



G. BRIAN JACKSON

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Brian represents pharmaceutical and medical device manufacturers as trial counsel and in leadership roles of coordinated mass tort proceedings. He currently serves as Co-Lead Counsel in a medical device MDL in Atlanta and related litigation in New Jersey state court.

ABOUT BRIAN

Brian has 30 years of experience handling complex litigation. In recent years, his practice has been focused on defending product liability cases for pharmaceutical and medical device manufacturers.

He currently serves as co-lead counsel and trial counsel for Johnson & Johnson and Ethicon, Inc. in *In re: Ethicon Physiomesh Flexible Composite Hernia Mesh Products Liability Litigation*, MDL No. 2782, U.S. District Court for the Northern District of Georgia. He is also co-lead counsel in two consolidated proceedings for other hernia mesh products pending in New Jersey state court. In these roles, Brian directs and coordinates the efforts of a nationwide team of lawyers. He has previously served as co-lead science counsel for McNeil and Johnson & Johnson in *In re: Tylenol (Acetaminophen) Marketing, Sales Practices and Product Liability Litigation* (E.D. Pa.) and as national science counsel for a defendant in *In re Phenylpropanolamine Products Liability Litigation* (W.D. Wash.). He has played national roles in other mass torts and has particular expertise in *Daubert* practice and the retention, development and presentation of expert witnesses.

Brian has tried many cases as lead and co-counsel, including cases involving product liability, medical malpractice, health care regulatory issues (Certificate of Need), catastrophic personal injury and other disputes. In 2015, he was part of the trial team that obtained a unanimous jury verdict after a four-week trial in the first bellwether case in the New Jersey Tylenol liver injury litigation. In 2014 and 2016, he served as trial counsel in two high-profile jury trials in Los Angeles federal court in which the plaintiff alleged that a child died after ingesting a contaminated over-the-counter medicine. After the first trial ended in a unanimous defense verdict after three weeks, the court granted a new trial, which resulted in hung jury (7-1 in the client's favor).

For many years, Brian has represented major Tennessee hospitals in Certificate of Need litigation. In 2018, he successfully represented Baptist Memorial Hospital-Memphis in a contested case involving two other major health systems. In 2016, he successfully represented Vanderbilt University Medical Center in a dispute over a proposed new facility near Nashville. From 2007 to 2009, he successfully represented Maury Regional Hospital in a dispute over a proposed new \$110 million hospital sought by the world's largest for-profit health care company.

Brian has been recognized by *Best Lawyers in America*® (2008-present) and *Super Lawyers*® (2010-present), has an AV®-Preeminent™ rating from *Martindale-Hubbell*®, and is a member of IADC. He has recently been an invited lecturer or panelist at national

conferences, including the IADC Mid-Year meeting, the ACI Drug and Medical Device Conference, and a conference sponsored by the Lawyers for Civil Justice and the Federalist Society on the future of Multidistrict Litigation. He has been an invited lecturer at Vanderbilt Law School, Harvard Law School and Belmont University Law School. Among his publications is a law review note on student-university law that has been cited by nearly a hundred scholars and courts, including a 2007 U.S. Supreme Court decision.

PRACTICE AREAS AND INDUSTRY TEAMS

- Drug and Device Litigation
- Drug and Device Litigation – Trials
- Pharmaceutical, Medical Device and Healthcare Industry Team

EXPERIENCE

▪ Recent Trials:

