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LITIGATION DEPARTMENT OF THE YEAR: PRODUCTS LIABILITY

WINNER

From Left to
Right: Ray Biagini,
Phyllis Jones, Mike
Imbroscio, Paul
Schmidt, Shankar
Duraismamy

BY DAVID THOMAS

A SHARED PURPOSE

Covington takes a team approach to achieving
victory for clients.

STEVEN LAXTON

THE LEADERS OF COVINGTON & BURLING'S products liability and mass torts practice credit their success in recent years to the quality of the group's lawyers and collegiality they show to each other and other law firms they work with.

The firm doesn't dole out origination credit, and its compensation system "leads to the sense of sharing and getting the right people involved in the cases at the right time," says Michael Imbroscio, a co-chair of the group.

"In many ways, our group is a microcosm of our firm more broadly," Imbroscio says. "Most of the cases in this space ... involve multiple firms aligned to help a particular client in a major problem. There are different firms that play different roles. What we're known for is working really well in that setting, because of our culture, because of our collegiality."

Covington & Burling secured a major victory for Hoffmann-La Roche in 2018 after persuading the New Jersey Supreme Court that it should exclude the expert testimony plaintiffs used to support their claims that Accutane, an acne medicine, caused Crohn's disease. That decision led to the dismissal of 2,100 cases in New Jersey. Phyllis Jones, the vice chair of Covington's practice, says it's on her team to find ways to streamline "the universe of plaintiffs."

Boehringer Ingelheim faced a predicament when its blood thinner, Pradaxa, was accused of causing serious or even fatal bleeding in patients. A similar lawsuit waged against the makers of Xarelto, another blood thinner, initially garnered a

\$28 million result for those plaintiffs. In Boehringer's case, the German company was staring down nearly 3,000 lawsuits in Connecticut state court. It brought in Covington, which guided the company through three bellwether trials.

The Covington team also had a role in crafting the \$260 million settlement struck in Ohio on the eve of the first jury trial in the opioid litigation. Imbroscio and his colleagues are representing McKesson, one of the largest distributors of pharmaceuticals in the United States.

"To me, a trial like that encapsulates everything we're talking about in terms of our practice—the ability to do a case like that and still manage our work," practice co-leader Paul Schmidt says of the opioid litigation.

The future will be busy for the Covington team. It's playing a central role in defending Monsanto from 12,000 lawsuits over allegations that its weed killer, Roundup, causes cancer. It is also representing Eli Lilly and Co. as it fights off claims that Cialis, an erectile dysfunction medicine, can cause melanoma, a type of skin cancer.

Chris Gramling, Eli Lilly's head of litigation, recognizes that the firm is an asset for his company and plenty more.

"Covington's strategic excellence extends from early pre-suit counseling to critical litigation and trial work," Gramling says. "Its experienced, collaborative and diverse teams continue to achieve impressive results for numerous clients in their most sensitive matters." ■