



**Loren H. Brown**

**Partner**

**US VICE CHAIRMAN, CHAIR OF US DISPUTES PRACTICE**

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Loren Brown has an extensive litigation practice with a concentration in multi-district litigation. It often involves large-scale mass tort and class action matters, as well as parallel regulatory and government enforcement proceedings.

Loren's business litigation practice includes commercial tort and contract, trade secret, intellectual property, and securities class action matters. He has significant experience in a range of internal investigation, compliance, and regulatory matters as well, particularly in the life sciences sector.

Loren speaks and writes frequently on the subjects of multi-district litigation, expert evidence, mass tort and product liability litigation, risk mitigation and prevention, pharmaceutical and medical device litigation, and civil trial practice. He has served as national coordinating counsel, tried jury cases, argued appeals and successfully resolved many notable multi-district litigation matters throughout the US.

At DLA Piper, Loren serves as US Vice-Chairman, Chair of the Disputes practice, and is a member of the Global Board and US Executive Committee.

- Litigation, Arbitration and Investigations
- Product Liability, Mass Torts and Product Stewardship
- Life Sciences

- Lead counsel for a major pharmaceutical company in Daubert proceedings involving claims that popular hormone therapy medications cause breast cancer
- Trial counsel for a major pharmaceutical company in a product liability trial involving a popular hormone therapy medication
- Representation of a major pharmaceutical company in securities class action involving disclosures related to popular anti-inflammatory medications
- Representation of a major pharmaceutical company in shareholder derivative action involving losses associated with alleged off-label promotion of various prescription medications
- Representation of major pharmaceutical company in a consumer class action involving marketing, promotion and sale of 12 prescription medications
- National coordinating counsel, MDL liaison counsel and lead trial counsel for a leading pharmaceutical manufacturer in defense of

nationwide litigation involving popular Cox-2 anti-inflammatory medications. Secured a recent Daubert ruling that CNNMoney.com called "one of the most important 'gate-keeping' rulings ever rendered in a mass-tort case"

- National counsel for a leading pharmaceutical manufacturer in defense of claims involving the popular medication Chantix
- Representation of a leading health care manufacturer in defense of multi-district litigation involving contrast agents used for MRI and other imaging procedures
- National counsel for a leading pharmaceutical manufacturer in commercial and tort claims arising out of worldwide clinical research and development program

## REPRESENTATIVE DECISIONS

- *In re Lipitor (Atorvastatin Calcium) Mktg., Sales Practices & Prod. Liab. Litig.*, No. MDL214MN02502RMG, 2016 WL 1251828, at \*19 (D.S.C. Mar. 30, 2016) (excluding plaintiffs' general causation experts' testimony that Lipitor can cause diabetes at doses below 80 mg)
- *In re Lipitor (Atorvastatin Calcium) Mktg., Sales Practices & Prod. Liab. Litig.*, 150 F. Supp. 3d 644 (D.S.C. 2015) (excluding plaintiff's specific causation expert)
- *In re Incretin-Based Therapies Prod. Liab. Litig.*, 142 F. Supp. 3d 1108, 1132 (S.D. Cal. 2015) (granting summary judgement in all MDL cases based on conflict preemption in litigation involving claims that diabetes medications cause pancreatic cancer)
- *In re Byetta Cases*, 2015 WL 7184655 (Cal. Super. Nov. 13, 2015) (granting summary judgement in all JCCP cases based on conflict preemption in litigation involving claims that diabetes medications cause pancreatic cancer)
- *In re Prempro Prods. Liab. Litig.*, Nos. 4:03CV1507-WRW, 6:05CV06074, 2011 WL 178574 (W.D. Ark. Jan. 19, 2011) (excluding expert testimony that short-term use of popular combination hormone therapy is capable of causing breast cancer)
- *In re Prempro Prods. Liab. Litig.*, No. 4:03-CV-1507-WRW, 2010 WL 3447293 (E.D. Ark. Aug. 30, 2010) (excluding expert testimony that popular estrogen-based hormone therapy is capable of causing breast cancer)

