



**Joe W. Tomaselli, Jr.**

Partner / Dallas

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"[Joe Tomaselli] is excellent at working with experts and on complex science issues - it's his area of specialty, taking very complex science and making it understandable for judges and juries." – *Chambers USA* (ranked 2009-2022)

"Joe Tomaselli is a *terrific* litigator who frequently represents major pharmaceutical and medical device clients in mass torts. Clients are quick to highlight Joe Tomaselli's *in-depth understanding of technical information and his ability to take cases to trial.*" – *Chambers USA* (ranked 2009-2022)

"Joe Tomaselli Jr is recommended for his top-tier work in the product liability arena, standing out for his vast experience litigating" complex cases including "mass tort claims for major clients in the pharmaceutical sector." – *Who's Who Legal* (recognized 2016-2022)

Joe Tomaselli is a go-to litigator and master strategist renowned for developing and implementing winning scientific theories of the case on behalf of pharmaceutical and medical device manufacturers. Clients facing high profile mass tort cases routinely recruit Joe to join and lead science and medical expert teams where he marshals scientific evidence and theories, retains leading medical experts, handles key depositions and evidentiary hearings, and serves as trial counsel.

Joe's successes securing favorable pre-trial resolutions and defense verdicts in a host of bet-the-company litigations have earned him a well-deserved reputation as one of the nation's best products liability lawyers. As reported by *Chambers USA*: "Joe Tomaselli has an *encyclopedic knowledge of the relevant facts and information*" and "*adds incredible value because of his business acumen and academic training.*" "According to sources, he impresses by *diving into the scientific literature and providing unique insight.*" "Clients appreciate Joe Tomaselli for his responsiveness, intelligence and litigation skills." *The Legal 500* echoes these sentiments, reporting feedback that "the *distinguished*" Joe Tomaselli is "highly recommended: *one of the best trial lawyers I have worked with.*" According to *LMG Life Sciences*, Joe is known as one of "*the top product liability attorneys in the United States.*"

Joe's reputation goes beyond working up and trying complex cases. Companies defending products liability actions recognize that a well-developed, comprehensive, scientific theory of the case is critical not only for trial, but also for executing a winning *Daubert* and summary judgment strategy to either narrow the case or avoid trial altogether. Joe is a proven national leader in this area. In addition, Joe excels in leveraging litigation theories and wins in designing global settlement programs that have efficiently disposed of thousands of cases nationwide.

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## Representative Litigation

### Gardasil Litigation

Representation of Merck in all aspects of products liability cases involving the HPV vaccine, Gardasil.

### SynchroMed Litigation

Represented Medtronic, Inc. as national counsel in products liability cases nationwide involving the SynchroMed® II Programmable Drug Infusion System.

### In re Roundup Products Liability Litigation

Member of trial and national science and expert teams, including litigation-wide and case-specific expert strategy. Trial in St. Louis County in fall 2022 resulted in a complete defense verdict.

### PFAS Environmental Litigation

National counsel for 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.

### Rowley v. AbbVie, Inc.

Represented AbbVie in an MDL bellwether trial where the plaintiff claimed AndroGel caused his deep vein thrombosis. The jury returned a complete defense verdict for AbbVie in June 2018.

### Sybron Canada Holdings, Inc. et al. v. Niznick et al.

Lead trial counsel for Danaher Corp. joint venture companies in a breach of contract and fiduciary duty action against the joint ventures' minority shareholders pending in New York state court's Commercial Division. After approximately fifty days of deposition testimony and a two-week bench trial, the Court granted complete relief to Danaher and the joint venture companies, ruling that the minority shareholders had engaged in conduct that triggered two contractual buy-out options. The Court also rejected all of the minority shareholders' counterclaims against Danaher and the joint venture companies from which the shareholders had originally sought over 100 million dollars in damages. Obtained dismissal of two related cases filed in California state court by the minority shareholders.

### Vioxx Litigation

Trial counsel, national expert team member, and global settlement program co-designer and implementer for Merck in products liability and government investigation matters arising out of the withdrawal of the prescription drug, Vioxx®.

- *State of Louisiana v. Merck Sharp & Dohme Corp.* First Vioxx® trial relating to claims brought by a state Attorney General. Obtained a complete defense verdict after a two-week bench trial in federal multi-district litigation court in Louisiana.
- *Vioxx Governmental Action Cases* Served as national counsel and trial counsel in several actions brought by State Attorneys General against Merck relating to Vioxx®.
- *Plunkett v. Merck & Co., Inc.* First federal Vioxx® trial. After a two-week trial, mistrial declared after jurors reportedly deadlocked 8-1 in favor of the defense. A two-week jury retrial in New Orleans federal court resulted in unanimous defense verdict for Merck on all issues, which later was overturned by the district court.
- *Grossberg v. Merck & Co., Inc.* First California state court Vioxx® trial. Six-week jury trial resulted in a complete defense verdict for Merck.
- *Barnett v. Merck & Co., Inc.* Three-week federal jury trial resulted in verdict against Merck, subsequently reduced to small fraction of damages award by trial court.
- *Smith v. Merck & Co., Inc.* Three-week federal jury trial resulted in unanimous defense verdict for Merck after less than two hours of deliberations.
- *Mason v. Merck & Co., Inc.* Two-week federal jury trial resulted in defense verdict for Merck.
- *Dedrick v. Merck & Co., Inc.* Three-week federal jury trial resulted in defense verdict for Merck.
- *Ernst v. Merck & Co., Inc.* First Vioxx® trial in country. Five-week Texas state court jury trial that resulted in a judgment against Merck. Judgment was subsequently reversed and rendered for Merck on appeal.

