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# Executive Department

OFFICE OF THE GOVERNOR

*Columbus*

I, Mike DeWine, Governor of the State of Ohio, do hereby appoint Frank C. Woodside, III, Republican, from Wyoming, Hamilton County, Ohio, as a Member of the Real Estate Appraiser Board for a new term beginning July 15, 2022 and ending at the close of business June 30, 2025, replacing Frank C. Woodside III, whose term expired.



IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 15th day of July in the year of our Lord, Two Thousand and Twenty Two.

*Mike DeWine*

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Mike DeWine  
Governor



## Frank C. Woodside, III

Of Counsel  
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Cincinnati, OH  
Tel: (513) 977-8266

Dr. Frank Woodside is a nationally-known trial lawyer representing manufacturers of pharmaceutical and medical devices, chemicals and flavorings as well as producers of consumer products. Over a period of more than 45 years, he has tried 80+ cases to verdict or judgment, serving as primary trial counsel in medical malpractice, product liability and mass tort cases. His background to practice medicine and surgery for nearly 40 years affords him added knowledge and insight he uses to his clients' advantage in preparing for and defending high-stakes litigation.

His clients include Fortune 500 companies, health care providers and hospitals. His experience includes serving as national trial counsel and MDL counsel for Merrell Dow Pharmaceuticals in the Bendectin birth defect litigation; Procter & Gamble in the Rely tampon/toxic shock syndrome litigation; Dow Corning Corporation in the silicone gel breast implant litigation; and Rugby Laboratories in the Fen-Phen litigation. He also served as trial counsel for Brown & Williamson Tobacco Corporation in the smoking and health litigation, International Flavors & Fragrances, Inc. in the microwave popcorn butter flavoring litigation, and Procter & Gamble in the Denture Adhesive Cream litigation.

Dr. Woodside is the chairman emeritus of the firm's Toxic and Environmental Tort practice groups. He is one of only a few attorneys recognized as a Bet-the-Company Litigator by *Best Lawyers*® and, since 1993, he has been recommended by the referral guide in numerous practices areas. He is the editor of a treatise, *Drug Product Liability*, published by Matthew Bender, an adjunct professor of law at the University of Cincinnati College of Law, and an emeritus clinical professor of pediatrics at the University of Cincinnati College of Medicine.

### Services

- Product Liability
- Litigation
- Tort
- Mass Tort
- Toxic Tort

- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Eastern District of Wisconsin

## **Affiliations/Memberships**

- American Bar Association
- Federal Bar Association
- Ohio State Bar Association
- Cincinnati Bar Association
- Columbus Bar Association
- Dayton Bar Association
- Kentucky Bar Association
- Northern Kentucky Bar Association
- Tennessee Bar Association
- Missouri Bar Association
- American Society of Hospital Attorneys of the American Hospital Association
- PLAC
- Society of Ohio Hospital Attorneys
- American Health Lawyers Association
- International Association of Defense Counsel
- Defense Research Institute
- Litigation Counsel of America,
  - Order of Juris, fellow
  - , Order of Certus, fellow
- Ohio Association of Civil Trial Attorneys
- American Board of Trial Advocates (ABOTA), Cincinnati , Ohio Chapter, vice president (2012 - 2012)
- American Medical Association
- Ohio State Medical Association
- Cincinnati Academy of Medicine
- American College of Legal Medicine, fellow
- American College of Forensic Examiners
- American College of Occupational and Environmental Medicine

The cases involving our client, a large regional pediatric medical center and its employees and employed physicians, have ranged from simple personal injury claims to allegations of catastrophic injury and death. All cases were fully litigated and either dismissed, settled or tried. Dinsmore & Shohl has developed special skill in the handling of pediatric medical negligence claims, including analysis of complex pediatric medical issues, and development of and relationship with numerous experts nationwide.

### **Schirmer v. Children's Hospital Medical Center**

Represented Children's Hospital Medical Center in medical malpractice action seeking to recover for "wrongful birth". Argued on behalf of all defendants and obtained decision that Ohio does not recognize a "wrongful birth" cause of action.

### **In re Bendectin Product Liability Litigation**

Defense of Merrell Dow in several thousand suits alleging that birth defects were caused by the prescription anti-nausea medication, Bendectin. Numerous summary judgments and jury verdicts obtained in favor of Merrell Dow.

