Alex C. Walker Shareholder

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OVERVIEW

Alex Walker has an active civil litigation practice representing business clients in complex cases in both state and federal courts. He has substantial experience in defending personal injury and products liability cases, and regularly defends companies in litigation over medical device failures, prescription drug injuries, and other bodily injury and death claims. In addition, Alex frequently represents businesses in other litigation matters, including class actions, employment cases, and commercial disputes. His experience includes a wide variety of jury and non-jury trials, administrative proceedings, arbitrations, mediations, and appeals.

Alex currently serves as the Chair of the firm's Litigation Department. He is also serving a second term as an elected member of the firm's Executive Committee. Recognized as Future Litigation Star in New Mexico since 2012 by *Benchmark Litigation*, Alex has also received recognition from *Best Lawyers in America*® and *Southwest Super Lawyers*®. He has achieved an AV® rating, the highest rating possible, from *Martindale-Hubbell* based on a peer review.

The corporate clients with which Alex has worked in the past 18 years are some of the world's largest and most recognizable business enterprises. His counsel includes helping those companies navigate the unique challenges involved in complex litigation. Alex is committed to ensuring that his clients receive legal services on par with any "white-shoe" law firm, but at a fraction of the cost.

Originally from Kansas, Alex graduated *cum laude* from Trinity University in San Antonio, Texas. After working as a counselor at a residential treatment center, a call center representative, and a day laborer, Alex returned to the classroom, obtaining his J.D. from the University of Texas School of Law. He is admitted to practice in New Mexico and Texas.

Education

University of Texas School of Law, J.D., 2002

Trinity University, B.A. in Spanish and International Studies, 1997

Bar Admissions

New Mexico

Texas

U.S. District Court for the District of New Mexico

U.S. Court of Appeals for the Tenth Circuit

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EXPERIENCE

Products Liability Matters

Pharmaceuticals

- Counsel to major diabetes drug manufacturer, defending multiple state court lawsuits against multiple claims of heart-related injuries and death.
- Counsel to manufacturer of pain medication in personal injury matter involving alleged product defects.
- Judgment in favor of fentanyl patch manufacturer and retail pharmacy in overdose case resulting wrongful death case.

Dietary Supplements/OTCs

- Judgment for drugstore chain in personal injury lawsuit claiming significant liver disease, culminating in transplant, allegedly resulting from use of weight-loss supplement containing ephedra.

Implantable Medical Devices

- Counsel to major medical technology company in suit alleging defective deep brain stimulation therapy device.
- Judgment for manufacturer of surgical mesh in strict liability and negligence. *Nowell v. Medtronic Inc.*, 372 F. Supp. 3d 1166, 1185 (D.N.M. 2019)
- Counsel to leading joint replacement manufacturer in product liability suit alleging defective artificial hip.
- Judgment for manufacturer of spinal cord stimulator in suit alleging device malfunction.

Durable Medical Equipment

- Secured favorable settlement on behalf of national medical equipment provider in home hospital bed entrapment wrongful death case.

Retailer

- Represented retailer in defense of defective patio furniture case. See, Burke v. Wal-Mart Stores, Inc., 2010 N.M. App. Unpub. LEXIS 433 (N.M. Ct. App. Dec. 16, 2010).

Pharmacy Matters

Adverse Drug Events

- Counsel to national pharmacy chains in personal injury and death cases alleging pharmacist negligence in filling prescriptions that are alleged to have been contraindicated for the consumer.

Dispensing Errors

- Multiple cases on behalf of national pharmacy chains against personal injury lawsuits alleging dispensing errors resulting in personal injury/death.

Board of Pharmacy

- Represent licensees (pharmacist; retail pharmacy) in disciplinary proceedings before the New Mexico Board of Pharmacy.

Commercial Litigation Matters

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Class Actions

- Defeated class certification on behalf of insurer regarding uninsured motorist coverage. *Soseeah v. Sentry Ins.*, 808 F.3d 800 (10th Cir. 2015); *Soseeah v. Sentry Ins.*, 2016 WL 7435792, at *1 (D.N.M. Sept. 6, 2016)
- Counsel for County defendant in class action suit regarding prison conditions

Medicaid Reimbursement

- Judgment in favor of Managed Care Organization against claims from hospital group that the MCO had significantly under-reimbursed (to the tune of several million dollars) for services provided to the MCO's Medicaid enrollees. *See El Paso Healthcare Sys. v. Molina Healthcare of N.M., Inc.*, 683 F. Supp. 2d 454, 457 (W.D. Tex. 2010).

Insurance

- Summary judgment on behalf of insurer in claim seeking defense and indemnification. *Aztec Abstract & Title Ins., Inc. v. Maxum Specialty Group*, 302 F. Supp. 3d 1274 (D.N.M. 2018)
- Represented national, independent insurance broker against claims of negligent failure to procure appropriate coverage.
- Represented insurers in class action lawsuits alleging unfair practices related to uninsured motorist coverage and coverage cancellations.

Contract

- Secured judgment and attorney fees on behalf of party to contract. *Realty Int'l Associates, Inc. v. Capital Fund Sec., Ltd.*, 626 Fed. Appx. 753 (10th Cir. 2015)
- Verdict in case against insurance broker awarding roughly 5% of the damages sought by in case alleging breach of a marketing agreement, where lost profits had been calculated to exceed $6,000,000.

