

Joe G. Hollingsworth
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Joe G. Hollingsworth is a nationally renowned courtroom advocate who specializes in trials and appeals and leads a practice group of eighty-five attorneys. He has been honored three times by *The National Law Journal* for the year's Top Ten Defense Wins. He defends cases involving pharmaceutical and medical device products liability, toxic and environmental torts, and consumer products liability, and he prosecutes and defends complex federal claims involving the government. Over one hundred opinions arising from his cases are published in the federal and state reporters. On behalf of corporate defendants during more than four decades of private practice, Mr. Hollingsworth has been lead counsel in numerous MDLs, serial litigations, and mass torts, and has conducted over twenty-five jury trials, ranging in duration from two weeks to over three and a half months. He has argued in the United States Supreme Court, eight U.S. Circuit Courts, seven state supreme courts, many intermediate appellate courts, and before the U.S. Judicial Panel on Multidistrict Litigation. He has appeared in trial courts in over 40 states.

Mr. Hollingsworth tries both high-stakes individual cases and cases that form massive serial litigation. Representing Novartis Pharmaceuticals Corporation, he led a team of Hollingsworth LLP lawyers in securing a defense verdict in the second bellwether case chosen for trial in the New Jersey Aredia®/Zometa® serial litigation. *Meng v. Novartis Pharm. Corp.*, No. MID-L-7670-07-MT (N.J. Super. Ct. Law Div. May 15, 2013). This followed his team's victory in *Bessemer v. Novartis Pharm. Corp.*, No. MID-L-1835-08-MT (N.J. Super. Ct. 2010), *aff'd*, No. L-1835-08, 2012 WL 2120777 (N.J. Super. Ct. App. Div. June 13, 2012), the first bellwether trial in the Aredia®/Zometa® New Jersey consolidated litigation. In both cases, plaintiffs claimed long-term injury due to a side effect of cancer therapy. After brief deliberations, the juries in both *Meng* and *Bessemer* responded to the first verdict form question that Novartis Pharmaceuticals did not fail to warn.

In 2013, Mr. Hollingsworth secured a victory for Firm client DynCorp International — a contractor to the U.S. State Department assisting with the United States-Colombia war-on-drugs initiatives known as “Plan Colombia” — when the U.S. District Court for the District of Columbia granted summary judgment to DynCorp, dismissing the remaining human health and medical monitoring claims brought by 3,200 Ecuadoreans claiming personal injury and property damage in connection with counternarcotics aerial herbicide spraying operations in southern Colombia. *See Arias, et al. v. DynCorp, et al.*, 928 F. Supp.2d 10, 2013 WL 821168 (D.D.C. Feb. 19, 2013). He 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).

Mr. Hollingsworth served as lead trial counsel for Norfolk Southern in the largest

Litigation

Common Carrier Liability
Complex Litigation
Environmental
Federal Claims
Financial Institutions
Government Contracts
Investigations
Pharmaceutical Products
Toxic Torts & Products Liability

Education

DePauw University (B.A., 1971, *with distinction*)
Georgetown University Law Center (J.D., 1974)

Admissions

District of Columbia
United States Supreme Court
United States Courts of Appeals for the Second, Third, Fourth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, District of Columbia, and Federal Circuits
United States District Courts for the District of Columbia, the Central District of Illinois, the District of Maryland, and the Western District of Michigan

single tort case in South Carolina history and one of the largest tort cases recently tried anywhere, in which textile manufacturer Avondale Mills sought hundreds of millions of dollars in compensatory damages as well as punitive damages for alleged property damage to its plants following a train derailment and chlorine release. *Avondale Mills v. Norfolk Southern*, Civ. No. 1:05-2817-MBS (D.S.C. 2008). After one month of an anticipated three-month trial, the parties agreed to a confidential settlement. In June 2004, Mr. Hollingsworth conducted the first jury trial in the country involving allegations that hernia repair mesh—used in approximately 700,000 hernia surgeries per year in the U.S. alone—can cause infertility. The Austin, Texas federal jury deliberated for fifty-eight minutes, returning a unanimous verdict for the nation's largest medical device manufacturer. In 1997, Mr. Hollingsworth tried the first case alleging that the drug Parlodel® could cause serious cerebrovascular events in new mothers, in a case that had substantial pretrial publicity, including being featured on the NBC show "NOW." The case was tried in state court in Rankin County, Mississippi and Mr. Hollingsworth secured a defense verdict that was upheld by the Mississippi Supreme Court. In another jury trial involving pretrial publicity — a "60 Minutes" documentary about his chemical manufacturer client — he won a defense verdict after an eleven-week trial. See *Jones v. Velsicol Chem. Corp.*, 625 N.Y.S.2d 934 (N.Y. App. Div. 1995) (affirming denial of motion for new trial).

In his appellate practice, Mr. Hollingsworth secured, on behalf of General Electric, a decision eliminating collateral tort liability for property damage due to the release of a persistent contaminant. Based on 100-year-old national precedents, the Georgia Supreme Court issued a unanimous opinion on questions certified from the Eleventh Circuit, leading to the vacatur of a \$20 million verdict in a case tried by another firm. See *General Elec. Co. v. Lowe's Home Centers, Inc.*, 608 S.E.2d 636 (Ga. 2005) (answering questions certified by Eleventh Circuit); *Lowe's Home Centers, Inc. v. General Electric Co.*, 404 F.3d 1311 (11th Cir. 2005) (vacating judgment in favor of plaintiff).

