Sean P. Fahey

Partner

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Companies facing their toughest cases turn to Sean for his track record across the U.S. and in the most challenging venues. His time-tested defense strategies help clients navigate the uncertainty of bet-the-company litigations.

OVERVIEW

Sean is a partner and the chair of the firm's Health Care + Life Sciences Department, where he leads the group's litigation, white collar, regulatory, intellectual property, and transactional practices. He has a wealth of experience serving as national coordinating and strategic counsel in complex, multidistrict products liability and health care litigation.

Sean represents several of the largest pharmaceutical, medical device, and life science companies in their high-stakes cases, and serves as strategic settlement counsel and coordinating counsel in parallel litigation, including DOJ and regulatory investigations as well as congressional hearings. He is also experienced in other sectors such as building materials, energy, automotive, and food and beverage.

Sean has served as national and lead trial counsel for Medtronic, LivaNova, International Business Machines (IBM), The Coca-Cola Company, Delta Airlines, Monroe Energy, Sunoco, Michelin, and Volkswagen. He is also counsel for the National Football League in the ongoing concussion litigation.

Clients benefit from Sean's ability to anticipate the likely trajectory of a litigation based upon the opposing and co-counsel involved, the venue, and the claims. He prepares clients with a preemptively-focused defense plan that aims to minimize costs wherever feasible. Sean's courtroom experience also informs the risk management advice he provides to boards of directors, senior management, and executives.

Sean is a member of the firm's Executive and Partner Compensation Committees, and served as the firm's representative to Diversity Lab, an incubator at Harvard for innovative ideas and solutions that boost diversity and inclusion in law.

REPRESENTATIVE MATTERS

- Serve as national coordinating counsel and trial counsel for class actions involving several product lines for Medtronic. Thousands of cases were filed across the U.S. for Medtronic's product Infuse, as well as a putative RICO claim that was dismissed. The firm achieved favorable preemption decisions resulting in the dismissal of

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hundreds of cases, and favorably settled many more.

- Obtained dismissal of a False Claims Act suit on behalf of Medtronic in an alleged whistleblower matter.
- Settled federal securities class action on behalf of Medtronic after dismissal was overturned on appeal.
- Advise Eli Lilly and Company (Lilly) on its strategy related to litigation involving Axiron, a testosterone replacement ("low-T") treatment. Lilly is a named defendant in product liability cases in the U.S. that allege cardiovascular and related injuries from taking Axiron. Most of the cases are consolidated in an MDL in the Northern District of Illinois. The firm negotiated a favorable settlement at an earlier stage and a lower cost than other defendants.
- Lead trial counsel and settlement counsel for a major pharmaceutical company in multidistrict, class action litigation involving claims that the diabetes medication Avandia causes heart attacks, strokes and other medical problems. Case also involves third-party payor, consumer fraud, insurance company subrogation and taxpayer class actions; state attorneys general litigation, government investigations, and Canadian litigation. The firm's pre-trial victories and innovative settlement strategy resulted in hundreds of dismissals and favorable resolution of other claims.
- Defended a major pharmaceutical company in third-party payor cases alleging the company misrepresented the safety of a diabetes drug.
- Represent LivaNova (formerly Sorin Group), leading medical device company, in federal multidistrict litigation alleging that the Sorin 3T Heater-Cooler System caused non-tuberculosis mycobacterial infection in patients. The system is used to regulate patient blood temperature during open heart surgery. More than 125 cases are included in the MDL (MDL 2816, M.D. Pa.). Defense is ongoing and the firm settled a majority of the claims one year after the case was filed.
- Represents the National Football League (NFL) in connection with *In Re: National Football League Players' Concussion Injury Litigation*, MDL 2323 (E.D. Pa) and advises the NFL on issues involving settlement claimants and disputes with plaintiffs who opt out of the settlement.

AWARDS

- *Chambers USA:* Product Liability & Mass Torts, USA Nationwide (2016-2026); Healthcare, Pennsylvania (2023-2026); Litigation: Product Liability, Pennsylvania (2025-2026)
- Irish American Business Chamber & Network *Irish Legal 100* (2026)
- *Benchmark Litigation:* "Local Litigation Star" in Pennsylvania (2021-2025)
- *Best Lawyers in America®:* Mass Tort Litigation / Class Actions – Defendants (2026-2027), Product Liability Litigation – Defendants (2013-2027)
- *LMG Life Sciences:* Life Sciences Star, Product Liability (2022)
- *Legal 500 United States:* Dispute resolution: Product liability, mass tort and class action: pharmaceuticals and medical devices – defense (2013-2026)
- Listed in the life sciences section of *Who's Who Legal: The International Who's Who of Business Lawyers*

TOP AREAS OF FOCUS

- FDA Regulatory + Risk Management Counseling
- Fraud + Abuse Litigation + Investigations
- Health Care + Life Sciences
- Pharmaceutical + Medical Device Litigation + Counseling

ALL AREAS OF FOCUS

- FDA Regulatory + Risk Management Counseling

- Fraud + Abuse Litigation + Investigations
- Health Care + Life Sciences
- Health Care Litigation
- Life Sciences Transactions
- Litigation + Trial
- Pharmaceutical + Medical Device Litigation + Counseling
- Product Liability
- White Collar Litigation + Investigations

