David F. Norden

Partner

Atlanta

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Known and respected for his professionalism, collegiality, responsiveness, and unwavering commitment to his clients, David is frequently called upon to deliver favorable legal results. This Chicago native not only responds, he delivers with empathetic tenacity.

OVERVIEW

David defends multinational corporate entities in highly sensitive commercial, consumer fraud, product liability, and toxic tort litigation. From California to Florida, he has appeared in courts across the U.S., representing a diverse range of clients in class action, multidistrict litigation, sophisticated individual high-exposure cases and appellate matters. These clients have included global leaders in the pharmaceutical, medical device, technology, automotive, energy, tobacco, chemical, transportation, and construction industries.

The breadth and scope of David's practice have required his admission to the U.S. Courts of Appeals for the Fourth, Seventh, Tenth, and Eleventh Circuits, as well as to various state and federal courts in California, Colorado, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Washington, West Virginia, Wisconsin, and Wyoming. Outside of the courtroom, David has represented clients facing congressional and various other governmental investigations under intense media scrutiny.

It is true that his clients appreciate David's "always on" legal practice, especially when his ultra-responsiveness is coupled with favorable results. Indeed, and as but one example, in *Dietz v. SmithKline Beecham Corp.*, 598 F.3d 812 (11th Cir. 2010) – the leading learned intermediary case within the Eleventh Circuit – David obtained a landmark appellate victory for a multinational pharmaceutical manufacturer. (*See* Product Liability Law 360: Breaking News on Litigation and Policy ("11th Circ. Upholds Dismissal of Paxil Suicide Case," March 9, 2010) and Drug and Device Law ("Learned Intermediary Causation – Lights Out in Georgia and a Texas Two-Step," March 11, 2010).)

David serves his community on the CURE Childhood Cancer Advisory Council, as a volunteer basketball coach, and within his Johns Creek, GA, Parish, St. Brigid Catholic Church.

REPRESENTATIVE MATTERS

- Represented a major pharmaceutical company in litigation involving a prescription antidepressant medication in highly sensitive birth defect, suicidality, and discontinuation matters across the U.S.

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- Challenged proposed certification of nationwide and statewide class actions, most recently for allegedly illegal marketing practices related to the sales of prescription medications.
- Defended a global golf car manufacturing company, Club Car, in sophisticated and high-exposure litigation.
- Represented R.J. Reynolds Tobacco Company in *Engle* progeny matters in Florida.
- Defended a multinational medical device manufacturer in federal and state court matters involving a laparoscopic gynecologic surgical instrument.
- Defended Georgia-Pacific LLC in numerous toxic tort actions across the U.S. alleging injuries and death resulting from purported exposure to a joint compound product.
- Represented a multinational medical device manufacturer in federal court matters involving pelvic and hernia mesh products.
- Defended multinational pharmaceutical manufacturers in an alleged loss of hearing matter in Florida.
- Defended Organon USA Inc., Schering Corporation and Merck & Co. Inc. in matters alleging injuries resulting from the medical device NuvaRing.
- Defended SmithKline Beecham Corporation (d/b/a GlaxoSmithKline) in litigation involving the prescription medication Baycol.
- Earned an appellate win for a multinational pharmaceutical manufacturer in the Superior Court of Pennsylvania. *Pettit v. GlaxoSmithKline LLC*, No. 850 EDA 2012 (March 4, 2013). In *Pettit*, the court upheld a decision issued by the Honorable Sandra Mazer Moss of the Philadelphia Court of Common Pleas in a high-exposure birth defect case involving the suffering and death of a 10-year-old Ohio girl.
- Represented a multinational pharmaceutical manufacturer in a complex appeal in the United States Court of Appeals for the Tenth Circuit involving, *inter alia*, federal pre-emption of Plaintiffs' Oklahoma law claims. *Miller v. SmithKline Beecham Corp.*, 381 Fed. Appx. 776 (10th Cir. 2010).
- Earned dismissals with prejudice for a multinational pharmaceutical manufacturer in high-exposure North Carolina and Louisiana federal court cases alleging drug-induced suicidality and birth defects. *Fischer v. GlaxoSmithKline LLC*, No. 1:12CV392, 2013 WL 1402279 (M.D.N.C. April 8, 2013); *Figueroa v. SmithKline Beecham Corp.*, No. 2:11-CV-00492 (W.D. La. Aug. 14, 2012).
- Defeated plaintiffs in state and federal courts across the U.S. in their attempt to have those courts invoke collateral estoppel on the issues of causation and fault. *e.g., Clark v. SmithKline Beecham Corp.*, CIVA7:06-CV-30 HL, 2006 WL 3329141 (M.D. Ga. Nov. 15, 2006).
- Secured dismissal of claims, not described above, through motion practice and discovery, for clients in Colorado, Florida, Georgia, Illinois, Louisiana, Mississippi, New Jersey, Pennsylvania, South Carolina, and Texas in state and federal courts.

