



Nathan A. Schachtman

Counsel

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For almost three decades, Nathan's practice has been focused on defense of product liability suits, primarily involving prescriptions and over-the-counter medications, medical devices, and exposures to toxic substances from product and environmental sources. He has been involved in some of the most prominent cases involving hormone therapy, PPA, Rezulin, and other oral anti-diabetic medications, anti-depressants, and silicone gel. Nathan's expertise involves a heavy emphasis on the scientific and medico-issues that often dominate toxic tort litigation cases. He has challenged a wide variety of expert witnesses, including scientists and physicians, testifying on behalf of the claimants, on immunology, epidemiology, toxicology, polymer and analytical chemistry, rheumatology, neuropsychology, and other areas of clinical medicine.

Nathan has tried over 40 cases, more than 12 *Daubert* hearings, and has briefed and argued appeals in New Jersey, Pennsylvania, Oregon, and New York, as well as the U.S. Court of Appeals. He has achieved the highest ranking, AV Preeminent®, from Martindale-Hubbell®, and has been named a Super Lawyer. Nathan teaches a course in statistics in the law at Columbia Law School.

Education

- Rutgers University (A.B., 1975)
- Rutgers Law School (J.D., *magna cum laude*, 1982)
 - Articles Editor, Rutgers Law Review

Bar Admissions

- New Jersey

Professional Affiliations

- American Bar Association
- Defense Research Institute

Community Involvement

- American Association for the Advancement of Science

Practices & Industries

- Litigation & Dispute Resolution
- Product Liability

- Rutgers School of Law Alumni Association (*Former Board Member*)
- New York Mineralogical Club, Bancroft Mineral Club

Awards & Honors

- American Law Institute (*Elected Member*)
- American Bar Foundation (*Fellow*)
- AV Preeminent Peer Review Rated– Martindale-Hubbell
- Named to the New York Super Lawyers list (2009-2012)
- Named to the Pennsylvania Super Lawyers list (2007)

Experience

- Served as national trial counsel for Bristol-Myers Squibb Company, including its representation before the court-appointed National Science Panel of experts, in the breast implant Multi-District Litigation.
- Managed expert witnesses, prepared cross examinations of adverse expert witnesses, as well as planned, briefed, coordinated, and conducted Daubert challenged to plaintiffs' expert witnesses in the breast implant litigation throughout the country.
- Represented a group of welding manufacturers that are targeted by claims that constituents of welding fume cause brain damage.
- Represented sand suppliers in trials and appeals in New Jersey, Pennsylvania, New York, Delaware, and Texas. Served as liaison counsel for the sand suppliers in the coordinated Pennsylvania silica litigation.

REPORTED CASES

- *Rickicki v. Borden Chemical*, New York Supreme Court, County of Cattaraugus, (Jan. 11, 2007) (granting summary judgment and dismissing all claims on grounds of sophisticated-user doctrine), rev'd, 60 A.D.3d 1276, 876 N.Y.S.2d 791 (2009)
- *Tompkins v. U.S. Silica Co.*, Jefferson County, Texas; Trial Cause E-162, 276 (2001) (trial counsel), aff'd 92 S.W.3d 605 (2002), rev'd and remanded, *U.S. Silica Co. v. Tompkins*, 156 S.W.3d 578 (2005)
- *Kronfeld v. Novartis Consumer Healthcare*, Superior Court of New Jersey, Law Div., Middlesex Cty., L-003034-02 MT (no cause of action, Jan. 16, 2004) (trial counsel) (unanimous jury verdict in phenylpropanolamine case on design defect and failure to warn claims), aff'd App. Div. (Sept. 2005)
- *Coleman v. Wyeth Pharms., Inc.*, 2007 Phila. Ct. Com. Pl. LEXIS 262, at *32 (Pa. Com. Pl. Sep. 24, 2007)
- *TCI v. Dayco Products*, 2001 U.S. Dist. LEXIS 15838 (E.D.Pa. 2001) (barring economist's expert witness opinion testimony under Daubert), aff'd (3d Cir. 2002)
- *Wilson v. Flintkote*, 2002 Pa. Super. 294; 807 A.2d 922 (2002) (upholding summary judgment in mesothelioma case; rejecting challenge to frequency, proximity, and regularity requirement in mesothelioma case)
- *In re Collins*, 233 F.3d 809 (3d Cir. 2000) (upholding MDL practice of refusing to remand punitive damage claims with cases to transferor courts), cert. denied sub nom. *Collins v. MacMillan Bloedel, Inc.*, 532 U.S. 1066 (2001)