Qui Tam/False Claims

- Judgment on behalf of university against claim that it overrepresented its minority enrollment in order to obtain various DOD contracts. *See United States ex rel. Burlbaw v. Orenduff,*400 F.Supp.2d 1276 (D.N.M. 2005); *United States ex rel. Burlbaw v. Orenduff*, 548 F.3d 931 (10th Cir. 2008).
- Represented landfill against claim that it defrauded the state out of millions of dollars in gross receipts tax by not charging fees for solid waste disposal.

Personal Injury/Wrongful Death Matters

Oilfield

- Secured favorable settlement for gas well operator/owner in wrongful death suit involving well head explosion.

Electrocution

- Defended property owner against claim of wrongful death involving electrocution following contact with overhead power line.

Railroad/Rail Crossings

- Multiple judgments and favorable settlements on behalf of rail operators against various wrongful death claims stemming from train-car and train-pedestrian collisions. *See, Henderson v. Amtrak,*2011 U.S. App. LEXIS 207 (10th Cir. Jan. 5, 2011); *Stark-Romero v. Amtrak Co.,* 2011 U.S. Dist. LEXIS 11613 (D.N.M. Jan. 12, 2011); *Vigil v. Burlington Northern & Santa Fe Ry.*, 521 F. Supp. 2d 1185 (D.N.M. 2007).

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Police/Municipal Liability

- Represented municipalities in litigation asserting excessive force.

Environmental Exposure

- Judgment in favor of computer chip manufacturer in personal injury case alleging injury from unintentional chemical exposure. See Farris v. Intel Corp., 493 F. Supp. 2d 1174 (D.N.M. 2007).

Employment/Civil Rights Matters:

Age Discrimination (ADEA)

- Judgment on behalf of employer accused of improperly terminating older employee.

Race Discrimination (Title VII, § 1981)

- Jury verdict on behalf of public school in case involving allegations of race/national origin discrimination and retaliation. *See Transito Trujillo v. Bd. of Educ. of the Albuquerque Pub. Schs.*, 295 Fed. Appx. 885 (10th Cir., August 29, 2008).
- Judgment on behalf of public school against allegations of race discrimination in failure to hire lawsuit. *See Lourdes Trujillo v. Bd. of Educ. of the Albuquerque Public Schools*, 2009 U.S. App. LEXIS 476 (10th Cir., Jan. 9, 2009).

Disability Discrimination (ADA)

- Judgment and fees on behalf of employer accused of failing to offer reasonable accommodation in case brought by EEOC. *E.O.C. v. TriCore Reference Laboratories*, 493 Fed. Appx. 955 (10th Cir. 2012)

Sexual Harassment/Gender Discrimination (Title VII)

- Jury verdict in case brought by 4 former female employees of minor league hockey team asserting gender discrimination and sexually hostile work environment. *See Williams v. W.D. Sports, N.M., Inc.*, 497 F.3d 1079 (10th Cir. 2007).

Retaliation (Title VII)

- Jury verdict in case brought by New Mexico Legal Aid claiming retaliation in violation of Title VII.

Breach of Express/Implied Contract

- Judgment in favor of construction company accused of breaching the terms of its employee handbook when it terminated a group of employees.

DOL Wage & Hour Audit

- Counseled construction company on employee classification issues in connection with wage and hour audit.

Constitutional Violations

- Judgment in favor of police officer accused of 1st Amendment retaliation, false arrest, malicious prosecution, and abuse of process. *See Mata v. Anderson*, 685 F. Supp. 2d 1223, 1242 (D.N.M. 2010); *Mata v. Anderson*, 2011 U.S. App. LEXIS 6614 (10th Cir. March 31, 2011).

ACTIVITIES

Professional Activities

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- New Mexico Disciplinary Board (current)
- Defense Research Institute (DRI)
- American Bar Association
- New Mexico Defense Lawyers Association (NMDLA), Editorial Board Member (former)
- Law Access New Mexico, Board Member (former)

Community Activities

- Q-Lead member
- Little League Baseball Coach
- Camp Fire USA New Mexico Chapter, Board of Directors 2004-present, Board President 2006-2008
- ALS Association New Mexico Chapter, Board of Directors 2012-2018

HONORS

- *Best Lawyers in America*® in Product Liability Litigation-Defendants, 2018-present
- *Benchmark Litigation, The Definitive Guide to America's Leading Litigation Firms and Attorneys*, Under 40 Hot List, 2016
- *Benchmark Litigation, The Definitive Guide to America's Leading Litigation Firms and Attorneys*, Future Star, 2012-2019
- *Benchmark Litigation, The Definitive Guide to America's Leading Litigation Firms and Attorneys*, Litigation Star, 2020-present
- *Martindale-Hubbell* AV® Preeminent rating, based on a peer review
- *New Mexico Business Weekly*, 40 Under Forty, 2011
- *Southwest Super Lawyers*® (derived from a lawyer survey), 2012-present

RELATED PRACTICES

Labor, Employment and Benefits
Litigation
- Appellate
- Class Actions and Mass Torts
- Commercial
- Insurance
- Product Liability
- Torts / Personal Injury

RELATED INDUSTRIES

Manufacturing

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