## CREDENTIALS

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### Admissions

- New York

### Recognitions

- *Chambers USA*
  - Band 2, USA - Nationwide Product Liability & Mass Torts (2016-2022)
  - Band 3, USA - Nationwide Product Liability & Mass Torts (2014-2015)
  - Band 4, USA - Nationwide Product Liability & Mass Torts (2012-2013)
- *The Legal 500 United States*
  - Leading Lawyer, Product Liability, Mass Tort and Class Action: Pharmaceuticals and Medical Devices - Defense (2018-2022)
  - Recommended, Healthcare: Life Sciences (2017-2022)
  - Recommended, Product Liability, Mass Tort and Class Action: Consumer Products (including Tobacco) (2021-2022)
  - Recommended, Product Liability, Mass Tort and Class Actions: Toxic Tort - Defense (2015, 2021)
  - Recommended, Product Liability, Mass Tort and Class Action: Automotive/Transport (2021-2022)
  - Recommended, Product Liability, Mass Tort and Class Action: Pharmaceuticals and Medical Devices - Defense (2015-2017)
- Named to the *New York Law Journal's* list of Distinguished Leaders (2021)
- Named to the *National Law Journal's* list of Winning Litigators (2020)

### Education

- J.D., Hofstra University 1992

- B.S., Finance, University of Maryland 1988

## Courts

- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the First Circuit
- United States Court of Appeals for the Second Circuit
- United States District Court for the District of Connecticut
- United States District Court for the Eastern District of New York
- United States District Court for the Northern District of New York
- United States District Court for the Southern District of New York
- United States District Court for the Western District of New York

## Memberships

- Member of Law360's 2020 Trials Editorial Advisory Board
- American Bar Association
- Defense Research Institute
- Product Liability Advisory Council
- New York City Bar Association
- New York State Bar Association

## INSIGHTS

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Loren regularly speaks and writes on the subjects of evidence, science in the courtroom, products liability and mass tort litigation, and civil trial practice.

## Publications

- Co-Author, *Random Selection Is Best For MDL Bellwether Trials*, Law360 (October 20, 2014)
- Co-Author, *Bellwether trial selection in multi-district litigation: empirical evidence in favor of random selection*, Akron Law Review (Fall 2014)
- Author, *Staying Ahead of the Curve in Evidentiary Law in America*, Inside the Minds: New Developments in Evidentiary Law in New York (Aspatore 2013)
- Co-Author, *The Myth of Juror Impartiality: Practical Strategies for Minimizing Juror Bias*, Trial by Jury 2012, Litigation and Administrative Practice, Course Handbook Series No. H-898 (Practicing Law Institute 2012)
- Author, *Staying on Top of Recent Developments in New York Evidentiary Law*, Inside the Minds: New Developments in Evidentiary Law in New York (Aspatore 2011)
- Co-Author, *Sacking the Monday Morning Quarterback: Tackling Hindsight Bias in Failure-to-Warn Cases*, DRI: For the Defense (October, 2010) Received the G. Duffield Smith Outstanding Publication Award, which honors the Defense Research Institute's most outstanding defense-related article in 2010
- Author, *Emerging Issues in Pharmaceutical and Biotech Litigation Arising from Clinical Trials*, Product Liability Litigation: Current Law, Strategies and Best Practices 8-1 (2009)
- Author, *Expert Witnesses: Products Liability Cases* (West 2009)
- Author, New York State Trial Lawyer's Institute: Federal Practice For State Practitioners, *Evidentiary Issues in Federal Practice* (April 6, 2005)
- Author, *Emerging Trends and Perspectives in Rollover Litigation*, ABA The Brief: Tort Trial and Insurance Practice Section, Fall 2004 Vol. 34, No. 1

