



## Thomas P. Kurland

Counsel

[tkurland@pbwt.com](mailto:tkurland@pbwt.com)

Tel: 212-336-2019

Fax: 212-336-2222

Tom Kurland is a member of the Firm's Litigation department, focusing on products liability, brand protection, and commercial tort. Mr. Kurland has been recognized annually since 2016 as a "Rising Star" in the New York-Metro edition of *Super Lawyers*.

### ***Products Liability***

Mr. Kurland defends major pharmaceutical and medical device manufacturers and distributors against products liability claims in both state and federal courts, including multi-district litigations.

Mr. Kurland has extensive experience with all phases of products liability litigation from initial case assessment through trial, and has served as both national counsel and local counsel defending claims related to prescription medicines, vaccines, over-the-counter products, surgical implants, and consumer goods. As a testament to his experience in this area, Mr. Kurland is routinely sought out by clients, colleagues, and even adversaries for his understanding of civil procedure and trial evidence.

Since 2016, Mr. Kurland has acted as principal regional counsel to a Fortune 50 consumer products manufacturer defending allegations that its cosmetic talc products were contaminated with asbestos. In this role, Mr. Kurland has overseen the defense of scores of cases in specialized asbestos proceedings throughout New York State, and has jury trial experience in some of New York's most challenging venues.

Mr. Kurland has also been engaged to prepare experts on medical causation, epidemiology, signal detection, and regulatory compliance for proceedings throughout the United States and abroad, and maintains extensive relationships with physicians, scientists, and other specialists in these areas.

### ***Anti-Counterfeiting and Investigations***

Mr. Kurland has represented major manufacturers of medical devices and nutritional supplements in anti-counterfeiting actions nationwide as plaintiffs' counsel in civil proceedings, coordinating large-scale anti-counterfeiting investigations in cooperation with law enforcement authorities.

In the course of this work, Mr. Kurland has successfully seized counterfeit products from dozens of individuals and businesses that have manufactured and distributed counterfeits, and has assisted in the recovery of millions of dollars in settlements, judgments and penalties.

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Mr. Kurland has also advised clients in a variety of industries on developing investigative strategies to uncover improper marketing and sales tactics, and has extensive experience working with private investigators both domestically and abroad to further his clients' objectives.

## ***False Advertising***

Mr. Kurland has represented clients in the telecommunications, e-commerce, nutritional supplement, and cosmetics industries as both plaintiffs and defendants in false advertising and consumer fraud actions brought under both state and federal law, including Lanham Act claims and consumer class-action lawsuits.

## ***Commercial Disputes***

Mr. Kurland represents clients in a variety of commercial disputes arising under both tort and contract law in state and federal court, as well as in domestic and international arbitration. Among other matters, Mr. Kurland has successfully defended an international publishing company against claims related to alleged corporate espionage; defended a major Latin American industrial concern in a dispute concerning a professional services contract; and defended an engineering firm from allegations of tortious interference with a joint venture agreement.

## ***Pro Bono***

Mr. Kurland shares the firm's commitment to pro bono work, focusing on civil rights litigation. Among other matters, Mr. Kurland has represented pre-trial detainees housed in City-run correctional facilities who sustained injuries as a result of their improper classification as gang members; represented disabled students in New Orleans who were turned away from public schools in the aftermath of Hurricane Katrina; represented a non-profit school for disabled children facing eviction from its facility; represented low-income immigrants after the tenement building where they resided was destroyed in a devastating fire; and represented tenants in a rent-controlled building facing eviction motivated by improper ethnic discrimination.

In connection with these efforts, Mr. Kurland is a past recipient of the Legal Aid Society's Pro Bono Publico Award for Outstanding Pro Bono Service, and has been recognized as Empire State Counsel by the New York State Bar Association.

## **Education**

- Cornell Law School (J.D., 2010)
  - Articles Editor, *Cornell Journal of Law and Public Policy*
  - General Editor, *Cornell Legal Information Institute Bulletin*
- University of Pennsylvania (B.A., *cum laude*, 2005)

## **Admissions**

- U.S. Court of Appeals, Second Circuit; Third Circuit
- U.S. District Court, Southern; Eastern; Western; Northern Districts of New York
- New York

## **Professional Activities**

MEMBERSHIPS: DRI (Drug and Medical Device Committee); New York City Bar Association (Product Liability Committee - Member 2016-2019; Chair 2019-2022); New York State Bar Association; American Bar Association