### In re Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Member of national science and expert team for Johnson & Johnson and Ethicon in federal MDL concerning prescription pelvic mesh products used for the treatment of pelvic organ prolapse and stress incontinence.

**Lyles et al. v. McNeil-PPC, Inc. et al.**

Trial counsel for McNeil and Johnson & Johnson in products liability case involving teenager's fatal liver failure allegedly caused by Tylenol®. The matter settled for a nominal sum on the first day of trial.

**Berg v. Johnson & Johnson, et al.**

Trial counsel for Imerys Talc America, Inc. in products liability case involving ovarian cancer. Court granted summary judgment to Imerys shortly before trial.

**In re Hormone Therapy Litigation**

Represented Wyeth in product liability litigation involving Premarin® and Prempro® hormone replacement therapy products alleged to cause breast cancer.

**Seroquel Litigation**

Counsel and member of national expert team for AstraZeneca in products liability matters relating to the prescription drug, Seroquel® used to treat certain mental health disorders.

- *Hopkins v. AstraZeneca Pharmaceuticals, L.P.* Delaware state court Seroquel® trial. Summary judgment entered for AstraZeneca after judge granted AstraZeneca's *Daubert* motion on plaintiff's specific causation expert.
- *Scaife v. AstraZeneca Pharmaceuticals, L.P.* Delaware state court Seroquel® trial. Summary judgment entered for AstraZeneca after judge granted AstraZeneca's *Daubert* motion on plaintiff's specific causation expert.
- *Hebert v. AstraZeneca Pharmaceuticals, L.P.* Delaware state court Seroquel® trial. Plaintiff voluntarily dismissed case with prejudice three weeks before trial.
- *Jones v. AstraZeneca Pharmaceuticals, L.P.* Delaware state court Seroquel® trial. Summary judgment entered for AstraZeneca after judge granted AstraZeneca's *Daubert* motion on plaintiff's specific causation expert.

**In re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation**

National counsel and expert team member for Medtronic in mass tort litigation regarding Medtronic's Sprint Fidelis® heart defibrillator leads subject to product recall.

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**Additional Representative Litigation****Baycol Litigation**

Represented Bayer in products liability matters arising out of the withdrawal of the prescription drug, Baycol®. Assisted with state coordination, expert team matters, and case development.

**Kwell Shampoo Litigation**

Represented Block Drug in products liability matters arising out of the prescription drug, Kwell® shampoo. Assisted with expert matters and case development.

**Thurston v. Merck & Co., Inc.**

Represented Merck as trial counsel in products liability case filed in Texas state court and removed to federal court in Houston. Plaintiff alleged that he developed muscle-related injuries from Merck's cholesterol reducing medication, Zocor®. Merck's Motion to Dismiss was granted and the Court dismissed the case with prejudice. On appeal, the Fifth Circuit affirmed the dismissal with prejudice.

**Ketchum v. Merck & Co., Inc.**

Represented Merck and Schering-Plough as trial counsel in products liability case filed in Florida state court. Plaintiff alleged that he developed rhabdomyolysis from Merck's cholesterol reducing medication, Vytorin®. Obtained voluntary dismissal without prejudice after Merck filed its Motion to Dismiss.

**Acker v. Merck & Co., Inc.**

Represented Merck and Schering-Plough as trial counsel in products liability case filed in Texas state court and removed to federal court in Beaumont. Plaintiff alleges that he developed rhabdomyolysis from Merck's cholesterol reducing medication, Vytorin®.

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## Private Practice

Partner, Goldman Ismail Tomaselli Brennan & Baum LLP

Partner, Fulbright & Jaworski LLP (now Norton Rose Fulbright)

Associate, Fulbright & Jaworski LLP (now Norton Rose Fulbright)

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## Education

University of Texas at Austin School of Law (J.D., *with honors*)

Indiana University at Bloomington School of Business (B.S., Accounting and Finance, *with distinction*)

Passed all sections of the CPA Examination

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## Of Note

Ranked by *Chambers USA* as a Leading Individual in Nationwide Product Liability & Mass Torts (2011-2023) and Nationwide Product Liability Pharmaceutical (2023)

Ranked by *The Legal 500* as a Leading Lawyer in Product Liability and Mass Tort Defense: Pharmaceuticals and Medical Devices (2022)

Ranked by *Benchmark Litigation* as a Litigation Star (2023)

Recognized in *Who's Who Legal: Life Sciences Defence Lawyers* (2022)