- Author, *Motions In Limine in New York Products Liability Litigation*, Products Liability In New York: Strategy and Practice, 2002 Supplement, Chapter 15 (Neil A. Goldberg ed., 2002)
- Author, *Liability Based on the Alleged 'Over-promotion' of Prescription Drugs and Medical Devices - Is the Learned Intermediary Defense Still Alive?*, DRI: Rx for the Defense, Fall 2001
- Author, *Motions In Limine in New York Products Liability Litigation*, Products Liability In New York: Strategy and Practice, Chapter 15 (Neil A. Goldberg ed., 1997)

## Events

- Speaker, Sandpiper Partners LLC: Reengineering the Litigation Lifecycle II Roundtable (New York, September 22, 2016)
- Speaker, PLAC 2014 Fall Conference, *Junk Literature and Peer Review* (Chicago, October 16, 2014)
- Speaker, Zeughauser Group: Law Firm Chair Roundtable, *Managing Alternative Fee Arrangements* (May 6-7, 2014)
- Speaker, Institute of Medicine: Public Session, *Committee on Responsible Sharing of Clinical Trial Data*, including a discussion on product liability implications resulting from the sharing of clinical trial data (April 9, 2014)
- Speaker, Sandpiper Partners LLC: The Third Annual Pricing and Profitability Conference, featuring *Anatomy of a Fixed Fee Negotiation* (Chicago, October 25, 2013)
- Guest Lecturer, Law School of Tanzania, *Drafting and Negotiating Dispute Resolution Clauses*, New Perimeter Pro Bono Teaching Project in Dar es Salaam, Tanzania in collaboration with General Electric's Legal Department (June 3-7, 2013)
- Speaker, Sandpiper Partners LLC: The Third Annual Pricing and Profitability Conference, featuring *Anatomy of a Fixed Fee Negotiation* (Washington DC, May 22, 2013)
- Speaker, PLAC 2013 Spring Conference, *Pharmaceutical Litigation in an Evolving Regulatory Environment* (April 25, 2013)
- Speaker, Sandpiper Partners LLC: The Second Annual Pricing and Profitability Conference, *Anatomy of a Fixed Fee Negotiation* (November 30, 2012)
- Guest Lecturer, Harvard Law School: The Strategic Management of a Mass Tort: Legal and Business Challenges Arising from the COX-2 Inhibitor Litigations with Amy W. Schulman, Executive Vice President & General Counsel, Pfizer Inc., Class 7: *The Importance of Scientific Data in the Company's Strategy: The Admissibility of Expert Causation Testimony under Daubert* (October 25, 2012)
- Speaker, The Marbury Institute: *Proliferation, Aggregation & Containment: The Nuts and Bolts of MDL Practice & Procedure* (August 13, 2012)
- Speaker, ACI Conference: Clinical Trials, *Identifying Potential High-Risk Areas to Minimize Future Products Liability Stemming from Clinical Trials* (July 17, 2012)
- Speaker, Sandpiper Partners LLC: *Pricing and Profitability & the Opportunistic Firm* (July 11, 2012)
- Speaker, ACI Conference: 16th Annual Drug and Medical Device Litigation, *Sorting Through the Science and Explaining Complex Medical Data* (December 7, 2011)
- Speaker, Sandpiper Partners LLC: Fifth Annual Leading Law Firms Conference, *Resetting the Corporate Client Agenda* (October 28, 2011)
- Speaker, ACI Conference: Clinical Trials, *Mitigating Litigation Risks that Stem from Clinical Research: Challenges Raised by the Post-Hoc Analysis of Data and Hypothesis Generation* (January 25, 2011)
- Co-Chair and Speaker, ACI Conference: *Products Liability Boot Camp for Life Sciences, Reverse Engineering a Product Liability Case as a Tool to Mitigate Future Exposures* (July 22, 2010)
- Speaker, IADC Annual Meeting 2010: *Defending US Companies in Global Litigation and Investigations* (July 14, 2010)
- Speaker, Sandpiper Partners LLC: Game Changer: Project Management for Law Firms Conference, *Designing New Ways to Deliver Client Service* (June 8, 2010)
- Speaker, ACI Conference: Managing Legal Risks and Conducting Clinical Trials, *Mitigating Liability Risk Related to Design, Execution and Disclosure of Clinical Research* (February 24, 2010)
- Speaker, ACI Conference: Off-Label Communications, *Assessing and Managing Risks in Product Liability Cases Based on Off-Label Uses* (July 16, 2009)
- Speaker, ACI Conference: Drug and Medical Device on Trial, *Direct Examination of the Defense Medical Expert* (June 24-25, 2009)
- Panelist, 2009 Association of General Counsel Meeting, *Law Department Management and Controlling Outside Counsel Fees* (May

