# Northern District of Alabama Dismisses Lanham Act Suit Over YouTube Video

The Northern District of Alabama recently ruled in favor of Dennis and Evans Bailey's client when it dismissed a Lanham Act claim over a video posted to YouTube. Judge Liles Burke of the Northern District of Alabama found that the content of the video, which discussed crawl space treatment products, was not commercial speech subject to the Lanham Act. Judge Burke's opinion and order can be found here: Watsonseal Mktg. LLC v. Crawlspace Ninja IP LLC, 2023 U.S. Dist. LEXIS 43534, (N.D. Ala. 2023)

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# Chris Griffin Joins Rushton Stakely Law Firm

Rushton Stakely is pleased to announce that Chris Griffin has joined the firm as an associate. His practice is devoted to civil litigation with a primary focus on medical malpractice.

Prior to joining the firm, Mr. Griffin completed a two-year clerkship with the Honorable Terry F. Moorer at the United States District Court for the Southern District of Alabama. He received his Bachelor of Arts degree from Carleton College in 2017. He received his Juris Doctorate and Masters of Law in Business Transactions from the University of Alabama School of Law in 2020. While in law school, Mr. Griffin served as Editor-in-Chief of the Journal of the Legal Profession Law Review and Student Attorney in the Entrepreneurship and

Nonprofit Clinic.

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# Rushton Stakely Serves as Sponsor of the Jere F. White, Jr. Trial Advocacy Institute

Rushton Stakely is pleased to serve as a sponsor of the upcoming Jere F. White, Jr. Trial Advocacy Institute. This event is scheduled for Friday, November 4, 2022, at the Sheraton Hotel in Birmingham, Alabama.

The Jere F. White, Jr. Trial Advocacy Institute is a one-day seminar that is presented by The Alabama Fellows of the American College of Trial Lawyers and Cumberland School of Law. This year's seminar will feature Senator Doug Jones as the keynote speaker and will focus on topics such as Voir Dire, Opening Statements, Direct Examination, and Cross Examination. Also, drawings will be held for unique prizes, including a pair of tickets to the Iron Bowl and the SEC Championship, a gift certificate for Helen Restaurant, and a custom suit from Harrison Limited.

The event has been approved for six hours of CLE credit, including one hour of ethics, in Alabama and Mississippi. In Georgia, it has been approved for six hours, including one hour in ethics and four trial hours. In Tennessee, it has been approved for six hours, including one dual hour.

To register for this event, or to obtain additional information, please click the following link: https://www.samford.edu/cumberlandlaw/events/continuing-education/Jere-F-White-Jr-Trial-Advocacy-Institute.

*Please note that proceeds from this event will be used to fund the Jere F. White, Jr. Fellowship at Cumberland School of Law.*

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# Virginia “Ginny” Bradley Joins Rushton Stakely Law Firm

Rushton Stakely is proud to announce that Ginny Bradley has joined the firm as an Associate, with her practice focusing on civil litigation.

Ginny is originally from Jackson, Alabama. She received her Bachelor of Science degree, *summa cum laude*, from Troy University in 2019. She received her Juris Doctorate, *cum laude*, from the University of Alabama School of Law in 2022. While in law school, Ginny served on the editorial board of the Alabama Civil Rights & Civil Liberties Law Review, was a member of the Moot Court Board, competed on the Philip C. Jessup International Law Moot Court Team, and was selected to join the Bench and Bar Legal Honor Society.

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# Pat Shegon Inducted as Fellow

# of the American College of Trial Lawyers

Rushton Stakely is proud to announce that **Pat Shegon** has become a Fellow of the American College of Trial Lawyers (ACTL), recognized as the leading trial lawyers organization in North America. Pat was inducted as a Fellow at the recent annual meeting of the ACTL which was held in Rome, Italy.

