

## Derek S. Whitefield

Member

### Los Angeles

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### Areas Of Practice

Class Action Defense  
Litigation  
Product Liability  
Product Safety  
Intellectual Property Litigation  
Privacy and Data Security

### Industries

Automotive Industry Group  
Mobility and Advanced  
Transportation Team  
Automotive, OEM & Supplier  
Litigation  
Food & Beverage

### Bar Admissions

Michigan, 1985  
California, 1993  
Texas, 2005

### Court Admissions

U.S. District Court, Eastern District  
of Michigan, 1985  
U.S. Court of Appeals, 6th Circuit,  
1988  
U.S. Court of Appeals, 9th Circuit,  
1994  
U.S. District Court, Central District  
of California, 1994  
U.S. District Court, Northern  
District of California, 1995  
U.S. District Court, Western  
District of California, 1995  
U.S. Supreme Court, 2011

Derek S. Whitefield's national trial practice is focused on the defense of product manufacturers, business entities, and insurers. Mr. Whitefield is the former Leader of the Firm's Product Liability Practice Group, and an elected member of the Firm's Executive Board. According to *Chambers USA 2020*, clients describe Mr. Whitefield as "a wonderful trial lawyer and a very effective communicator with juries - he is really good at personal connections."

### Experience

- Mr. Whitefield has tried and co-tried high exposure product liability cases throughout the U.S.
- Mr. Whitefield is one of the most knowledgeable lawyers in the country regarding automotive crash safety. He serves as trial, support, and discovery counsel to several automotive manufacturers in airbag cases.
- Mr. Whitefield has experience defending many types of products, including all aspects of motor vehicles, lift trucks, power tools, home appliances, and other industrial and consumer products.
- Mr. Whitefield provides advice concerning vehicle data recording, data privacy, driver distraction, and product liability avoidance, including design review and development of warnings, manuals and brochures.
- Mr. Whitefield has experience handling class action, unfair trade practice, environmental, commercial, automotive finance and insurance litigation. He has represented Japanese, German and Korean companies, including preparing and defending their corporate witnesses at deposition and trial.
- Mr. Whitefield started his legal career with Dykema in 1985, served on the GM Legal Staff between 1988 and 1993, and then returned to private practice representing business entities in product liability and commercial litigation. He re-joined Dykema as a Member and founded its Los Angeles office in 2003.

### Significant Decisions

- *Angelotti v. The Walt Disney Company*, 192 Cal.App.4th 1394 (2011). Stunt performer deemed employee of production company and therefore claims were barred by exclusive remedy provision of worker's compensation statute.
- *Mines v. Honda*, 305 A.D.2d 271 (2003). Court held sanction of dismissal was proper where plaintiff failed to comply with discovery orders.

### Education

Wayne State University, J.D., *cum laude*

Honors College and James Madison College at Michigan State University, B.A.

- Phi Beta Kappa

- *Free v. General Motors*, 2003 Wash. App. LEXIS 617 (2003). Court held jury received correct instruction on test for defect that focused on objective test rather than the subjective consumer expectation test.
- *McCabe v. Honda*, 100 Cal.App.4th 1111 (2002). Court held summary judgment is improper if the product does not meet the ordinary consumer's safety assumptions under the facts and circumstances of the case.
- *Pruitt v. General Motors*, 72 Cal.App.4th 1480 (1999). Court held deployment of an air bag is not part of everyday experience and so the consumer expectation test for defect should not apply.

### Seminars & Speeches

*2019 ABA Emerging Issues in Motor Vehicle Product Liability Litigation Seminar*, Program Co-Chair  
April 4-5, 2019

The Convergence of Automotive, Product, Class Action, and Consumer Litigation  
October 16, 2018

*2018 ABA Emerging Issues in Motor Vehicle Product Liability Litigation Seminar*, Program Co-Chair  
April 5, 2018

*Efficacy of Side Airbags in Mitigating Injury*, ABA 2017 Emerging Issues in Motor Vehicle Product Liability Litigation Conference  
April 7, 2017

*Ethical and Practical Considerations in Settling Cases*, Panel Moderator, 25th Annual ABA Emerging Issues in Motor Vehicle Litigation Conference, Phoenix, Arizona  
April 8, 2016