Recognized in *Who's Who Legal: Product Liability Defence Lawyers* (2016-2022)

Selected by *Lawdragon* as among the "all-star litigators" "who excel at representing principally corporations and other organizations" in complex litigation, especially product liability, in the 500 Leading Litigators in America guide

Mentioned by *The Legal 500* for product liability and mass tort defense work (2011-2013, 2015-2017)

Named Product Liability "Life Science Star" (2015-2016) and "Practice Area Star" (2020-2022) by *LMG Life Sciences*

Recognized by *Chambers USA* as "Up and Coming" in Nationwide Products Liability (2009-2010)

Recognized as a Texas "Rising Star" by *Super Lawyers* (2007-2008, 2010-2011)

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## News

[Goldman Ismail Partners Receive Top Rankings in Benchmark Litigation 2025](#)

[Goldman Ismail 2024 Legal 500 Rankings](#)

[Goldman Ismail 2024 Chambers and Partners Rankings](#)

[Goldman Ismail and Partners Receive Top Rankings in Benchmark Litigation 2024](#)

[Goldman Ismail Tops 2023 Legal 500 Rankings](#)

[Goldman Ismail Tops 2023 Chambers and Partners Rankings](#)

[Goldman Ismail Helps Bayer and Monsanto Company Secure a Defense Victory in Roundup](#)

[Goldman Ismail and Partners Receive Top Rankings in LMG Life Sciences 2022](#)

[Trial](#)

[Goldman Ismail and Partners Receive Top Rankings in Benchmark Litigation 2023](#)

[Goldman Ismail Tops 2022 Chambers and Partners Rankings](#)

[Goldman Ismail Tops 2021 Chambers and Partners Rankings](#)

[Goldman Ismail Wins Summary Judgment for Medtronic, Inc.](#)

[Goldman Ismail Tops 2019 Chambers and Partners Rankings](#)

[Goldman Ismail Secures Complete Defense Jury Verdict in AndroGel Bellwether Trial](#)

[Goldman Ismail Obtains Summary Judgment for Medtronic in Another California SynchroMed Case](#)

[Goldman Ismail Tops 2017 Chambers and Legal 500 Rankings](#)

[Goldman Ismail Secures String of Dismissals on Preemption Grounds in SynchroMed Litigation](#)

[Goldman Ismail Recognized Once Again in Chambers Rankings](#)

[Goldman Ismail Tops 2015 Chambers and Legal 500 Rankings](#)

[Goldman Ismail Wins Summary Judgment for Imerys Talc](#)

[Goldman Ismail Nominated for Chambers USA Awards for Excellence 2013](#)

[Goldman Ismail Receives High Rankings Nationwide and in Illinois from Chambers USA 2011](#)

[Goldman Ismail Obtains Complete Defense Verdict for Merck in Vioxx Case Brought by LA Attorney General](#)

[Goldman Ismail Tops 2022 Legal 500 Rankings](#)

[Illinois Appellate Court Affirms Goldman Ismail Win of Summary Judgment for Medtronic, Inc.](#)

[Goldman Ismail Named Product Liability Firm of the Year for 2020 by LMG Life Sciences and Receives Top Rankings](#)

[Goldman Ismail Tops 2020 Chambers and Partners Rankings](#)

[Illinois Appellate Court Affirms Dismissal of SynchroMed Lawsuit](#)

[Goldman Ismail Tops 2018 Chambers and Partners Rankings](#)

[Goldman Ismail Secures Dismissal of All Claims Against Medtronic in California SynchroMed Case](#)

[Goldman Ismail Wins Bench Trial on behalf of Danaher Corp. Subsidiaries in Commercial Case](#)

[Goldman Ismail Ranked in 2016 LMG Life Sciences Guide](#)

[Goldman Ismail Once Again Tops Legal 500 Rankings](#)

[Goldman Ismail Lawyers Recognized for Excellence by Chambers and The Legal 500 in 2014](#)

[Goldman Ismail Recognized for Excellence by Chambers USA 2013 and The Legal 500 2013](#)

[The Legal 500 2012 Ranks Goldman Ismail as Top Firm for Products Liability Litigation](#)

[The Legal 500 2011 Ranks Goldman Ismail as a Top Firm for Products Liability Litigation](#)

[Chambers USA 2010 Ranks Goldman Ismail, Tarek Ismail and Joe Tomaselli](#)

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## Bar & Court Admission

United States Supreme Court

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Ninth Circuit

State of Texas

U.S. Court of Appeals for the Sixth Circuit

U.S. District Courts for the Eastern, Northern, Southern, and Western Districts of Texas

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**Additional Litigation Experience**

Represented large financial institutions in connection with multi-billion dollar adversary proceeding within the bankruptcy of Mirant, a wholesale energy concern.

Assisted major oil company in defeating multi-million dollar fraud and breach of contract claims pertaining to gas exploration in East Texas.

Represented fabricated products manufacturer in breach of contract suit pertaining to multi-million dollar asset purchase agreement.

Represented large accounting firm in connection with claims for auditing malpractice.

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