

DENNIS M. DAY



Partner

Buhl Building
535 Griswold St., Suite 2400
Detroit MI 48226

TEL: (313) 983-4819
FAX: (313) 983-4350
dday@plunkettcooney.com

Dennis M. Day is the senior partner in the firm's Litigation Practice Group. He has represented clients from Asia, Europe, the United States and Michigan in a practice that focuses on business issues and complex litigation, including catastrophic injuries and class actions. His litigation experience includes claims in product liability, business and commercial disputes, construction liability, tort liability, fire loss and the management of risk associated with litigation. He is an author and has presented numerous seminars on topics relating to tort or business litigation and business issues.

Mr. Day also provides legal services and advice to privately held and family owned businesses throughout the state of Michigan. He participates in the Detroit metropolitan region's economic and social development by actively participating in business and non-profit community organizations. He is a past member of the Advisory Board of Directors of the Detroit Regional Chamber Economic Partnership, is a member of New Detroit's Economic Equity Committee and is a lecturer at New Detroit's entrepreneurial camp for youth. He is a member of the firm's Diversity Committee, a graduate of New Detroit's Multicultural Immersion Program and supports minority owned businesses and woman owned businesses in his practice and community efforts. Mr. Day is the firm contact to the Michigan Minority Business Development Council and the National Association of Women Business Owners – Detroit.

Areas of Practice

- Business Enterprises Law
- Commercial and Consumer Litigation
- Commercial Litigation
- Construction Law
- Development, Marketing, Distribution and Warranties
- Litigation
- Manufacturer Liability
- Product Liability
- Trucking & Transportation

Honors & Awards

- Martindale-Hubbell's highest rating-AV Preeminent™ Peer Review Rated. AV Preeminent is a certification mark of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell® certification procedures, standards and policies.
- International Visitors Council – Detroit, Global Diplomat of the Year (2005)
- National Association of Women Business Owners – Detroit, Plunkett Cooney representative, Corporate Partner of the Year Award (2006)
- Midnight Golf Program, Visionary Award (2007)

Education

- Wayne State University Law School, 1969, J.D.
- Michigan State University, 1965, B.A., Business

Bar & Court Admissions

- Michigan, 1969

REPRESENTATIVE CLIENT WORK – trials limited to recent cases

- Obtained summary judgment in federal district court for manufacturer based on judicial estoppel and failure of the plaintiff to disclose assets in bankruptcy
- Represent manufacturer of construction materials in litigation
- Represent manufacturers of medical products and medical devices in product liability litigation
- Represent developer and contractors on lien and contract issues, as well as construction disputes
- Represent as strategic advisor original equipment manufacturer and commercial heating manufacturers representative in asbestos litigation where to date all cases have been dismissed on summary judgment position
- Represent number of privately owned companies on risk management through asset protection strategy and use of contract documents
- Represent national manufacturers successfully in commercial litigation and collection work
- Represented product manufacturer in five-week design defect trial involving traumatic brain injury to a defense verdict of no cause for action
- Represented general contractor in common work area litigation and obtained dismissal without payment
- Represented fortune 500 client in commercial litigation where demand was \$16,000,000 and client was dismissed without payment after start of trial
- Represented airplane engine manufacturer in five-week federal court trial brought by paraplegic to a defense verdict of no cause for action
- Represented plant owner in odor class action in federal district court successfully resolved by class settlement within budget
- Represented storeowner in litigation brought by customer alleging cognitive injury in two-week trial to a defense verdict of no cause for action
- Represented plant owner on water run off, contamination and environmental issues successfully to a nuisance settlement.