EDUCATION AND CERTIFICATIONS

EDUCATION

- Villanova University Charles Widger School of Law, J.D., 1994
- Villanova University, B.A., 1991, political science and philosophy

BAR ADMISSIONS

- New Jersey
- Pennsylvania

COURT ADMISSIONS

- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, Western District of Tennessee
- U.S. Court of Appeals, Second Circuit
- Supreme Court of the United States
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Middle District of Pennsylvania
- U.S. Court of Appeals, Sixth Circuit

SPEAKING ENGAGEMENTS

- Speaker, Trial Lawyers of Mass Torts O'ahu 2026, November 9–12, 2026.
- Speaker, "Lombardia as Market Leader in Manufacturing, Biotech, Food Sector, Green Initiatives: Opportunities and Incentives for Foreign Investors," NIAF's Lombardia Business Roundtable, April 24, 2026.
- Speaker, "Reducing Exposure for Recovery and Reporting," Epiq's Mass & Class 2026, April 30, 2026.
- Speaker, "Is Zoom Our Doom? – Trying Cases in the Age of Technology," Trial Lawyers of Mass Torts Jackson Hole Event, March 17, 2026.
- Speaker, "Managing Mega-MDLs; Challenges, Solutions, and Emerging Trends," Fall Mass Torts Made Perfect Seminar 2025, October 22, 2025.
- Speaker, "Navigating Mass Torts from the Unique Perspective of the Judiciary; Practical Guidance and Insightful Observations," Spring Mass Torts Made Perfect Seminar 2025, April 2, 2025.
- Speaker, "Mass Tort Pre-Settlement to Payment – Claims Management Problems and Solutions," Epiq Mass &

Class, February 14, 2025.

- Speaker, "Critical Early Decisions in MDL Litigation: Shaping the Defense," PLAC, October 9, 2024.
- Speaker, "Early Exchange of Information: What Works for Both Sides," Epiq's Mass & Class 2024 Summit, March 6, 2024.
- Speaker, "Exit Strategies, Resolutions Options, and Dealing with the 'TAIL,'" Louisiana State Bar Association's 23rd Annual Complex Litigation Symposium, November 10, 2023.
- Speaker, "Overcoming the Trials and Tribulations of Plaintiff Census Forms and Registries: What's Working, What's Not, and How the Newly Proposed MDL Rule Changes May Improve the System," ACI's 27th Annual Conference on Drug & Medical Device Litigation, December 6, 2022.
- Panelist, "Taking Down the Rising Behemoth: Combatting Plaintiff Tactics That Are Transforming MDLs into the Machines We See Today," ACI's 26th Annual Conference on Drug & Medical Device Litigation, December 7, 2021.
- Speaker, "Strategies for Minimizing the Effects of Innovator Liability," ACI's 23rd Annual Conference on Drug & Medical Device Litigation, November 28, 2018.
- Speaker, "ACI's Drug & Medical Litigation Boot Camp," Philadelphia, PA, July 31, 2018.
- Speaker, "Third-Party Financing and Impact of JPML Selection of Transferee Judge," Mass-Tort MDL Problems Conference, April 27, 2018.
- Speaker, "Training the Next Generation of Life Sciences Attorneys to Become an Asset," ACI's 22nd Annual Conference on Drug & Medical Device Litigation, December 4, 2017.
- Speaker, "Settlements in Mass Tort and Class Action Litigation," July 27, 2016.
- Speaker, "Sufficient Proof of Injury in Multiple-Plaintiff Trials," Mass Torts Judicial Forum, April 15, 2016.
- Speaker, "Getting Out of Dodge – A Strategic Checklist for Getting Out of Unfriendly Jurisdictions and Practical Tips for Using Personal Jurisdiction, Forum Non Conveniens, Severance Motions, and CAFA and Other Removal Arguments," ACI's 20th Annual Drug and Medical Litigation Conference, December 3, 2015.
- Speaker, "Litigation in a Post-Tincher World," Philadelphia Mass Tort Conference, March 27, 2015.

PUBLICATIONS

- Co-author, "State AGs Choose Products Liability Case as Battleground for State Sovereignty," *Troutman Pepper*, June 15, 2023.
- Co-author, "Product Liability & Safety 2022," *Chambers and Partners*, June 23, 2022.
- Co-author, "Product Liability & Safety 2021," *Chambers and Partners*, June 24, 2021.
- Co-author, "Product Liability & Safety 2020," *Chambers and Partners*, June 24, 2020.
- Co-author, "Product Liability & Safety 2019," *Chambers and Partners*, July 10, 2019.

MEDIA COMMENTARY

- Quoted, "Bayer Sees 'Light At The End Of The Tunnel' In Roundup Suits," *Law360*, March 11, 2026.
- Quoted, "Attorneys Say It's Gotten Harder for Young Lawyers to Get Court Experience," *The Legal Intelligencer*, February 16, 2023.
- Mentioned, "Meet the Attys Leading Philly's Newest Mass Tort Programs," *Law360*, September 16, 2022.
- Quoted, "Christina Diaz Has Gone from the Bench to the Bar," *Hispanic Executive*, November 9, 2020.