complex Litigation
2023	Mass Torts Puerto Rico, Opioid Litigation Fee Panel Issues
2023	Mass Torts Made Perfect, The Role of the Special Master in Mass Torts
2023	Epiq's Mass and Class Summit, Ethical Issues in Mass and Class Actions
2023	Trial Lawyers of Mass Torts Bench and Bar Conference, Avoiding the Pitfalls of the Common Benefit Fund
2023	Naples FL Community Presentation, National Litigation of the Opioid Crisis
2019	Defense Research Institute (DRI) Webinar, Insurance Coverage Issues Presented by the Opioid Epidemic
2019	Defense Research Institute (DRI) Commercial Litigation Conference, The Use of Special Masters
2018	HarrisMartin MDL Conference: Complex Litigation Nuts and Bolts
2018	Annual Conference, Academy of Court-Appointed Masters
2016	Federal Judicial Center / Emory Institute for Complex Litigation and Mass Claims
2016	HarrisMartin "Bet the Company" Litigation Conference: Use of Special Masters
2014	Chemical Products Liability and Environmental Litigation Conference
2013	Federal Bar Association, Northern District of Ohio: Interview of MDL Panel Judges
2012	Louisiana State Bar Association Mass Tort Symposium
2012	HarrisMartin Pradaxa MDL Litigation Conference: ESI and Predictive Coding

2011	Louisiana State Bar Association Mass Tort Symposium
2011	Annual Conference, Academy of Court-Appointed Masters
2010	HarrisMartin DePuy Hip Implant Litigation Conference
2010	Federal Bar Association, Northern District of Ohio
2010	HarrisMartin Toyota Recall Litigation Conference
2009	Federal Bar Association, Northern District of Ohio
2009	Annual Conference, Academy of Court-Appointed Masters
2009	Annual Conference, Ohio Association for Justice
2008	ALI-ABA Mass Litigation Conference
2008	Federal Bar Association, Northern District of Ohio
2008	Annual Conference, Association of Defense Trial Attorneys
2007	Bench Bar Conference of the U.S. District Courts for the N. & S. Districts of Ohio
2006	Federal Bar Association, Northern District of Ohio
2004 & 2000	Sixth Circuit Judicial Conferences
2003-2005	National Institute for Trial Advocacy
2003 & 2002	American Corporate Counsel Association's National Annual Conferences
2003	Judicial Conference of the Eighth Judicial District of Ohio
2002	ALI-ABA National Patent Law Seminar

INTERESTS

Skiing, Tai-Chi, Kung-Fu, Eagle Scout

CONTACT INFORMATION

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