



John D. Winter

Of Counsel

jwinter@pbwt.com

212.336.2836

John D. Winter is a nationally recognized litigator with more than 30 years experience serving as lead counsel for several mass tort settlements as well as many arbitrations and trials. Mr. Winter has negotiated the resolution of global, firm inventory, and individual settlements of many thousands of cases and claims and has tried or argued the appeal of more than 50 product liability cases in federal and state 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.

Mr. Winter has been praised by *Chambers & Partners* for being “an excellent all-around lawyer, who is very good at analyzing issues” and for “his knowledge of and for the inner workings of court and his overall knowledge of rules and statutes.”

In addition to his products liability work, Mr. Winter has served as lead counsel for arbitrations and trials in various other areas including commercial law, civil rights, employment, ERISA, insurance, and real estate.

Representative Matters

Product Liability/Personal Injury

- A consolidated state court proceeding involving an IV administered biologic
- A consolidated state court proceeding involving a cardiac device
- An MDL involving an orthopedic device
- An MDL involving a device used in gynecological surgery
- A consolidated state court proceeding and MDLs involving a prescription antibiotic
- Consolidated state court proceedings involving a prescription anti-psychotic medicine
- A consolidated state court proceeding involving a prescription anti-epileptic medicine

Business/Commercial

- Arbitration among members regarding the dissolution of a professional services LLC
- Arbitrations regarding the terms of a shareholder agreement for a closely held manufacturing company
- Arbitration regarding the termination of a sales agreement regarding an oral cancer testing product
- Arbitrations regarding the terms of a manufacturing agreement for reagents for a blood screening test
- Arbitration regarding the termination of a sales and marketing agreement for a breast cancer testing product

- Arbitration regarding the termination of a co-promotion agreement for a pharmaceutical
- Arbitration regarding the termination of a marketing agreement for consumer products
- Arbitration regarding the royalty provisions of a patent license agreement
- Litigation regarding the termination of a supply and contract manufacturing agreement
- Defending accounting proceeding involving works of art held by a closely held family business
- Obtaining replevin of a museum's wrongfully sold art work
- Obtaining declaratory relief regarding a claim relating to the provenance of a work of art

Civil Rights

- Defending claim at trial that an employee was not promoted based on race discrimination
- Defending claim that an employee was not promoted due to gender discrimination
- Defending claim at trial that an employee of a public entity was terminated for exercising his First Amendment rights
- Defending constitutional challenges at trial to the manner in which a public entity subsidized mass transit
- Obtaining reversal on appeal on a trial ruling that employees of a public entity were terminated for exercising their civil rights

Employment

- Defending claim at trial that an employee was sexually harassed by her supervisor
- Defending claim at trial that an employee had been terminated because of his age
- Defending claim at trial that an employee was terminated due to a disability

ERISA

- Arbitration regarding the terms of a stop loss coverage policy for employee health benefits
- Arbitration regarding the interpretation of the provisions of an employee health benefits agreement

Insurance

- Multiple arbitrations regarding product liability insurance coverage disputes

Real Estate

- Litigation regarding the terms of a ground lease and the implementation of a related development agreement
- Arbitration among members of an LLC regarding the terms of an operating agreement
- Arbitration among members of an LLC regarding the terms of a ground lease
- Arbitration regarding an alleged breach of a property management agreement
- Arbitration among members of an LLC regarding the refinancing of a mortgage
- Arbitration regarding the terms of a ground lease

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

Honors, Memberships, and Professional Activities

- Ranked Band 4 by *Chambers USA* in the area of Products Liability
- Recognized by Euromoney Institutional Investor PLC's *Benchmark Litigation* as a "Litigation Star"
- Speaking Engagements:
 - Presenter, "Equity Throughout the Global Vaccine Lifestyle," Global Healthcare Alliance's 2023 National Vaccine Law Conference (September 14, 2023)

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)

Publications

- "First National Vaccine Law Conference: Papers and Proceedings," (February 2024)
- "Vaccine-Related Liability: Past Approaches, Current Challenges, and Proposals for Encouraging Future Innovation and More Widespread Vaccine Use," *Food and Drug Law Journal* (October 2021)
- "Trial in the Commercial Division," *Bloomberg Law: New York Commercial Division Practice Guide* (2019)
- "Toward a Global Solution on Vaccine Liability and Compensation," *Food and Drug Law Journal* (March 2019)
- "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)