8-9, 2009)

- Speaker, Thompson Reuters: West LegalEdcenter CLE Webcast, *Wyeth v. Levine: Preemption and Future Litigation* (March 27, 2009)
- Speaker, ACI Clinical Trials Conference: *Managing Legal Risk in Structuring & Conducting Clinical Trials*, "Post-Marketing Studies: Identifying and Minimizing the Litigation Risks," (February 27, 2008)
- Speaker, NYSBA CLE Seminar: Practical Skills - Basics of Civil Practice - The Trial, *Experts* (November 27, 2007)
- Speaker, ACI Conference, *Identifying and Minimizing Litigation Risks of Clinical Trial Data and Post-Market Adverse Event Reports*, (July 2007)
- Speaker and Author, New York City Bar Association Center for CLE: Navigating the Labyrinth of Complex (Including Multidistrict) Product Liability Litigation, *Expert Witnesses in Complex Litigation*, (March 22, 2005).
- Speaker, DRI Drug and Medical Device Seminar, *Prescribing Information: The Beauty and Beast of Labeling*, (May 12-13, 2005).
- Speaker, ABA 2004 Emerging Issues in Motor Vehicle Product Liability Litigation, *Emerging Trends in Litigating The Rollover Case*, (March 18, 2004).
- Speaker, NYSBA CLE Seminar: How To Try Damages, *Winning Strategies for the Defendant*, (Dec. 6, 2002).
- Speaker, NYSBA CLE Seminar: Practical Skills - Basics of Civil Practice - The Trial, *The Expert Witness*, (May 15-16, 2002).
- Speaker, NYSBA CLE Seminar: Practical Skills - How to Commence a Civil Lawsuit, *Pleadings and Motions Directed to Their Faults*, (Nov. 14-15, 2001).
- Speaker and Author, DRI Defense Practice Products Liability Seminar, *Demonstrative Testing: Safeguards Against Disclosure of Adverse Results*, (Feb. 4-6, 1998).

## NEWS

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## MEDIA MENTIONS

- Mentioned, "New York Law Journal Announces Its 2021 Distinguished Leaders," *New York Law Journal*, August 4, 2021
- "DLA Piper Disputes Practice Chair Discusses the Firm's 'Growth Mindset' and Focus on Client Relationships ," *The American Lawyer*, August 2, 2021
- "DLA Piper Restructures US Management Team to Support Single Chair Model," *The American Lawyer*, March 12, 2021
- "DLA Piper Forms New Management Team After Strong 2020," *Law360*, March 9, 2021
- Mentioned, "Encore! Encore! Here are the 2020 Litigators of the Week," *The Am Law Litigation Daily*, December 23, 2020
- Mentioned, "Masters of the Courtroom: Our 2020 Winning Litigators," *The National Law Journal*, August 31, 2020
- Mentioned, "Law360's 2020 Trials Editorial Advisory Board," *Law360*, April 27 2020
- Mentioned, "Litigators of the Week: Big Law Trio Deflate Suits Against Viagra and Cialis," *The Am Law Litigation Daily*, January 17, 2020