- *Robertson v. McNeil/Johnson & Johnson*, United States District Court for the Central District of California (2014). Plaintiffs alleged that a child died as a result of contaminated medicine. Unanimous defense verdict after three-week trial. Plaintiff granted new trial, and retrial resulted in hung jury (7-1 in client's favor) (2016).
- *MDHA v. Nashville Downtown Platinum LLC*, Davidson County (TN) Circuit Court (2016). Lead trial counsel on behalf of city agency in eminent domain case about the value of downtown property acquired for convention center project. Jury unanimously rejected landowner's claim for \$4 million and awarded far less than the city had offered.
- *HCA Health Services of Tennessee, Inc. v. Vanderbilt University Medical Center* (2016). Successfully represented Vanderbilt University Medical Center in a dispute over a proposed new facility in Williamson County, Tennessee.
- *Strategic Behavioral Health v. Mountain States Health Alliance* (2015-2016). Represented largest hospital system in the Tri-Cities region (TN-VA) in opposition to proposed new psychiatric hospital.
- *Jackson v. McNeil/Johnson & Johnson*, Atlantic County (NJ) Superior Court (2015). [First bellwether case in the New Jersey Tylenol liver injury litigation. Unanimous defense verdict following four-week trial.](#)
- *Covenant Health v. East Tennessee Radiation Therapy Services* (2013). Represented the largest Knoxville-area hospital system in obtaining a reversal of a Certificate of Need for radiation therapy services.
- **Science counsel in MDL and Other Coordinated Proceedings.** Brian has served as national science counsel in coordinated proceedings, including several Multi-District Litigations. He has extensive experience in *Daubert* challenges, and in the retention, development, and presentation of defense expert witnesses. He has deposed or cross-examined dozens of experts from virtually every major medical specialty, as well as non-medical experts. He has had substantial roles in the following proceedings:
 - *In re: Tylenol (Acetaminophen) Marketing, Sales Practices and Product Liability Litigation* (E.D. Pa.).

- *In re: Ethicon, Inc. Pelvic Repair System Products Liability Litigation* (S.D. W.Va.).
- *In re: Pradaxa (Dabigatran Etexilate) Products Liability Litigation* (S.D. Ill.).
- *In re: Ephedra Products Liability Litigation* (S.D.N.Y.).
- *In re: Phenylpropanolamine Products Liability Litigation* (W.D. Wash.).

BAR ADMISSIONS

- Tennessee, 1992
- U.S. District Court
 - Tennessee: Western and Middle Districts
- U.S. Courts of Appeals
 - 5th Circuit
 - 6th Circuit
- U.S. Supreme Court
- *Pro Hac Vice* Admissions
 - Court of Common Pleas, Philadelphia, Pennsylvania
 - Superior Court of Los Angeles, California
 - Superior Court, Atlantic County, New Jersey
 - Brazoria County, Texas
 - U.S. District Court, Western District of Missouri
 - U.S. District Court, Southern District of New York
 - U.S. District Court, Southern District of Florida
 - U.S. District Court, Northern District of Alabama
 - U.S. District Court, Eastern District of Louisiana
 - U.S. District Court, Central District of California

DISTINCTIONS

- *Best Lawyers in America*[®]
 - Administrative / Regulatory Law, 2008-2022
 - Product Liability Litigation – Defendants, 2019-2022
- *Super Lawyers*[®]
 - Mid-South Super Lawyers, Personal Injury - Products: Defense, 2010-2021
- *Martindale-Hubbell*[®]
 - AV[®] - Preeminent[™] Peer Review Rated
- “Nashville’s 101 Top Lawyers,” *Nashville Post*
- “Best in Bar,” *Nashville Business Journal*
- *Benchmark Litigation*
 - Future Star, 2021

ASSOCIATIONS

- American Bar Association
 - Litigation Section

- Scribes: The American Society of Legal Writers
- Defense Research Institute
 - Drug and Medical Device Committee
- Harry Phillips American Inn of Court
 - Former Barrister Member
- International Association of Defense Counsel
- Nashville Bar Association
- Tennessee Bar Association

EDUCATION & HONORS

- Vanderbilt University, J.D., 1992
 - Associate Editor, *Vanderbilt Law Review*
 - *Vanderbilt Law Review*, Associate Editor's Award
- Sewanee: University of the South, B.A., *cum laude*, 1989