- U.S. District Court, Eastern District of Michigan, 1971
- U.S. Court of Appeals, Sixth Circuit, 1979
- U.S. District Court, Western District of Michigan, 1986

- Represented foreign corporation through successful NHTSA vehicle part recall
- Represented beverage manufacturer on potential FDA issues
- Represented manufacturers as national counsel for the ¼-ton postal vehicle, acting national counsel for ingress/egress litigation for medium duty trucks and acting national counsel for turbo charger-related injuries
- Represented employers on intentional tort litigation brought by employees injured at work
- Represented religious entity on First Amendment church liability issue obtaining summary disposition
- Represented manufacturers in fire, cause and origin litigation
- Represented manufacturers in toxic tort litigation
- Represented various international insurance and corporate clients in litigation and frequently prepared foreign nationals to testify at trial or in deposition

PROFESSIONAL AFFILIATIONS

- ALFA International (Product Liability Practice Group Steering Committee; Past Diversity Committee Member, Contact Business Partner)
- American Bar Association (Product, General Liability and Consumer Law Committee, Litigation Section)
- American Arbitration Association (Arbitrator)
- Association of Defense Trial Attorneys (Past State Chair and Marketing Committee member)
- Attorney Grievance Commission (Special Investigator Fee Arbitrator)
- Defense Research Institute (Building Products Substantive Law Group)
- Detroit Metropolitan Bar Association (Past Committee Chairperson, Wayne County Circuit Court Committee)
- State Bar of Michigan (Negligence Law Section, Business Law Section)

COMMUNITY BUSINESS INVOLVEMENT

- Detroit Regional Economic Partnership (Past Member, Advisory Board of Directors)
- imX Solutions, Inc. (Past member, Board of Directors)
- International Visitors Council of Metropolitan Detroit (Chair Emeritus; Past President)
- Midnight Golf Program, Inc. (Board of Directors, legal counsel)
- New Detroit, Inc. (Board of Trustees, 2005-Present; Economic Equity Committee, 2005-Present)
- Country Club of Detroit

PUBLICATIONS AND LECTURES

- “Legal Aspects of Business,” Presenter, New Detroit/Camp Enterprise July 2004, 2005, 2006, 2007
- “Product Liability: Personal Injury, NHTSA Recall and The Automotive Supplier,”

- Presenter, NEVAT Program, Amsterdam, Netherlands, February 2006
- “A Manufacturer’s Exposure to Foreign Law, Regulations and Standards,” Author, 2004 ALFA International Client Seminar, March 2004
 - “Mold: The Trespassing Tenant in Your Leased Property,” Presenter, Plunkett Cooney Client Seminar, April 2003
 - “Problems Enforcing United States Judgments Against Foreign Corporations Abroad,” Presenter, Product Liability in the 21st Century: A New World Order, seminar, October 2002
 - “Cyber-Sales Place: Product Liability Gets a New Venue,” Co-moderator, E-mail, International Client Seminar, March 2001
 - “Mock Trials in the 21st Century – Evaluating High Damage Cases,” Presenter, Michigan Claim Adjusters Association, October 2001
 - “E-mail and the Attorney/Client Communication Privilege,” International Client Seminar, March, 2001
 - “Statute of Limitations and Statute of Repose,” Michigan Section Compendium of Product Liability Law for ALFA International, May, 2000
 - “Evaluating Injuries and Damages,” Presenter, Institute of Continuing Legal Education, January 2000
 - “Mild Traumatic Brain Injury,” Presenter and Author, Institute of Continuing Legal Education, October 1998
 - “Dual Role Privilege, Duty to Recall and/or Retrofit, Daubert,” Author Michigan Section – ALFA Compendium Product Liability Law, January 1998
 - “Preparing the Japanese Corporate Witness For Testifying,” Author, International Legal Strategy, June 1997 (Published in Japanese)
 - “Manufacturers’ Post-Sale Conduct: Is There a Continuing Duty to Warn and/or a Common Law Duty to Recall,” Co-author, International Legal Strategy, May 1997 (Published in Japanese)
 - “Product Liability in Change,” Presenter, “Current Trends” seminar, 1995
 - “Risk Management Seminar,” Presenter, Crawford & Company, 1992

Publications

- Determining bankruptcy status of plaintiff provides advantage for defense