

Daniel K. Winters

SHAREHOLDER

New York, NY | 212.413.2850

dwinters@polsinelli.com



Daniel Winters is a trial attorney who represents major pharmaceutical, manufacturing and health care clients in complex product liability and mass tort litigation nationwide. His practice focuses on multidistrict litigation (MDL), high-exposure product liability matters and complex commercial litigations. He provides strategic counseling on key legal issues, including federal preemption, consumer fraud, economic loss and medical monitoring.

Daniel has represented clients in state and federal courts across 22 states and serves as national, regional and local counsel in coordinated and multi-jurisdictional proceedings. His experience includes representing pharmaceutical companies in litigation involving diet drugs, hormone replacement therapy, contraceptives and antacids, as well as manufacturers facing talc, asbestos and heavy machinery claims.

In addition to his trial practice, Daniel maintains an active appellate practice. He has briefed and argued appeals before the U.S. Courts of Appeals for the Second, Third and Eleventh Circuits, the Supreme Court of New Jersey, the New Jersey Appellate Division, the New York Appellate Divisions and the New York Court of Appeals. He has also authored significant appellate and amicus curiae briefs addressing medical monitoring claims and the application of regulatory presumptions involving FDA-approved labeling.

Daniel's combined trial, MDL and appellate experience enables him to develop comprehensive strategies for clients confronting complex, high-stakes litigation.

Education

- Fordham University School of Law (J.D.)
 - Editor, Entertainment, Media and Intellectual Property Journal
- Dartmouth College (B.A.)

Bar Admissions

- New York
- New Jersey

Capabilities

- Litigation
- Products Liability & Toxic & Mass Tort
- Life Sciences
- Food, Drug & Device
- Appellate
- Class Action & Multidistrict Litigation
- Products Liability Life Sciences
- Commercial Litigation

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Western District of New York

Memberships

- New Jersey Bar Association, Internet and Computer Law Committee
 - Chair, 2005-2006
 - Vice Chair, 2003-2005
 - Secretary, 2001-2003
- Bergen County Bar Association
 - Banking & Business Law Committee
 - Civil Practice Committee
 - Internet Computer Law Committee
- Dartmouth Lawyers Association
 - Vice President: Annual Meeting Coordinator, 2003-2006
- Justice Morris Pashman American Inn of Court
 - Graduate and Barrister
- New Jersey State Certified Mediator

Recognition

- Received the “Outstanding Services Award,” by the American Bar Association (ABA) Military Pro Bono Project, 2023
- Martindale-Hubbell AV Preeminent Peer Review Rated
- Selected for inclusion in *The Best Lawyers in America*® for
 - Products Liability and Insurance – New York, 2012-2014; 2016-2017

Matters

Litigation and Dispute Resolution

- Obtained dismissal of all claims asserted against a software and analytics provider based on contractual choice-of-law and venue provisions.
- Defense counsel for a generic pharmaceutical company in the Zantac litigation. Defended personal injury product liability and consumer and third-party payer putative class action litigation related to ranitidine (Zantac) drug products and alleged exposure to N-Nitrosodimethylamine (NDMA) in the federal court multidistrict litigation (MDL), state courts and the 11th Circuit Court of Appeals. Obtained dismissal on all causes of action in the MDL, Pennsylvania, Illinois, and Maryland.
- Defense counsel for privatized military housing operator in successful defense of purported class action litigation alleging mold exposure to residents on U.S. military

bases.

- Granted summary judgment on all warnings, design defects, and manufacturing claims on behalf of a medical device manufacturer in three cases in New Jersey; argued successfully for the affirmance of the decision before the New Jersey Appellate Division and the Supreme Court of New Jersey. *Goodson v. C.R. Bard*, 234 N.J. 110 (2018).
- Obtained summary judgment on all warnings and design defect claims on behalf of a medical device manufacturer in a hernia mesh case in New York Supreme Court, Nassau County.
- Successfully argued for summary judgment in over one dozen cases in New York and New Jersey alleging injury caused by a hormonal contraceptive.
- In support of defendants, authored amicus curiae briefs submitted to the New York State Court of Appeals concerning medical monitoring claims (*Caronia v. Philip Morris USA, Inc.*, 22 N.Y.3d 439 (2013)) and the Supreme Court of New Jersey concerning the adequacy of FDA-approved drug labels (*In Re: Accutane Litigation*, 235 N.J. 229, 2018)).
- Obtained reversal of preliminary injunction relating to alleged disclosure of trade secrets in *Faiveley Transport Malmö AB v. Wabtec Corp.*, 559 F.3d 110 (2nd Cir. 2009).
- Defended securities class action, consumer fraud class action and derivative lawsuit. *In Re Able Labs. Securities Litigation*, 425 F. Supp. 2d 562 (D.N.J. 2006).
- Led a team in the eligibility process established by the trial court overseeing Wyeth's New Jersey diet drug litigation in *In Re Diet Drugs*, (NJ. Sup. Ct.); Wyeth challenged cases on the grounds that the plaintiffs' claims that diet drugs damaged their heart valves were medically unreasonable; the eligibility process involved trial testimony from plaintiffs, defendants and independent experts and resulted in the dismissal of numerous cases.
- Led the team responsible for the choice-of-law and summary judgment briefs that resulted in the trial court dismissing all product liability claims on the basis such claims failed to satisfy the New Jersey Products Liability Act. *In Re Hormone Therapy Litigation*, 422 N.J. Super. 343 (2008), *aff'd sub nom., Deboard v. Wyeth, Inc.*, 422 N.J. Super. 360 (App. Div. 2011).
- Represented a physician group in a lawsuit alleging breach of fiduciary duty, unfair competition and tortious interference brought by another physician seeking membership in the group; summary judgment was obtained and successfully upheld on appeal before the New Jersey Appellate Division.