PAPERS, PRESENTATIONS AND PUBLICATIONS

- Invited Lecturer, "The Trial," Harvard Law School, Cambridge, Mass., October 4, 2018.
- Panelist, "Containing Litigation Tourism and the Practical Impact of the BMS Decision Thus Far," ACI Drug and Medical Device Conference, N.Y., 2017.
- Panelist, "Trying Cases and Settlement," Multidistrict Litigation (MDL) Conference, Washington D.C., October 19, 2017.
- Presenter, "The Trial," Vanderbilt University Law School, September 2016.
- Panelist, "Start to Finish: Jury Research From Pre-Discovery to Post-Trial," IADC Mid-year Meeting, Pebble Beach, Calif., 2016.
- Co-Author, *Expert Evidence in the Sixth Circuit, Scientific Evidence Review: Admissibility and Use of Expert Evidence in the Courtroom (Monograph No. 9)*, ABA Section of Science and Technology Law, 2013.
- Presenter, "Hot Topics in Product Liability Law," M. Lee Smith Tennessee Tort Law Conference, 2010.
- Presenter, "*Daubert* and Beyond," Rossdale Group National Teleconference on Trial Skills and Expert Witnesses, 2010.
- Presenter, "Ethical Issues in Litigation," Lorman Education Services, 2009.
- Presenter, "The Latest Word on Admissibility of Expert Testimony: State and Federal Standards," M. Lee Smith Audio Conference, 2008.
- Co-Author, *Expert Evidence in the Sixth Circuit, Scientific Evidence Review: Admissibility and Use of Expert Evidence in the Courtroom*, American Bar Association, 2008.

- Presenter, “*Daubert* Motions: Challenging Expert Opinions,” Lorman National Teleconference (2007, 2008, 2009, 2010); National Constitution Center National Teleconference, 2007.
- Presenter, “Preparing and Examining Expert Witnesses,” Tennessee Bar Association, 2007.
- Co-Author, Tennessee Chapter, *Product Liability Cases and the Duty to Warn: A 50 State Compendium*, DRI Defense Library Series, 2007.
- Author, “*Ipse Dixit* by Another Name? The Tennessee Supreme Court Takes Another Look at *Daubert*,” *Tennessee Bar Journal*, March 2006.
- Presenter, “Admissibility of Expert Testimony: Tennessee’s Take on *Daubert*,” Nashville Bar Association, 2006.
- Presenter, “Writing Better Briefs,” Tennessee Bar Association, 2006.
- Presenter, “Knocking Out Opposing Experts,” Nashville Bar Association, 2004.
- Presenter, “Superior Deposition Strategies in Tennessee Civil Trial Practice,” NBI, 2004.
- Presenter, “Trying the Wrongful Death Case in Tennessee,” NBI, 2003.
- Author, “*Ford v. Ford*,” *Tennessee Encyclopedia of History and Culture*, University of Tennessee Press, 1998.
- Author, “The Lingering Legacy of *In Loco Parentis*: An Historical Survey and Proposal for Reform,” 44 *Vanderbilt Law Review* 1135 (1991) (cited in *Morse v. Frederick*, 551 U.S. 393, 412 n.2 (2007) (Thomas, J., concurring); *McCauley v. Univ. of the Virgin Islands*, 618 F.3d 232 (3rd Cir. 2010); *Sharick v. Southeastern Univ. of the Health Sciences*, 780 So.2d 136 (Fla. Ct. App. 2000)).

CIVIC INVOLVEMENT

- Christ Church Cathedral, Nashville, Member and Lay Reader
- Nashville Opera Association, Advisory Board, Board Member
- Nashville Opera Association, Board of Directors, Former Member
- Nashville CARES, Board of Directors, Former Member
- Comprehensive Cares Foundation, Board of Directors, Former Chair
- Tennessee Stonewall Bar Association, Board of Directors, Member
- Historic Travellers Rest Plantation and Museum, Board of Directors