In the course of their representation of manufacturers and other corporations in the defense of thousands of cases nationwide involving pharmaceuticals and medical devices, Mr. Hollingsworth and his group have pioneered important developments in the law critical to corporate tort defendants. Notable examples include four important and widely cited U.S. circuit court *Daubert* decisions, see, e.g., *Rider/Siharath v. Sandoz Pharm. Corp.*, 295 F.3d 1194 (11th Cir. 2002) (affirming summary judgment in pharmaceutical case); *Hollander v. Sandoz Pharm. Corp.*, 289 F.3d 1193 (10th Cir. 2002) (same); *Glastetter v. Novartis Pharm. Corp.*, 252 F.3d 986 (8th Cir. 2001) (*per curiam*) (same); and *Schudel v. Gen. Elec. Co.*, 120 F.3d 991 (9th Cir. 1997) (overturning \$14 million jury verdict on *Daubert* grounds in PCB/solvents case). Mr. Hollingsworth and his group have also secured important precedent-setting victories ranging from winning summary judgment on various grounds, see, e.g., *Davidson v. Velsicol Chem. Corp.*, 834 P.2d 931 (Nev. 1992), cert. denied, 507 U.S. 1051 (1993) (first state supreme court post-Cippolone FIFRA preemption decision); *Conde v. Velsicol Chem. Corp.*, 804 F. Supp. 972 (S.D. Ohio 1992), *aff'd* 24 F.3d 809 (6th Cir. 1994) (first post-*Daubert* summary judgment opinion in 6th Cir.); *Bly v. Tri-Continental Indus.*, 663 A.3d 1232 (D.C. 1995) (affirming summary judgment in leukemia cases), to establishing important procedural principles that upset plaintiffs' case planning, see, e.g., *In Re Consolidated Parlodel Litig.*, 22 F. Supp. 2d 320 (D.N.J. 1998) (deconsolidating claims on *forum non conveniens* grounds); *Yocham v. Novartis Pharm. Corp.*, No. 07-1810, slip. op., 2007 WL 2318493 (D.N.J. Aug. 13, 2007) (denying motion to remand case brought against in-state defendant where defendant removed case prior to being served). Mr. Hollingsworth and his firm also counsel clients with respect to due diligence and insurance coverage issues relating to toxics liabilities.

Mr. Hollingsworth's practice also emphasizes the pursuit of claims against the government on behalf of contractors and others. He represented Glendale Federal Bank, and successfully argued its breach-of-contract case before the United States Supreme Court, in the landmark *Winstar* litigation, see 518 U.S. 839 (1996), an oral argument featured in *The American Lawyer*, and a case that concluded with the award of \$387 million to his client Glendale. On a national basis, he has pursued indemnity claims against the government on behalf of two former asbestos-containing product manufacturers. In such federal claims litigation, he has appeared in numerous specialized forums, including the full *en*

banc Federal Circuit.

Over the course of his career, Mr. Hollingsworth has been sought out hundreds of times for various speaking engagements. He has appeared frequently on behalf of the American Enterprise Institute, the Brookings Institution, Northwestern Law's Searle Center, and George Mason University Law & Economics Center as a lecturer in federal and state judge education workshops and related seminars. He also lectures, and is consulted by media interests, about litigation strategies in complex litigation. See, e.g., *The National Law Journal* (strategies for successful *Daubert* challenges). And, over twenty years ago, he published the first article on *Daubert* (*Mealey's* 1993).

Mr. Hollingsworth serves on the Georgetown University Law Center Board of Visitors. He is a member of the Board of Directors and the Executive Committee of Atlantic Legal Foundation. He is also is a member of the National Association of Railroad Trial Counsel.

Mr. Hollingsworth is named in the 2021 edition of *Best Lawyers in America*, in the 2020 Washington, DC edition of *Super Lawyers*, and as a 2020 AV Preeminent Lawyer by ALM Media and Martindale-Hubbell. He is a Fellow of the Litigation Counsel of America, which recognizes excellence among U.S. litigation and trial counsel.

Publications

Exclusion of Junk Science in "Bair Hugger" MDL Shows *Daubert* is Still Breathing
Inconsistent Gatekeeping Undercuts the Continuing Promise of *Daubert*
Games People Play: Supreme Court Can Put a Stop to an Obvious CAFA
Workaround.

Litigation Funding Slides Downmarket

New Jersey: Now the Product-Liability Defendant's Playground?

The Supreme Court's Chance to Re-Open a Preemption Door the Third Circuit
Tried to Close Forever

Washington Legal Foundation publishes "A Framework for Toxic Tort Litigation,"
by Joe Hollingsworth.

Daubert in Toxic Tort Litigation (part 3 of 3)

Daubert in Toxic Tort Litigation (part 2 of 3)

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

Daubert in Toxic Tort Litigation (part 1 of 3)

Dodging *Daubert*

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

Toxic Torts in the Oil and Gas Industry, Oil & Gas Institute

Conde v. Velsicol Chemical Corp.: Lessons for the Defense of Toxic Tort Cases.