

Eric G. Lasker

Partner

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Eric G. Lasker litigates a wide variety of complex civil matters, with a current focus on toxic torts, environmental litigation, and pharmaceutical products liability. He has successfully represented his clients' interests as lead counsel in multi-district litigation, mass torts, jury trials and bench proceedings, and in oral argument in multiple federal courts of appeal and state supreme courts. In 2013, Mr. Lasker was named by *Law360* as one of its five national Product Liability MVPs.

Mr. Lasker was recognized by *The American Lawyer* as "Litigator of the Week" and featured on the Bloomberg News program "Rainmakers" for his work in securing a victory for Firm client, DynCorp International. DynCorp is a contractor to the U.S. Department of State and assists with the joint United States-Colombia war-on-drugs initiatives known as "Plan Colombia." In 2013, the U.S. District Court for the District of Columbia granted summary judgment to DynCorp, dismissing claims brought by 3,200 Ecuadorans for alleged personal injury and property damage in connection with counternarcotics aerial herbicide spraying operations in southern Colombia because plaintiffs failed to present reliable evidence linking those claimed injuries and damage to the spraying operations. See *Arias, et al. v. DynCorp, et al.*, 928 F. Supp.2d 10, 2013 WL 821168 (D.D.C. Feb. 19, 2013). Mr. Lasker subsequently defended those victories before the U.S. Court of Appeals for the D.C. Circuit. See *Arias v. DynCorp*, 752 F.3d 1011 (D.C. Cir. 2014). In 2017, he secured a complete defense verdict in a jury trial of six test plaintiffs' remaining emotional distress claims.

Mr. Lasker has significant experience defending against all matter of legal claims involving FDA-regulated and EPA-regulated products and alleged toxins and environmental contaminants. He has represented clients in pharmaceutical products liability claims involving antipsychotic medications, obstetrical drugs, antifungals, antiepileptics, contact and intraocular lenses, and cough/cold medicines, and in toxics/environmental matters involving herbicides, asbestos, lead, nonionizing radiation, arsenic, and chemical solvents. He has represented clients in matters arising both in the United States and abroad, and in matters arising under both domestic and international law. Mr. Lasker's practice also includes matters involving sensitive national security issues, and he has represented his clients' interests in meetings with both U.S. and foreign government officials. He has extensive expertise in developing and implementing sophisticated medical causation and science-based defenses, and he has successfully litigated issues involving *Daubert*, the federal preemption defense, and

Litigation

Complex Litigation

Environmental

Natural Resource Damages

Pharmaceutical Products

Toxic Torts & Products Liability

Education

University of Pennsylvania (B.A.,
1987, *summa cum laude*)

Yale Law School
(J.D., 1990, *Coker Fellow*)

Admissions

District of Columbia

United States Supreme Court

United States Courts of Appeals
for the Fourth, Fifth, Sixth,
Seventh, Eighth, Tenth, and
District of Columbia Circuits

United States District Courts for
the District of Colorado, and the
District of Columbia

natural resource damages claims. *See New Mexico v. General Electric*, 467 F.3d 1223 (10th Cir. 2006). He also assists clients in due diligence investigations as relates to environmental and toxics liabilities and through an active *amicus* practice on behalf of various industry organizations, including the United States Chamber of Commerce, the National Association of Manufacturers, the Pharmaceutical Research and Manufacturers of America, and the American Coatings Association, among others.

Mr. Lasker played a prominent role in helping to establish asbestos defendants' rights to insurance non-products coverage through a successful *amicus* effort that secured one of the seminal judicial opinions recognizing the existence of such coverage, litigation efforts resulting in securing several hundreds of millions of dollars in asbestos non-products insurance recoveries, and oral presentations and publications on issues involving non-products coverage. He has also defended personal injury claims in asbestos litigation, advancing medical causation defenses as the asbestos litigation has extended to tertiary and even more remotely-situated corporate defendants.

In 2018, Mr. Lasker participated in a roundtable discussion on a potential amendment to FRE 702 sponsored by the Judicial Conference Advisory Committee on Rules of Evidence and held at the University of Denver, Sturm College of Law.

Mr. Lasker is frequently requested to speak and publish on issues of interest to his clients. He is the recipient of the 2012 George Yancey Memorial Award and the 2014 Burton Award for excellence in legal writing.

