



Melissa D. Krepps

Of Counsel

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Orlando, FL

Melissa Krepps represents clients in complex litigation matters filed in state and federal jurisdictions throughout the United States, with emphasis on the representation of manufacturers of medical devices, pharmaceuticals and consumer products. Within the medical field, Melissa represents long-term care facilities in matters involving negligence and statutory violations, and medical professionals in civil negligence claims and administrative actions.

Additionally, Melissa handles insurance coverage matters, commercial and construction litigation matters, and trademark violation litigation.

Product Liability

For the entirety of her career, Melissa has defended manufacturers and distributors in product liability actions across the country. Her experience includes defending clients in matters involving individual and class action claims, as well as claims handled through multidistrict litigation. Melissa has represented clients in cases involving asbestos/talc, medical devices (e.g., pain pumps, neurostimulators, clavicle plating systems, hip implants, anti-adhesion material, cardiac leads, surgical lasers), pharmaceuticals (e.g., diet drugs, sleep medications, statins, pediculicides), tobacco, benzene, and consumer products (e.g., table saws, circular saws, grinders, heavy machinery).

Long-Term Care Facilities

Melissa represents various long-term care facilities, including nursing homes and assisted-living facilities, in matters involving claims of negligence and statutory violations. Using her knowledge of state and federal regulations applicable to long-term care providers, Melissa defends her clients through all phases of litigation and/or arbitration.

Professional Liability

Melissa's representation of health care providers includes the defense of medical and

Services

- Commercial Litigation
- Complex Tort & General Casualty
- Construction
- Long-Term Care
- Insurance & Reinsurance Coverage
- Product Liability, Prevention & Government Compliance
- Professional Liability & Services
- Toxic Tort

dental practitioners in litigation involving claims of medical negligence, as well as in administrative proceedings before the Florida Department of Health.

Construction

Melissa guides clients through the complexities of the legal system following the discovery of construction-related defects. She represents those directly involved in these disputes as well as their insurers and sureties in both state and federal jurisdictions.

Commercial Litigation

Melissa developed her knowledge of commercial matters through representation of clients in matters including employment contracts (e.g., non-compete provisions), real estate contracts, franchise and distributorship agreements, sales agreements, deceptive and unfair trade practices claims, and allegations of violation of the Uniform Commercial Code.

Education

- Syracuse University College of Law (J.D., 1996)
 - Executive Editor, Syracuse Law Review
- Syracuse University S.I. Newhouse School of Public Communications
- Bradley University (B.A., 1993)

Bar Admissions

- Florida
- Missouri
- New York

Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Northern District of Florida
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Western District of Oklahoma
- U.S. District Court, Northern District of Oklahoma

Professional Affiliations

- DRI: The Voice of the Defense Bar

Representative Matters

Obtained summary judgment on behalf of pain pump manufacturer on federal preemption grounds pursuant to the Medical Device Amendments to the Food, Drug and Cosmetic Act

and presented oral argument to the Eleventh Circuit Court of Appeals in support of the order. The Eleventh Circuit affirmed the summary judgment order.

Successfully defended medical device manufacturer's technician on claims of negligence with respect to programming of a neurostimulator.

Obtained dismissal of medical device action based on the plaintiff's failure to comply with the statute of limitations.

Obtained dismissal of product liability action against a power tool manufacturer following a motion to strike plaintiff's expert on *Daubert* grounds.

Successfully negotiated settlements of asbestos and benzene cases on behalf of a product manufacturer.

Successfully negotiated permanent injunctions in trademark violation actions involving improper use of trade dress and product replicas.

Publications

January 7, 2022

Florida Punitive Damages Amendments Now Subject to Interlocutory Appeal

Client Wins

Bertelsen, Sheehan and Krebbs Secure Appellate Win Upholding Summary Judgment Victory for Nursing Home Client

Jacqueline Bertelsen (Of Counsel-Orlando) Noelle Sheehan (Partner-Orlando) and Melissa Krepps (Of Counsel-Orlando) successfully had their summary judgment victory upheld in the Florida Sixth Circuit Court of Appeal in a nursing home negligence and wrongful death lawsuit. Noelle and Melissa relied on provisions of an asset purchase agreement to prevail on their motion for summary judgment. Following the entry of summary judgment, the plaintiff moved for rehearing. Noelle and Melissa brought in Jacqueline Bertelsen from the firm's Appellate Practice group to assist. Jacqueline opposed the motion for rehearing as untimely, and the trial court agreed. The plaintiff then appealed to Florida's Sixth District. The Sixth District issued an Order to the plaintiff to show cause as to why the appeal should not be dismissed as untimely. The plaintiff argued that the untimely appeal was due to counsel's excusable neglect. Jacqueline worked with Noelle to prepare a comprehensive response brief that demonstrated the legal insufficiency of the plaintiff's brief and revealed factual inconsistencies between the plaintiff's argument and the record. As a result, the Sixth District dismissed the appeal and upheld summary judgment for our client. This victory demonstrates how Wilson Elser's attorneys work seamlessly across practice areas to deliver successful client outcomes.

Sheehan & Krepps Secure Summary Judgment in Nursing Home Negligence Case

Noelle Sheehan (Partner-Orlando, FL) and Melissa Krepps (Of Counsel-Orlando, FL) secured summary judgment in a nursing home negligence lawsuit involving claims brought by the estate of a former patient. The plaintiff alleged negligence related to care provided at our client's facility. However, through diligent investigation and presentation of undisputed material facts, Noelle and Melissa demonstrated that our client neither owned nor operated the facility during the patient's residency and had no involvement in his care or treatment. The facility was acquired by our client after his discharge, and the asset purchase agreement expressly excluded any liabilities for prior residents' claims. The Circuit Court of the Tenth Judicial Circuit in and for Polk County, Florida, agreed with our position, finding that the defendant owed no duty to the estate and could not be held liable for any alleged negligence. As a result, summary judgment was granted in favor of our client, bringing a successful resolution to a case that had been active for several years.