AWARDS

- *Best Lawyers in America*®: Product Liability Litigation – Defendants (2023-2027)
- *Georgia Super Lawyers* "Rising Star"

TOP AREAS OF FOCUS

- Business Litigation
- Class Action
- Health Care + Life Sciences
- Pharmaceutical + Medical Device Litigation + Counseling
- Product Liability

ALL AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Class Action
- Consumer Products
- Health Care + Life Sciences
- Litigation + Trial
- Pharmaceutical + Medical Device Litigation + Counseling
- Product Liability

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, International Association of Defense Counsel (IADC)
- Member, St. Thomas More Society
- Board Member, CURE Childhood Cancer, Advisory Council
- Member, Marist School Booster Club, Atlanta, GA
- Volunteer Basketball Coach, St. Brigid Catholic Church, Johns Creek, GA

EDUCATION AND CERTIFICATIONS

EDUCATION

- Case Western Reserve University School of Law, J.D., 2003, articles editor, *Case Western Reserve Law Review*; Order of the Coif
- Indiana University Bloomington, B.A., 1994
- Texas Christian University, 1992

BAR ADMISSIONS

- Georgia

COURT ADMISSIONS

- Court of Appeals of Georgia
- Supreme Court of Georgia
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, Central District of Illinois
- U.S. District Court, District of Colorado
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Middle District of Georgia
- U.S. District Court, Northern District of Georgia
- U.S. District Court, Southern District of Georgia

SPEAKING ENGAGEMENTS

- Speaker, “Mitigating Challenges Created by Third-Party Litigation Funding (TPLF) in the Mass Tort Arena,” 24th Annual Conference on Drug & Medical Device Litigation, American Conference Institute (ACI), New York, NY, Dec. 10, 2019.
- Speaker, “Artificial Intelligence and Life Sciences Product Liability Concerns,” Artificial Intelligence is Driving Life Science Law – The McGovern Institute, Massachusetts Institute of Technology (MIT), Cambridge, MA, Oct. 29, 2019.
- Speaker, “Product Liability Litigation Essentials: Creating Legal Holds, Confronting Spoliation Risks, and Crafting Ethical Settlements,” Litigation Webinar, Atlanta, GA, July 26, 2017.
- Speaker, “The Litigation Has Resolved, You Are a Hero … But It’s Not Over: Practical and Ethical Settlement Considerations,” 25th Annual Product Liability Seminar, State Bar of Georgia Center, Atlanta, GA, Feb. 22, 2017.
- Speaker, “Understanding the Effects of Sequenced Discovery in Mass Tort Litigation: A 2015 LIVE Webcast,” The Knowledge Group, Nov. 23, 2015.
- Speaker, “Recent Developments in Pharmaceutical Product Liability Litigation,” 22nd Annual Product Liability Seminar, State Bar of Georgia Center, Atlanta, GA, Feb. 26, 2014.

PUBLICATIONS

- Contributor, “How FDA’s Position on the Preemption of State Failure-to-Warn Claims May Drastically Change the Face of Pharmaceutical Litigation: The Pharmaceutical Industry Perspective,” *American Health Lawyers Association*, June 5, 2007.
- Contributing author, *FTC Practice and Procedure Manual*, American Bar Association, 2007.
- Contributor, “The Preemption Defense in Drug Litigation,” *Mealey’s Litigation*, June 6, 2006.