



# Timothy C. Holm Shareholder

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## Related Practices

### Litigation

Class Actions and Mass Torts

Commercial

Product Liability

Torts / Personal Injury

## Related Industries

Construction and Design

Healthcare / Senior Care Facilities

Manufacturing

## OVERVIEW

Timothy Holm has more than thirty years of experience in civil litigation. His practice is focused on class action and mass torts, products liability litigation (including medical devices, pharmaceutical products, dietary supplements, heating and ventilation products, and other products), and consumer protection litigation (UPA, UIPA, FDCA, FCRA), along with commercial and personal injury litigation. Timothy also represents contractors in pursuing bid protests against governmental entities. He is experienced in trials, evidentiary hearings and administrative proceedings. In addition, he is skilled in pre-trial practice and in obtaining 12(b)(6) dismissals and summary judgments.

Timothy has been recognized by Chambers USA as a leading individual in New Mexico in the area of litigation: general commercial, and by *Best Lawyers of America*® in the areas of commercial litigation, products liability litigation, mass tort litigation, and railroad law. He has been selected twice by *Best Lawyers* as Mass Tort Litigation/Class Action-Defendants “Lawyer of the Year” in Albuquerque, in 2013 and 2018. He is recognized by *Benchmark Litigation* as a local Litigation Star. He has achieved an AV® rating in *Martindale-Hubbell* and has been selected as one of the Top 25 New Mexico Super Lawyers by *Southwest Super Lawyers*®. He participates in Defense Research Institute, International Association of Defense Counsel, New Mexico Defense Lawyers Association and USLAW NETWORK, Inc. In addition, he is a member of the Local Civil Rules Committee of the U.S. District Court for the District of New Mexico.

Timothy has served on the firm’s Executive Committee and as Chair of the Associates Committee and has overseen and conducted the firm’s associate litigation training program. He is an avid bicyclist (having completed over 50 “century” rides), jazz enthusiast, and UNC basketball fan.

## Education

University of North Carolina School of Law, J.D., 1987, *cum laude*, Order of the Coif

University of North Carolina, B.A. in History and Political Science, 1984, Phi Beta Kappa, Phi Eta Sigma

## Bar Admissions

New Mexico

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

U.S. Court of Appeals for the Tenth Circuit



## EXPERIENCE

- Defense in national multi-district litigation of medical device manufacturer of pelvic mesh products
- Successful defense of numerous insurance companies in modal premium and installment fee multi-state class action claims for alleged UPA and UIPA violations, with dismissal of all claims with no award or settlement amount or anything to Plaintiffs' counsel, named Plaintiffs, or the putative class members. *See Smoot v. Physicians Life Insurance Company*, 2004-NMCA-27, 135 N.M. 265, 87 P.3d 545; and *Sanchez v. Progressive*.
- Summary judgment in favor of pharmaceutical company in wrongful death case, upheld on appeal, confirming that the discovery rule does not apply to wrongful death actions under the New Mexico wrongful death statute. *See Clark v. Lovelace Health Systems, Inc*, 2004-NMCA-119, 136 N.M. 411, 99 P.3d 232.
- Successful appeal of denial of bid protest of highway construction company on \$40 million project, *Fisher v. NMDOT*
- Successful dismissal with prejudice of personal injury lawsuit arising from alleged faulty space heater
- Summary judgment based on preemption in railroad crossing cases, including the precedential decision of *Armijo v. Atchison, Topeka and Santa Fe Railway Company* 87 F.3d 1188 (10th Cir. 1996)
- Summary judgment in favor of entertainment venue in dram shop claim involving Plaintiff with over \$250,000 in medical bills. *See Jiron v. Live Nation*
- Representation of national pharmaceutical company in action brought by Attorney General for civil penalties under the UPA, including 12(b)(6) dismissal of certain UPA claims
- Successful representation of nationwide retailer in class action employment claim for off-the-clock wages

## ACTIVITIES

- Trial Attorneys of America (TAA)
- Defense Research Institute (DRI)
- International Association of Defense Counsel (IADC)
- New Mexico Defense Lawyers Association (NMDLA)
- USLAW NETWORK, Inc.
- Local Civil Rules Committee of the U.S. District Court for the District of New Mexico

## NEWS & ARTICLES

### News

#### **[Chambers USA Honors 19 Modrall Sperling Attorneys](#)**

Posted on [April 25, 2019](#) By [Daniel Schueler](#)

#### **[Super Lawyers® Names 31 Modrall Sperling Attorneys to 2019 List; Four Named Top 25 New Mexico Super Lawyers](#)**

Posted on [April 15, 2019](#) By [Daniel Schueler](#)

#### **[Benchmark Litigation Highly Recommends Modrall Sperling](#)**

Posted on [November 30, 2018](#) By [Daniel Schueler](#)



**Modrall Sperling Attorneys Recognized by Best Lawyers® 2019**

Posted on August 15, 2018 By Daniel Schueler

**Super Lawyers Names 32 Modrall Sperling Attorneys to 2018 List; Four Named Top 25 New Mexico Super Lawyers**

Posted on April 23, 2018 By Alexandra Schexnayder

**Articles**

**Employer Liability for Employee Actions: Derivative Negligence Claims in New Mexico**

November 14, 2007

By Timothy C. Holm

**DISCOURSE**

**Publications**

- *Legal Malpractice State of New Mexico, 50 State Survey of Legal Malpractice Law* published by American Bar Association, New Mexico chapter co-authored with Charles Armgardt and Kenneth L. Harrigan, 2012
- "Legal Malpractice Law: New Mexico Section," 2012 Edition
- "Business Torts: A Fifty State Guide, New Mexico Section," 2015 Edition
- "ABA Practitioner's Guide to Class Actions, New Mexico Section," 2012

**HONORS**

- *Chambers USA Directories of America's Leading Lawyers for Business* in Litigation: General Commercial, 2019
- Best Lawyers® Mass Tort Litigation / Class Actions "Lawyer of the Year" in Albuquerque, 2013, 2018
- Best Lawyers® Railroad Law "Lawyer of the Year" in Albuquerque, 2015
- *Best Lawyers in America*® in Commercial Litigation, Mass Tort Litigation, Product Liability Litigation and Railroad Law, 2009-present
- *Benchmark Litigation The Definitive Guide to America's Leading Law Firms and Attorneys*, Local Litigation Star, 2013-present
- *Martindale Hubbell AV*® Preeminent Peer Review Rated
- *Southwest Super Lawyers*® (derived from a lawyer survey), 2013-present; Top 25 New Mexico Super Lawyers, 2014
- American Lawyer Media and Martindale-Hubbell, 2013 Top Rated Lawyer in Mass Torts Law