



## ERIC E. HUDSON

### Memphis Office

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*Eric focuses his practice on mass tort litigation for pharmaceutical and medical device manufacturers. He has extensive experience defending federal multidistrict litigation and state court consolidated litigation throughout the United States. He currently serves as national coordinating counsel for a pharmaceutical manufacturer defending nationwide product liability litigation.*

### ABOUT ERIC

In addition to his work defending pharmaceutical and medical device companies, Eric defends product liability and mass tort cases involving a wide range of products including industrial tools, motor vehicles, air bags, agricultural products and chemical products. He also handles complex commercial litigation cases involving business disputes, unfair competition, breach of contract and restrictive covenants and prosecutes and defends cases involving claims for patent, copyright and trademark infringement. His experience includes defending environmental contamination cases involving CERCLA and contribution actions.

Recognized by a variety of industry publications, Eric is listed in *Best Lawyers in America*<sup>®</sup>, *Mid-South Super Lawyers* and is AV<sup>®</sup>- Preeminent<sup>™</sup> Peer Review Rated by *Martindale-Hubbell*. He received the Tennessee Bar Association's Leadership Law Award (2010), and *Memphis Business Journal* selected him as one of its Top 40 Under 40 (2007). He is a Fellow of the American Bar Foundation, Tennessee Bar Foundation and Memphis Bar Foundation.

Eric is active in the American Bar Association, where he served as Co-Chair of the Mass Torts Committee (2012-2015), Co-Chair of the Drug and Medical Device Subcommittee (2010-2012) and Co-Chair of the Toxic Torts Subcommittee (2008-2010). He received the ABA's Outstanding Subcommittee Chair Award (2008 and 2010). He is a member of the Drug and Medical Device Committee of Defense Research Institute (DRI). He served as President (2013) and Treasurer (2010) of the Memphis Mid-South Chapter of the Federal Bar Association. He is also a member of the Product Liability Advisory Council (PLAC). He speaks and writes frequently on mass tort and trial-related topics for a variety of publications, including the ABA's *Mass Torts Newsletter*.

## **PRACTICE AREAS AND INDUSTRY TEAMS**

- Drug and Device Litigation
- Pharmaceutical, Medical Device and Healthcare Industry Team
- Product Liability Litigation
- Business Torts and Unfair Competition
- Commercial Litigation

## **EXPERIENCE**

- National Coordinating Counsel and MDL Liaison Counsel for branded pharmaceutical manufacturer in MDL proceedings in the U.S. District Court, Southern District of Illinois & coordinated state court proceedings in California, Connecticut and Delaware.
- Lead Counsel in MDL proceedings in the U.S. District Court, Eastern District of New York on behalf of generic pharmaceutical manufacturer.
- Lead Counsel for pharmaceutical manufacturer in mass tort cases filed in Las Vegas, Nevada alleging Hepatitis C infection. Obtained dismissals of more than 4,000 plaintiffs' claims.
- Defense of mass torts cases involving exposure to industrial chemicals in national venues.
- Summary judgment obtained for manufacturer of metalworking fluids in mass torts case involving over 200 plaintiffs with claims exceeding \$100 Million in the U.S. District Court, Eastern District of Michigan.
- After removal pursuant to the Class Action Fairness Act, successfully defeated remand efforts by plaintiffs in a putative class action seeking more than \$50 Billion for alleged identity theft, ultimately leading to outright dismissal.
- Defense of product liability cases involving pharmaceuticals, industrial tools, motor vehicles, air bags, agricultural products and chemical products.
- Prosecution and defense of cases involving claims for patent, copyright and trademark infringement.
- Prosecution and defense of commercial cases involving business disputes, unfair competition, breach of contract and restrictive covenants.
- Defense of environmental contamination cases involving CERCLA and contribution actions.

## BAR ADMISSIONS

- Tennessee, 2003
- Vermont, 1998 (*inactive*)
- U.S. District Courts
  - Tennessee: Eastern, Middle, Western
  - Vermont: District of Vermont
  - Michigan: Eastern
- U.S. Court of Appeals
  - 6<sup>th</sup> Circuit
- U.S. Supreme Court

## DISTINCTIONS

- *The Legal 500 US*
  - Recognized in the editorial for nationwide Dispute Resolution: Product Liability, Mass Tort and Class Action: Pharmaceuticals and Medical Devices – Defense, 2019.
- *Best Lawyers in America*<sup>®</sup>
  - Commercial Litigation, 2013-2021
- *Super Lawyers*<sup>®</sup>
  - Mid-South Super Lawyers, Class Action / Mass Torts, 2011-2019
  - Mid-South Rising Stars, 2008-2010
- *Martindale-Hubbell*<sup>®</sup>
  - AV<sup>®</sup>- Preeminent<sup>™</sup> Peer Review Rated, 2010-2017
- *Memphis Business Journal*
  - Top 40 Under 40, 2007
- Outstanding Subcommittee Chair, Litigation Section, American Bar Association, 2008 and 2010
- Tennessee Bar Association, Leadership Law 2010
- Life Sciences Star, LMG Life Sciences
- Fellow, American Bar Foundation
- Fellow, Memphis Bar Foundation
- Fellow, Tennessee Bar Foundation

