



Thomas P. Kurland

Counsel

tkurland@pbwt.com

Tel: 212-336-2019

Fax: 212-336-2222

Tom Kurland is a member of the Firm's Litigation department, where he represents clients in all aspects of general commercial litigation. His primary areas of practice include products liability defense, brand protection, and commercial tort. In addition, Mr. Kurland advises clients on internal investigations and risk management strategies. Mr. Kurland also shares the Firm's commitment to pro bono, with a particular interest in civil rights litigation. Mr. Kurland was recognized in 2016, 2017, and 2018 as a "Rising Star" in the New York-Metro edition of *Super Lawyers*.

Representative Matters

Products Liability

Mr. Kurland routinely defends major pharmaceutical and medical device manufacturers 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, over-the-counter products, surgical implants, and consumer goods.

In addition to preparing cases for trial throughout the United States, Mr. Kurland has been engaged by international clients seeking expert advice related to foreign proceedings, and is also regularly engaged to prepare experts on a variety of topics including specific causation, epidemiology, signal detection, regulatory compliance, and damages.

Anti-Counterfeiting

Mr. Kurland has represented major manufacturers of medical devices and nutritional supplements in anti-counterfeiting actions nationwide as plaintiffs' counsel in civil proceedings, and has extensive experience leading 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.

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, consumer class-action lawsuits, and proceedings before National Advertising Division of the Council of Better Business Bureaus. In this context, Mr. Kurland

Patterson Belknap

routinely advises clients in response to demand letters, citizens' petitions, and threatened lawsuits, with a focus on the fair and efficient resolution of potential claims.

Commercial Disputes

Mr. Kurland also 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 Business-to-Business publishing company against a competitor's claims of fraud, antitrust violations and other causes of action arising from allegations of corporate espionage; defended a major Latin American corporation in contract dispute concerning a professional services contract; and defended an engineering firm concerning allegations of tortious interference with a joint venture agreement.

Investigations

Mr. Kurland routinely advises a global commercial intelligence firm on investigative techniques and practices, and has also represented a global medical device manufacturer in an internal investigation related to improper "moonlighting" by sales representatives in breach of their employment agreements.

Pro Bono

Mr. Kurland's pro bono work focuses 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 public school students in New Orleans who were turned away from schools in the aftermath of Hurricane Katrina; represented a non-profit private school for severely disabled children facing eviction from its facility; and represented low-income Chinese immigrants seeking damages from their landlord after the tenement building where they resided was destroyed in a devastating fire.

In 2013, Mr. Kurland received the Legal Aid Society's Pro Bono Publico award for efforts in securing disability benefits for a client suffering from borderline intelligence.

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
- 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); New York State Bar Association; American Bar Association

Patterson Belknap

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 17th Annual Anti-Counterfeiting & Brand Protection Summit (September 26, 2016)

Publications

- Contributing Author, *DRI Products Liability Case Law Update* (2015)
- Co-Author, *50 State Survey: Media Privacy and Related Law* (Media Law Resource Center)