Mr. Lasker is named in the 2019 edition of *Who's Who Legal: Life Sciences* for Product Liability and as an expert by *Who's Who Legal* 2018 for Product Liability Defence. He is listed as a 2019 AV

Preeminent[®] Lawyer by Martindale-Hubbell™, and in the 2019 Washington, DC edition of *Super Lawyers*. In 2013, he was named by *Law360* as one of its five national Product Liability MVPs. He previously served as the Chair of the International Association of Defense Counsel Toxics & Hazardous Substances Committee and on the Board of Editors of LJN's *Product Liability Law & Strategy* newsletter. He is a member of the Defense Research Institute (DRI).

Publications

It is Time to Amend Federal Rule of Evidence 702

Firm partner Eric Lasker joins GMU Professor David Bernstein in article calling to amend to Federal Rule of Evidence Rule 702.

Taking the "Product" Out of Product Liability: Litigation Risks and Business Implications of Innovator and Co-Promoter Liability

Texas Supreme Court Rejects "Any Exposure" Causation in Asbestos Litigation

Fifth Circuit Puts an End to Texas Pharma Plaintiff's California Dreamin' "The quest for the next 'solvent bystander' in asbestos litigation: Will Texas resume the search?"

"Prescription Drug Products Liability Litigation and Punitive Damages Preemption "

"Preemption of Punitive Damages in Prescription Drug Litigation"

Manning the *Daubert* Gate: A Defense Primer in Response to *Milward v. Acuity Specialty Products*

Daubert Alert: The First Circuit Takes a Step Back in *Milward v. Acuity Specialty Products*

There is No Place Like Home: The Defense Against Foreign Environmental Liability Claims in U.S. Court Under the Alien Tort Statute
Pliva, Inc. v. Mensing: Does It Reopen the Door for Targeted Preemption

Arguments?

U.S. Supreme Court Preemption Trilogy: The Sequel

The *Forum Non Conveniens* Decision (Part 2 of 2).

The *Forum Non Conveniens* Decision (Part 1 of 2).

Holding Pharma Plaintiffs to Their Pleading Burden: Implications of TWOMBLY and IQBAL

In Re Pepsico Provides Guidance on Arguing Express Preemption

Supreme Court to Confront FDA Pre-emption and the Consequences of 'Overwarning'

Daubert in Natural Resource Damages Litigation

Why More Isn't Always Better: State High Court Preempts Consumer Product Liability Suit

Building a Fire Wall: Missouri and New Jersey Hold the Line Against Plaintiffs' Efforts to Expand the Law of Public Nuisance (part 1 of 2)

"Parting the *Watters*: Tort Law Preemptions Signals from High Court's Banking Opinion"

Federal Court Rejects State AG/Trial Lawyer Effort To Expand "Public Nuisance" Theory

Daubert in Toxic Tort Litigation (part 3 of 3)

Daubert in Toxic Tort Litigation (part 2 of 3)

Prescription Drug Litigation Pre-emption: A Continuing Status Report From the Defense Perspective

Testing Claims of Adverse Drug Effects in the Courtroom, in Drug Abuse Handbook, 2d ed.

Prescription Drug Litigation Pre-emption (part 2 of 2)

Daubert in Toxic Tort Litigation (part 1 of 3)

Prescription Drug Litigation Pre-emption; Following the FDA Preamble (part 1 of 2)

How Will FDA's New Label Rule Impact Drug Litigation?

FDA Reaffirms Preemptive Reach Of Prescription Drug Regulations In New Labeling Rule

Federal Preemption and State Anti-"GM" Food Laws

Partner Eric Lasker quoted in "Agencies Move to Override State Law As Part of Federal Rulemaking Process," in April 6, 2006 issue of BNA's *Daily Report for Executives*.

Dodging *Daubert*

Superfund Law Preempts Contingent Fee Arrangements in Natural Resource Damages Suits

FDA Position on Federal Preemption Consistent with Law & Public Health

The Case Against Differential Diagnosis: *Daubert*, Medical Causation Testimony, and the Scientific Method

Daubert v. Merrell Dow Pharmaceuticals, Inc.-- An Essential Tool in Natural Resource Damages Litigation

FDA Regulatory Action Does Not Establish Causation-- FDA Borrows a Page from the Parlodel® Litigation

A Winding *Brooks*: The Eighth Circuit Reverses Course and Carves a Route to Implied Preemption in Prescription Drug Cases

Products Liability Claims: A Litigator's Guide

The U.S. Supreme Court Expands the Scope of Federal Preemption of Product Liability Claims Involving FDA-Regulated Products