The American College of Trial Lawyers is composed of preeminent members of the trial bar from the United States and Canada. Fellowship is extended only by invitation, after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. Membership can never be more than 1% of the total lawyer population of any state or province. Qualified lawyers are called to Fellowship in the College from all branches of trial practice. They are selected from among advocates who represent plaintiffs or defendants in civil proceedings of all types, as well as prosecutors and criminal defense lawyers. The College is thus able to speak with a balanced voice on important issues affecting the administration of justice.

Membership is limited to only those trial lawyers who are unquestionably and eminently qualified, in addition to being regarded as the best in their state/province. Qualifications must include high ethical and moral standards, as well as excellent character. Consideration for Fellowship also requires lawyers must be actively engaged in trial work as their principal activity for a minimum of 15 years. Geographic distribution is not a deciding factor in acceptance to the College: Fellows are not arbitrarily concentrated in metropolitan areas, distributed in rural areas, or denied to any area. Additionally, no qualified person shall be excluded

from consideration or denied Fellowship due to race, sex, religion, or national origin.

Pat Shegon is a shareholder in the firm of Rushton Stakely where he has practiced for 27 years. He serves as a member of the firm's Board of Governors, and his practice is devoted to complex litigation with an emphasis on defending healthcare providers in medical malpractice lawsuits. He is an experienced lead lawyer in high stakes jury trials where he has represented corporate entities as well as individuals. His active trial and appellate practices involve cases throughout the State of Alabama, as well as in Tennessee, where he is also licensed.

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# Best Lawyers® Names Bailey, Hargrove, Haynes, and Stakely Lawyers of the Year

Rushton Stakely is pleased to announce that shareholders, **Dennis R. Bailey**, **Alan T. Hargrove, Jr.**, **William S. Haynes,** and **Frank J. Stakely** have been selected as "Lawyers of the Year" in the 2023 Edition of *The Best Lawyers in America*®, a guide that is highly respected in the legal community. Lawyers are selected based on extensive reviews by their peers, and only one lawyer in a specific practice field and location is selected annually for this publication.

**Mr. Bailey** is being recognized as a Lawyer of the Year for the fifth time, with this years' recognition honoring him for his work in Bet-the-Company Litigation in Montgomery, Alabama. Mr. Bailey began practicing law with the firm in 1980 and has been a shareholder since 1983. Building upon a strong background of

product liability and insurance defense, Mr. Bailey's practice has evolved into handling a variety of complex litigation. He has managed and argued complex litigation for corporate manufacturing, insurance, and financial services clients as pro hac vice counsel in federal or state cases in Arizona, Arkansas, Tennessee, Mississippi, Louisiana, Texas, Florida, North Carolina, South Carolina, Oklahoma, Pennsylvania, Kentucky, and California. He has also represented clients in construction arbitration proceedings and has served as an arbitrator. Additionally, Mr. Bailey has extensive experience in media law, particularly in matters involving First Amendment rights and open government.

**Mr. Hargrove** is being honored for a second year in a row for his work in Insurance Law in Montgomery, Alabama. Mr. Hargrove joined the firm in 1999 and became a shareholder in 2005. He is a member of the litigation department, and he currently serves on the firm's management committee. He has a broad civil defense practice that includes insurance defense, complex and commercial litigation, construction law, product liability, state and federal employment claims, and professional liability. Mr. Hargrove has extensive experience representing major pharmaceutical and medical device manufacturers. He has also defended employers in discrimination, retaliatory discharge, and whistleblower claims.

**Mr. Haynes** is being honored for a third time, with this years' recognition honoring him for his work in Personal Injury Litigation – Defendants in Montgomery, Alabama. Mr. Haynes joined the firm in 1987 and has over twenty-five years' experience litigating a broad range of civil liability cases, with his primary focus on the defense of medical malpractice cases involving physicians, dentists, hospitals, nursing homes, and other healthcare professionals. He also has experience handling other complex litigation matters in the areas of professional liability, healthcare, and insurance

defense.

