

Partner, Chicago

Mass Torts and Product Liability



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Education

J.D., Yale Law School, 2004

B.A., University of Notre Dame, 2001
(*summa cum laude*)

Bar Admissions

Illinois

U.S. Courts of Appeals for the
Federal and Ninth Circuits

U.S. District Court for the Northern
District of Illinois

Experience

Law Clerk, Hon. John T. Noonan, Jr.,
U.S. Court of Appeals for the
Ninth Circuit (2004-05)

Brian O'Donoghue focuses his practice on high-stakes mass tort, multidistrict and class action litigation, with particular experience leading major matters for pharmaceutical, industrial and life sciences companies. He advises clients facing complex product liability, environmental, commercial and consumer litigation, bringing a practical, trial-oriented approach to matters involving large-scale claims, coordinated proceedings and significant business risk.

Mr. O'Donoghue has counseled major global companies on high-profile product liability and complex commercial disputes, multijurisdictional litigation, internal investigations and other litigation. He has an extensive track record of success in mass tort and class action litigation, and regularly collaborates with clients to align their litigation strategy with their broader business objectives.

His hands-on approach to developing fact-based, scientific and expert evidentiary strategies is a distinct asset as cases move toward trial. His clients have spanned industries such as technology, transportation, energy and entertainment, among other sectors.

Mr. O'Donoghue's representations prior to joining Skadden include:

PFAS Environmental and Products Liability Litigation

- co-lead and national counsel for a chemical manufacturer in thousands of environmental and products liability claims in state and federal courts nationwide brought by individuals, municipalities and states alleging groundwater contamination and personal injury as individual claims, consolidated proceedings and class actions

PCB Litigation

- lead national counsel for Monsanto in environmental and products liability litigation in multiple state and federal courts brought by individuals, municipalities and state attorneys general alleging contamination and personal injury claims stemming from chemical exposure

In re Roundup Products Liability Litigation

- co-lead and national counsel for Monsanto in thousands of personal injury products liability suits pending nationwide in multiple state and federal courts

In re Essure

- co-lead and national counsel for Bayer in thousands of product liability claims pending in coordinated federal and several state court litigations related to the use of Essure System for permanent birth control

In re Mirena IUD Products Liability Litigation

- coordination and national counsel for Bayer in thousands of lawsuits in a federal multidistrict litigation (MDL) in New York and state courts around the country involving the Mirena® intrauterine device. After years of fact and expert discovery, the MDL court excluded all of the plaintiffs' general causation expert testimony and granted summary judgment to Bayer, dismissing more than 1,200 cases
- coordination and national counsel for Bayer in a separate federal MDL in New York. After a multiday *Daubert* hearing, the court excluded all of the plaintiffs' general causation experts, and subsequently granted summary judgment for Bayer and dismissed all cases

In re Vioxx

- defended Merck & Co., Inc. against allegations that its anti-inflammatory medication Vioxx had caused heart attacks. Specific matters included:
 - *State of Louisiana v. Merck Sharp & Dohme Corp.*: the first state attorney general trial relating to Vioxx, a two-week bench trial that resulted in a verdict for Merck
 - *Grossberg v. Merck & Co.*: the first California state court trial involving Vioxx, a six-week jury trial in Los Angeles that resulted in a verdict for Merck
 - *In re Vioxx MDL*: two separate multiweek trials alleging injuries from Vioxx in the MDL in the Eastern District of Louisiana; both verdicts were for Merck
 - *Ledbetter v. Merck & Co.*: a Texas state court case involving Vioxx, in which summary judgment on preemption grounds was granted for Merck
 - *Vioxx Governmental Action Cases*: as national counsel, settlements of several actions brought by state attorneys general against Merck relating to Vioxx
 - *Vioxx Third-Party Payor Litigation*: lawsuits brought by individual third-party payors who alleged economic losses relating to the purchase of Vioxx

In re Magnevist Products Liability Litigation

- national counsel for Bayer in individual state cases regarding the company's Magnevist gadolinium-based contrast agent used in MRI scans

In re Hormone Therapy Litigation

- counsel for Wyeth in product liability litigation involving Premarin and Prempro hormone replacement therapy products that were alleged to cause breast cancer

In recognition of his work, Mr. O'Donoghue has been honored by numerous industry outlets, including *Chambers USA* in its Product Liability & Mass Torts category, *Lawdragon* as one of its 500 Leading Litigators in America and *Benchmark Litigation* across multiple accolades.