



## John D. Winter

Partner

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John Winter has focused his practice on the defense of pharmaceutical and medical device cases. A member of Patterson Belknap since 1990, Mr. Winter has tried or argued the appeal of more than 50 product liability cases in state and federal courts throughout the United States. He has also acted as national counsel for pharmaceutical, consumer product, and medical device manufacturers in consolidated proceedings in state and federal courts. *Chambers USA – America’s Leading Lawyers for Business* has recognized Mr. Winter as a notable practitioner nationally in the field of product liability and mass torts. Clients have stated that he is "*phenomenally experienced and practical*" and "*very knowledgeable about regulatory issues with the FDA.*" Clients have also noted that he has "*very good judgment*" and is "*always accessible and very responsive.*"

Mr. Winter also has substantial experience litigating commercial matters for Patterson Belknap clients including tax-exempt organizations, governmental entities, privately held companies as well as pharmaceutical, cosmetic and medical device companies.

Prior to joining Patterson Belknap, Mr. Winter served as Law Clerk to the Hon. John M. Cannella, U.S. District Judge for the Southern District of New York.

### **Representative Matters**

#### ***Pharmaceutical and Medical Device Manufacturers***

Coordinating defense at trial and appellate levels of more than 5,000 product liability actions pending in state and federal courts involving seven different medicines and medical devices.

Representing at trial and appellate levels pharmaceutical and medical device manufacturers in more than 250 individual product liability lawsuits.

Representing pharmaceutical and medical device manufacturers in Congressional inquiries on clinical research and marketing practices.

Representing pharmaceutical manufacturer in domestic and international contract arbitrations.

#### ***Other Industries***

Defending and winning jury verdict in case alleging that employee was terminated because of a disability.

Defending and winning jury verdict in case alleging that an employee was sexually harassed.

Defending and winning jury verdict in case alleging that failure to promote an employee was based on race discrimination and exercise of First Amendment rights.

# Patterson Belknap

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Defending and winning at trial a constitutional challenge to the manner in which a county subsidizes certain forms of mass transit.

Representing public entity in federal court appeal and obtaining reversal of trial court decision that termination of four county attorneys violated their civil rights.

Defending and winning directed verdict in case alleging that employee termination by public entity violated First Amendment.

Prosecuting \$200 million securities fraud lawsuit on behalf of twenty-five financial institutions against an accounting firm.

## Education

- Fordham University School of Law (J.D., 1981)
  - Editor-in-Chief, *Fordham Urban Law Journal*
- University of Pennsylvania (M.A., 1978)
- University of Pennsylvania (B.A., *cum laude*, 1978)

## Admissions

- U.S. Court of Appeals, Second Circuit; Fourth Circuit; Fifth Circuit; Seventh Circuit; Eighth Circuit; Ninth Circuit; Eleventh Circuit
- U.S. District Court, Southern, Eastern, Western and Northern Districts of New York; Northern District of Illinois
- New York

## Professional Activities

MEMBERSHIPS: Product Liability Advisory Council; International Association of Defense Counsel; Member, New York State Bar Association (Committee on the Federal Judiciary of the Commercial & Federal Litigation Section)

HONORS: Nationally recognized by *Chambers USA* in the area of Products Liability

## Publications

- "The Federal Court in New York: 225 Years and Counting" U.S. District Court, Southern District of New York, *History of the Southern District* (March 2014)
- "Retelling the History of the United States District Court for the Southern District of New York" *NY Litigator*, Volume 17, Number 1 (Summer 2012)
- "The Admission of Government Agency Reports under Federal Rule of Evidence 803(8)(c)" *Mass Torts*, Volume 7, Number 2 (Spring 2009)
- "Is it Time to Abandon FDA's No Release from Liability Regulation for Clinical Studies?" *Food and Drug Law Journal* (Summer 2008)
- Individual Practices of Judges and Magistrate Judges in the Southern District of New York *NY Litigation* (Summer 2008)
- "Federal Preemption in the Medical Device Area," *Food, Drug, Cosmetic and Medical Device Law Digest* (January 1991)