**Mr. Stakely** has been recognized repeatedly, with this year's recognition marking his fourth year as a Lawyer of the Year. He is currently being honored for his work in Medical Malpractice law – Defendants in Montgomery, Alabama. Mr. Stakely joined the firm in 1987 and attained shareholder status in 1991. He is a member of the litigation practice department, and he has over twenty years' experience defending a broad range of civil cases, with emphasis on professional liability, healthcare, products liability, and insurance defense. He has extensive experience defending physicians, hospitals, nurses, and other healthcare professionals in medical malpractice cases throughout the state. He also handles other complex litigation involving personal injury and first-party bad faith claims.

For 130 years, Rushton Stakely has provided the highest levels of legal service throughout the United States. Founded in 1890, the firm is now composed of over thirty experienced lawyers practicing in a broad spectrum of legal fields. From the courtroom to the board room, our lawyers will advocate for you.

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# Twenty Rushton Stakely Attorneys Named Best Lawyers 2023

Rushton Stakely is pleased to announce that twenty of our attorneys were chosen for the 2023 edition of *The Best Lawyers in America©.* For over fifteen years, more than half of the Rushton Stakely attorneys have been recognized in the annual

publication, with at least one attorney being named Lawyer of the Year in his or her respective practice area(s) since 2011. This recognition spans across numerous practice areas, with our attorneys gaining recognition in eighteen areas of law in 2023. The selected lawyers include: **Dennis R. Bailey**, Bet-the-Company Litigation, Commercial Litigation, Communications Law, Litigation – Banking and Finance, Litigation – Intellectual Property, Litigation – Labor and Employment, Litigation – Real Estate, and Product Liability Litigation – Defendants; **J. Evans Bailey**, Insurance Law and Product Liability – Defendants; **Jeffrey W. Blitz**, Real Estate Law; **L. Peyton Chapman III**, Mass Tort Litigation/Class Actions – Defendants, and Medical Malpractice Law – Defendants; **Stephen P. Dees**, Medical Malpractice Law – Defendants; **James R. Dickens, Jr.**, Real Estate Law; **Royal C. Dumas,** Insurance Law and Product Liability Litigation – Defendants; **William I. Eskridge**, Real Estate Law; **R. Brett Garrett**, Insurance Law; **Alan T. Hargrove**, **Jr**., Insurance Law, and Litigation – Insurance; **William S**. **Haynes**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **Amanda C. Hines**, Insurance Law and Medical Malpractice Law – Defendants; **Thomas H. Keene**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **Daniel L. Lindsey**, **Jr**., Tax Law, and Trusts and Estates; **T. Grant Sexton, Jr.,** Insurance Law, and Medical Malpractice Law – Defendants, and Product Liability Litigation – Defendants; **Patrick M. Shegon**, Medical Malpractice Law – Defendants; **Christopher S. Simmons**, Employee Benefits (ERISA) Law, Litigation and Controversy – Tax, Public Finance Law, Tax Law, and Trusts and Estates; **Frank J. Stakely**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **Helen Crump Wells**, Tax Law, and Trusts and Estates; **Ben C. Wilson**, Litigation – Health Care, Litigation – Labor and Employment, and Medical Malpractice Law – Defendants.

For over 30 years, *Best Lawyers*® has been regarded as the

definitive guide to legal excellence in the United States. Inclusion in the *Best Lawyers*® list is based on a rigorous national survey of leading U. S. attorneys, and *Corporate Counsel*® magazine has called *Best Lawyers*® "the most respected referral list of attorneys in practice." We are proud that sixteen of our attorneys were recognized with this distinguished honor.

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# Rushton Stakely Partners with Montgomery Area Food Bank



This month, Rushton Stakely partnered with the Montgomery Area Food Bank to help provide food to those in need. The mission of the food bank is to help combat hunger and food insecurity in thirty-five counties throughout Alabama by connecting people, food, and resources to satisfy emergent hunger needs. To assist in these efforts Rushton Stakely employees worked with other volunteers to sort and package food items to be distributed to individuals in the local community. Rushton Stakely regularly partners with community service

organizations, and we were thrilled to collaborate with the Montgomery Area Food Bank to help them accomplish their critical mission of providing nutritional aid to families in need.