*Distracted Driving Caused Crashes: The Clash Between Personal Responsibility and Assigning Blame to an Application Provider or Vehicle Manufacturer*  
April 7, 2016

*Progress and Change in the Federal Rules of Civil Procedure – What You Need to know About the Amendments*, In-House CLE, Los Angeles, California  
January 25, 2016

*The Advantage (in Life and Litigation) of Asking Yourself Great Questions*, Network of Trial Lawyers, New York, New York  
August 2014

*Data Recorders and Vehicle Accident Litigation* (2013); Event Co-Chair (2012); *Side Impact Developments and Regulation* (2011), ABA Emerging Issues In Motor Vehicle Product Liability Conference  
2011-2013

*Bridging the Divide: Plaintiff and Defense Counsel Mediation Summit*, Panel Co-Moderator and Co-Chair of Conference, 22nd ABA Conference on Automotive Product Liability Litigation, Phoenix, Arizona  
March 28-30, 2012

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## Publications

"NHTSA Releases Advance Notice of Proposed Rulemaking For Automated Driving System Safety"

November 23, 2020

*The Open Road: Automotive Law Blog*

"The Advantage (in Life and Litigation) of Asking Yourself Great Questions"

September 16, 2014

*The National Trial Lawyers*

"Automobile Data Recording Is Not An Invasion Of Privacy"

June 19, 2014

*Law360*

"Pro Bono Could Be Collateral Damage of Senate's Rejection of DOJ Civil Rights Nominee", (Co-Author)

March 19, 2014

*Law360*

"Pro Bono Work Is a Gift All Attorneys Should Be Giving" (Co-author)

December 2008

*Los Angeles Daily Journal*

"A New Electronic Witness—EDRs in Motor Vehicles"

October 2006

*Automotive Litigation Reporter*, Vol. 26, No. 8, Thomson/Westlaw

## News

Dykema Recognized for Two of the Top Verdicts in California for 2019

February 19, 2020

*Law360* Profiles Dykema's Automotive Industry Group as a "Practice Group of the Year"

February 10, 2020

Dykema Recognized for Having One of the Strongest Automotive Practices in the Nation

May 29, 2019

Derek Whitefield Authors Article Published by The National Trial Lawyers Website

September 22, 2014

Derek Whitefield and Dmitriy Kopelevich Author Article for *Law360* Discussing Privacy and Crash Data Recording

June 20, 2014

Four Dykema Lawyers to Present to ABA Conference on Emerging Issues in Motor Vehicle Product Liability Litigation

March 28, 2013

Dykema Lawyers Play Prominent Roles at Two Recent ABA Conferences

April 13, 2012

Dykema Lawyers to Present at Upcoming ABA Conference on Automotive Product Liability Litigation

March 7, 2012

Dykema and Ernst & Young Co-Sponsor First West Coast Auto Executive Dinner

February 29, 2012

## Memberships & Involvement

- State Bar of Michigan
- State Bar of California

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- State Bar of Texas
- American Bar Association
- Los Angeles Bar Association

### **Community/Civic Activities**

- Prior representation of Inmate on Death Row through the ABA Death Penalty Representation Project, *pro bono* to clients of LA County Bar Association's HIV and AIDS Legal Service Alliance (HALSA)

### **Awards & Recognition**

Named a Leading Lawyer in Product Liability: Automobile Law and Product Liability: Consumer Class Actions Law by *Chambers USA*, 2020

Named a “Leading Lawyer” by *The Legal 500 United States* for Dispute Resolution - Product Liability, Mass Tort and Class Action: Automotive/Transport, 2019-2020

Recognized by *The Legal 500 United States* for Dispute Resolution - Product Liability, Mass Tort and Class Action: Automotive/Transport (2016-2020); Transport: Rail and Road – Litigation (2019-2020)

“Top Verdicts of 2019,” *Los Angeles Daily Journal*

Named a Litigation Star by *Benchmark Litigation*, 2014-2020

Recognized in *Southern California Super Lawyers*® for Personal Injury: Products Defense, Civil Litigation Defense, and Class Action Mass Torts: Defense, 2006-2020

Recipient of an AV® Preeminent™ Rating by *Martindale-Hubbell*

Detroit Bar Association, Barrister of the Year, 1990-1991