- *DeClerico v. Bell Asbestos Mines*, 137 Montg. Cty. L.R. Part II 277 (2000) (enforcement of settlements and agency issues) (argued)
- *Toledo v. Medical Engineering Corp.*, 50 Pa. D. & C.4th 129 (Philadelphia Court of Common Pleas 2000) (Frye hearing; argued)
- *Harman v. Nick Lipari, et al.*, Superior Court of New Jersey, Law Division, Gloucester County, Docket No. GLO-L-1375-95, Order of November 3, 2000
- *Burch v Surgitec, Inc.*, New Mexico, County of Bernalillo (2d Judicial District) CV-92-10922 (1998) (Daubert hearing; argued on behalf of BMS)
- *Benigno v. Bristol-Myers Squibb Co.*, New York Supreme Court – Trial Part 39, Index No. 115431/96 (June 1998)(trial counsel)
- *Brusca v. The Cooper Companies*, N.Y. Supreme – Trial Division Part 20, Index No. 128115/93 (1997) (Frye hearing; lead counsel)
- *Shaw v Bristol-Myers Squibb Co.*, Multnomah County, Oregon, No. 9312-08347 (March 1996) (trial counsel for punitive damages phase; argued appeal)
- *Simmons v. Pacor, Inc.*, 543 Pa. 664, 674 A.2d 232 (1996) (eliminating claims of fear and increased risk of cancer in nonmalignant asbestos personal injury cases)
- *Rothermel v. Owens-Illinois*, 542 Pa. 358 (1995) (apportionment of damages between defendants' products and tobacco products)(argued)
- *Tunstall v Exolon Corp.*, U.S. District Court Civil Action No. 92-3770 (E.D.Pa. 1993), 1993 U.S.Dist. LEXIS 2921
- *Phillips v. A.P. Green Refractories Co.*, 428 Pa. Super. 167, 630 A.2d, 874 (1993) (trial counsel), aff'd, 542 Pa. 124, 665 A.2d 1167 (1995) (gaining recognition for sophisticated user defenses in silica cases in Pennsylvania)
- *Caterinicchio v. Pittsburgh Corning Corp.*, 127 N.J. 428, 605 A.2d 1092 (1992) (standards for reliability and sufficiency of epidemiologic evidence) (trial and appellate counsel)
- *Norman v. Johns-Manville Corp.*, 406 Pa. Super.103, 593 A.2d 890 (1991) (state-of-the-art defense and choice of law issues)
- *Urbasik v. Anchor Packing*, 111 Dauphin County 230 (1991) (defense verdict on medical causation between chrysotile asbestos exposure and plaintiff's mesothelioma) (trial counsel), aff'd 423 Pa. Super. 649 (1992), allocatur denied, 532 Pa. 665 (1992)
- *Schulz v. Celotex Corp.*, 942 F.2d 204 (3d Cir. 1991)
- *Ron Hill v. Carey Canada, Inc.*, Superior Court of New Jersey, Law Division – Camden County, NO. L-051429-84 (July, 1990) (defense verdict on medical causation between chrysotile exposure and plaintiff's mesothelioma) (trial counsel for Carey Canada)
- *Howell v. The Celotex Corp.*, 904 F.2d 3 (3d Cir. 1990)
- *O'Donnell v. Celotex Corp.*, PCCP July Term 1982, No. 1619; May 1989 (defense verdict in all-issue trial involving sophisticated employer and state-of-the-art defenses in case brought by naval shipyard worker with asbestosis) (trial counsel)
- *Wisniewski v. Johns-Manville Corp.*, 1986 WL 3858 (E.D.Pa. 1986), aff'd, 812 F.2d 81 (3d Cir. 1987) (excluding claims for intentional infliction of emotional distress and limiting availability of punitive damages in asbestos cases) (argued)
- *Ross v. Johns-Manville Corp.*, 766 F.2d 823 (3d Cir. 1985) (choice of law issues) (argued)