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# Rushton Stakely Welcomes 2022 Summer Associates

Rushton Stakely welcomes Taimoor Arshad, Aleah Brown, Haleigh Chambliss, Emma Colson, John Hemmings, Ford Mozingo, and Wes Meidl to the firm's 2022 Summer Associate Program.  Summer Associates at Rushton Stakely perform legal research, draft memoranda and briefs, and attend depositions, hearings, trials and mediations.



**Taimoor Arshad**

Taimoor Arshad, from Montgomery, Alabama, has completed his second year at The University of Alabama School of Law. He serves as Senator of the Student Bar Association and is a member of the American Constitution Society, National Lawyers Guild, and Public Interest Student Board. He graduated *summa*

*cum laude* from The University of Alabama in 2020 with a Bachelor of Science in Biology.



**Aleah Brown**

Aleah Brown, from Dothan, Alabama, has completed her first year of law school at The University of Alabama School of Law. She is a Capstone Legal Scholar, is a member of the Black Law Student Association (BLSA), and a representative for the Public Interest Student Board and BARBRI. She graduated *summa cum laude* from The University of Alabama in 2021 with a Bachelor of Arts in English and Political Science. She serves as a volunteer for The Brown House and the Blackbelt Action Committee.



**Haleigh Hurt Chambliss**

Haleigh Chambliss, from Halls, Tennessee, has completed her second year at Cumberland School of Law, Samford University. She is a member of the Cumberland Public Interest Society; Center for Children, Law, and Ethics: Human Trafficking Team; the Alabama Student Bar Association; and Women in Law. She graduated *cum laude* from University of Mississippi in 2019 with a Bachelor of Science in Marketing Communications.



**Emma Colson**

Emma Colson, from Montgomery, Alabama, has completed her second year at Tulane University Law School. She is the Vice President of OUTLaw, coordinator of the VITA Tax Clinic, and a member of the Business Law Society, Tax Law Society, and Tulane Women in Law.  She graduated from The University of Alabama in 2019 with a Bachelor of Arts in African American Studies and Theatre, Minor in Women's Studies. She has served as a volunteer for Five Horizons Health Services, Women and Gender Resource Center, Druid City Pride, and Human Rights Campaign.



**John D. Hemmings, III**

John Hemmings, from Montgomery, Alabama, has completed his second year at The University of Alabama School of Law. He is a member of the Alabama Trial Advocacy Team, the Federalist Society and the Law and Economics Society. He graduated *summa cum laude* from The University of Alabama in 2020 with a Bachelor of Arts in Political Science. He is interested in governmental affairs, speech and debate, sports, and travel.



**James Rutherford "Ford" Mozingo**

Ford Mozingo, from Montgomery, Alabama, has completed his first year of law school at The University of Alabama School of Law, and he is a member of the Alabama Law Student Alumni Society. He graduated summa cum laude from The University of Alabama in 2020 with a Bachelor of Arts in History and minors in Spanish and Global and Cultural Perspectives. He has volunteered for various community service organizations,

including the Culverhouse LIFT English as a Second Language Program and the Freshman Forum.



**J. Wesley Meidl**

Wes Meidl, from Pelham, Alabama, has completed his first year at Cumberland School of Law, Samford University. He graduated from The University of Mississippi in 2024 with a Bachelor of Science in Criminal Justice with emphasis in Homeland Security and a minor in History. Prior to attending law school, he worked in the insurance industry as an assistant vice president and associate account executive. He currently serves as a missionary for his church, volunteers for various community service organizations, and has completed several hours of ATP flight school, including three solo flights and two solo cross-country flights.

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# Shegon And Hines Successfully Defend Physician

Rushton Stakely shareholders, Pat Shegon and Amanda Hines, successfully defended a hospital medicine physician in

Birmingham, Alabama accused of the delayed diagnosis and treatment of a post-operative bleed that resulted in his patient’s death. After a seven day trial in this medical malpractice/wrongful death case, the jury found in favor of the doctor despite Plaintiffs’ request for a $20 million verdict.