SPEAKING ENGAGEMENTS: Presenter, "Strategies for Combating Off-Label Marketing Claims with the Learned Intermediary Doctrine," DRI Drug and Medical Device Conference (May 11, 2017); "CASE STUDY: The 5-Hour ENERGY™ Anti-Counterfeiting Litigation," IQPC 17<sup>th</sup> Annual Anti-Counterfeiting & Brand Protection Summit (September 26, 2016)

## Publications

- Co-Author, "[NY's New Marijuana Law: Implications for False Advertising and Products Liability Lawsuits](#)," *New York Law Journal* (May 2021)
- Co-Author, "[The SCOTUS Ford Decision Is Good News for Mass Tort Defendants](#)," *Bloomberg Law* (April 2021)
- Author, "[NY Ruling On Amazon's Seller Liability Is Good For Plaintiffs](#)," *Law360* (January 2021)
- Co-author, "[COVID-19 Business Interruption Coverage – Chief Roadblocks And Potential Paths To Coverage For Commercial Losses In New York](#)" *MEALEY's Litigation Report: Catastrophic Loss* (August 2020)
- Co-author, "[COVID-19 Business Interruption Coverage – Chief Roadblocks And Potential Paths To Coverage For Commercial Losses In New York](#)" *MEALEY's Emerging Insurance Disputes* (July 2020)
- Co-Author, "[INSIGHT: Business Interruption Recovery in New York—Two Cases Might Help](#)," *Bloomberg Law* (July 2020)
- Contributing Author, *DRI Products Liability Case Law Update* (2015)
- Co-Author, *50 State Survey: Media Privacy and Related Law* (Media Law Resource Center)

## NY Commercial Division Blog

Patterson Belknap's Commercial Division Blog covers developments related to practice and case law in the Commercial Division of the New York State Supreme Court. The Commercial Division was formed in 1993 to enhance the quality of judicial adjudication and to improve efficiency in the case management of commercial disputes that are litigated in New York State courts. Since then, the Division has become a leading venue for judicial resolution of high-stakes and every-day commercial disputes. This Blog reviews key developments in the Commercial Division, including important decisions handed down by the Commercial Division, appellate court decisions reviewing Commercial Division decisions, and changes and proposed changes to Commercial Division rules and practices. Our aim is to provide you with thoughtful and succinct analysis of these issues. The Blog is written by experienced commercial litigators who have substantial practices in the Commercial Division.

### **Commercial Division Finds Movie Theater Not Entitled to Business Interruption Coverage for COVID-19 Closures**

February 17, 2021

Last summer, we wrote about two principles of New York law that could provide a path to insurance coverage for businesses hit hard by the economic losses resulting from Governor Cuomo's COVID-19-related shutdown orders. Although we noted that businesses seeking...

### **Business Interruption Recovery in New York—Two Cases Might Help**

July 6, 2020

In the wake of punishing economic losses caused by Covid-19-related shutdown orders, business owners across New York have turned to their insurers for temporary relief in the form of business interruption coverage. If recent reports are any indication, however, New...

## Publications

May 26, 2021

**NY's New Marijuana Law: Implications for False Advertising and Products Liability Lawsuits**  
*New York Law Journal*

April 14, 2021

**The SCOTUS Ford Decision Is Good News for Mass Tort Defendants**  
*Bloomberg Law*

January 4, 2021

**NY Ruling On Amazon's Seller Liability Is Good For Plaintiffs**  
Law360

December 4, 2020

**HHS Broadens Scope of PREP Act Immunity for Individuals and Entities Fighting COVID-19**

July 16, 2020

**COVID-19 Business Interruption Coverage – Chief Roadblocks And Potential Paths To Coverage For Commercial Losses In New York**  
*Mealey's Emerging Insurance Disputes*

July 8, 2020

**FDA Releases COVID-19 Vaccine Guidance for Industry**

July 6, 2020

**INSIGHT: Business Interruption Recovery in New York—Two Cases Might Help**  
*Bloomberg Law*

June 16, 2020

**HHS Amends Tort Immunity Declaration Under the PREP Act to Clarify that Immunity Extends to Products that “Limit the Harm” COVID-19 “Might Otherwise Cause”**

April 22, 2020

**HHS Issues Advisory Opinion Further Clarifying Scope of PREP Act Immunity**

March 24, 2020

**HHS Provides Limited Tort Immunity to Companies Providing Pandemic Response Countermeasures under the PREP Act**