### **In re: Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Product Liability Litigation**

Represented a generic drug manufacturer in thousands of product liability cases where plaintiffs alleged pulmonary and cardiac injury from ingestion of diet drugs. The cases were pending in federal multidistrict litigation proceedings in E. D. of Pennsylvania, and in various state courts in Texas, Alabama, Mississippi, Louisiana, Pennsylvania and California.

### **Fixodent Denture Cream Litigation**

Dinsmore's Product Liability Team recently received a ruling in favor of The Procter & Gamble Defendants ("P&G") which is the first in the country to assess and reject the scientific basis for lawsuits filed by a number of Fixodent® users.

Frank C. Woodside, III, and his team serve as counsel for P&G defendants concerning Denture Adhesive Litigation. In that litigation, Judge Cecilia Altonaga oversees discovery in the Multi-District Litigation involving more than 150 plaintiffs who seek damages for personal injuries that allegedly resulted from their use of excessive amounts of Fixodent, manufactured by P&G, and/or Poligrip, manufactured by GlaxoSmithKline. The current litigation was initiated in 2009 against P&G. The Federal cases were eventually consolidated in Miami with a number of other cases pending in state courts throughout the country. P&G has steadfastly defended the safety of Fixodent.

On June 13, 2011 Judge Altonaga issued a *Daubert* opinion granting P&G's motion to exclude virtually all of the Plaintiffs' proposed expert opinion testimony that purportedly supported the link between extremely excessive use of Fixodent denture adhesive and neurological disease.

### **Class Action Defense - Manufactured Housing**

Dinsmore & Shohl defended a national seller of manufactured housing in state and federal court against class action claims related to the alleged inherent risks of fire and injury associated with manufactured housing. Following successful motion practice, all claims were dismissed in both state and federal courts.

### **Class Action Defense - Truth in Lending Act**

Dinsmore & Shohl coordinated on a national basis thousands of lawsuits in state and federal courts. We developed and presented complex medical and scientific evidence on emerging issues, involving silicone chemistry, product integrity, immunology and rheumatology.

### **Smoking and Health Litigation**

Dinsmore & Shohl represented its tobacco clients in cases in a variety of state and federal courts participating in out of town trials in six cases. The cases ranged from medical monitoring class action to a major consolidated personal injury matter to individual lawsuits involving claims of lung cancer, peripheral vascular disease, laryngeal cancer, etc. The cases involved significant document management, as well as complex legal, factual and medical issues. All cases were fully litigated and either dismissed, disposed of on motion or tried to a verdict. In no case handled by Dinsmore & Shohl were the clients subject to punitive damages.

### **St. Elizabeth Medical Center / Dr. James C. Burt**

Represented SEMC in nearly 50 lawsuits alleging injuries from Dr. Burt's infamous "Love Surgery." Plaintiffs alleged that SEMC was negligent in its credentialing of Dr. Burt and that it should not have allowed him to do the surgery. Defense verdict for SEMC obtained in the only case tried. Several summary judgments obtained in favor of SEMC. Three of these cases ultimately reached the Ohio Supreme Court.

### **Tampon Product Liability Litigation**

Defense of The Procter & Gamble Company against claims of Toxic Shock Syndrome and other illnesses alleged to have resulted from the use of tampons.

## **Publications**

September 29, 2015

**F. C. Woodside, III & M. J. Gray, Researchers' Privilege: Full Disclosure, 32 W. Mich. U. Cooley Law Review 1 (2015)**

June 13, 2013

**The Bradford Hill Criteria: The Forgotten Predicate**

Thomas Jefferson Law Review

**GOVERNOR'S APPOINTMENTS  
TO BOARDS AND COMMISSIONS**

**Appointment Date:** 7/15/2022

**Name of Appointee:** Frank C. Woodside III  
**Address:** 205 Elm Avenue  
Wyoming, OH 45215  
Hamilton County  
(H) – 5138217889  
(W) – 5139778266  
(M) – 5134846311  
(E) – frank.woodside@dinsmore.com

**Name of Commission:** Real Estate Appraiser Board  
Anne Petit, Superintendent  
Division of Real Estate & Professional Licensing  
Ohio Department of Commerce  
20th Floor, Riffe Center  
Columbus  
(614) 466-3411

**Term Begins:** 7/1/2022  
**Term Ends:** 6/30/2025  
**Party Affiliation:** Republican  
**Senate Confirmation:** Appointed by the Governor, confirmed by the Senate  
**Financial Disclosure:** Public disclosure required  
**Vice:** Frank C. Woodside III