## ASSOCIATIONS

- American Bar Association
  - Litigation Section
    - Mass Torts Committee
      - Co-Chair, 2012-2015
    - Drug and Medical Device Subcommittee
      - Co-Chair, 2010-2012
    - Toxic Torts Subcommittee
      - Co-Chair, 2008-2010
- Defense Research Institute (DRI)
  - Drug and Medical Device Committee

- Federal Bar Association
  - Memphis Mid-South Chapter
    - President, 2013
    - Treasurer, 2010
- Tennessee Bar Association
- Product Liability Advisory Council (PLAC)
  - Sustaining Member

## EDUCATION & HONORS

- Vermont Law School, J.D., *magna cum laude*, 1998
  - Head Notes Editor, *Vermont Law Review*
  - Am Jur Awards, Civil Procedure, Intellectual Property, Appellate Advocacy
- University of South Florida, M.A., Biology, 1995
- Vanderbilt University, B.S., Biology, 1993

## PAPERS, PRESENTATIONS AND PUBLICATIONS

- Co-Author, "[Plaintiff Attorney Advertising: Protected or Prosecutable?](#)" *Pro Te Solutio*, Vol. 8, No. 5, Spring 2016.
- Author, "Jenga for the Experts: How Much Can One Expert Rely on Another?" ABA, Section of Litigation, *Mass Torts Newsletter*, Vol. 14, No. 3, Summer 2016.
- Author, "[B2B Litigation Avoidance in the Pharmaceutical and Medical Device Industry](#)," *Pro Te: Solutio*, Vol. 8 No. 1, May 2015.
- Author, "[The FDA's Strategic Priorities for 2014-2018](#)," *Pro Te: Solutio*, Vol. 7 No. 3, September 2014.
- Author, "[Mensing: Preemption or Not?](#)" *Pro Te: Solutio*, Vol. 5 No. 1, 16-19, February 2012.
- Presenter and Panel Member, "Devising Novel End-Game Strategies in Bet-the-Company Litigation," ACI's National Advanced Forum on Managing and Resolving Mass Tort Products Liability Claims, New York, NY, October 2010.
- Panel Chair and Seminar Co-Chair, "Chemical Products and Toxic Torts: From Crisis to Mass Litigation – Starting Smart and Finishing Strong," Houston, TX, October 2010.
- Author, "[Generic Preemption after Levine](#)," *Pro Te: Solutio*, Vol. 3 No. 4, 6-9, October 2010.
- Author, "Comment C on Toxic Torts in the Restatement Third," ABA, Section of Litigation, *Mass Torts Newsletter*, Summer 2010.

- Author, [“Defeating Class Certification in Complex Commercial Litigation,”](#) *Pro Te: Solutio*, Vol. 2 No. 4, 14-19, October 2009.
- Seminar Co-Chair, “Chemical Products and Toxic Torts: New Developments, Significant Trends and a View into the Future,” ABA Section of Litigation, Products Liability and Mass Torts Committees, Exxon Mobil Corporation, Houston, TX, September 2009.
- Author, “The Potential REACH of European Union Chemical Regulations into U.S. Courts,” ABA Section of Litigation, *Mass Torts Newsletter*, Winter 2008.
- Author, “Consolidation: Tempering the Temptation for Judicial Economy,” ABA Section of Litigation, *Trial Practice Journal*, Vol. 22, No. 3, Fall 2008.
- Panel Chair, “Class Action Certification,” ABA Section of Litigation, Chemical Products Subcommittee Meeting, Wilmington, Del., 2008.
- Presenter, “Mass Torts: Looking Back But Heading Forward,” ABA Section of Litigation, Mass Torts, Product Liability and Environmental Litigation Joint Meeting, Aspen, Colo., 2008.
- Author, “Bellwether Plaintiffs – Overview, Strategy and Implications,” ABA Section of Litigation, *Mass Torts Newsletter*, Winter 2007.
- Presenter, “Developments in Mass Torts Law,” ABA Section of Litigation, Mid-Year Meeting, San Antonio, Texas 2007.
- Author, “Beyond the HazCom Standard in Failure to Warn Claims,” Defense Research Institute, *For the Defense*, April 2007.
- Author, “Joint Defense Agreements – Practical and Ethical Considerations”, Defense Research Institute, *For the Defense*, February 2007.
- Presenter, “Civility and Professionalism in a Young Lawyer’s Practice,” Defense Research Institute, Annual Meeting, Washington, D.C., 2007.
- Presenter, “Civility and Professionalism,” CLE, Memphis Bar Association, 2007.
- Author, “Damages and Burden Shifting in Trademark and Copyright Cases,” *Defending Intellectual Property Cases*, Defense Research Institute, 2006.
- Presenter, “Products Liability,” CLE, Memphis Bar Association, 2006.
- Regular columnist for DRI’s *Daubert On-line*, an electronic newsletter providing updates on the law applicable to expert witnesses.

**CIVIC INVOLVEMENT**

- Nuber YMCA
  - Volunteer of the Year, 2014
  - Annual Campaign Co-Chair, 2013 and 2014
  - Board of Directors, 2009-Present
- Memphis Area Legal Services
  - Pro Bono Volunteer