



Ellen L. Darling

Partner

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OVERVIEW

Ellen Darling is a trial attorney and the co-practice group coordinator for the mass tort and product liability practice groups. Her practice is concentrated in product liability and commercial litigation including handling nationwide consumer products class actions involving false and misleading advertising claims as well as “Made in the USA” claims. She has managed and tried cases involving devastating/life-ending injuries due to claimed product defects. A majority of her current practice is focused on companies in the aesthetic/health and beauty industry, and handling class actions and/or product liability claims for those companies.

Over her career, she has represented manufacturers of pharmaceuticals, medical devices, food, cosmetics, aesthetic products, a variety of home products, after-market accessories, motorcycles, machinery and other consumer products in various types of litigation and pre-litigation claims. In addition, she represents health care providers and lab companies in medical malpractice cases. Ellen also handles NHTSA and CPSC reporting and recalls involving a variety of products.

Ellen understands clients are not in the business of defending against litigation and that a trial is not always the ultimate goal. As a result, she frequently assists clients in putting processes in place to attempt to reduce the risk of litigation to their company and often provides in-person, free lunch-and-learn sessions to help employees understand litigation risks related to document creation.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Ellen was a partner at an Orange County law firm.

ACHIEVEMENTS

- Top Lawyers of 2011, *The Daily Journal* (2011)
- Top Women Lawyers of 2011, *The Daily Journal* (2011)
- Top Women Lawyers of 2012, *The Daily Journal* (2012)
- Top Women Lawyers of 2013, *The Daily Journal* (2013)

- *Southern California Super Lawyers®*, Personal Injury Defense: Products (2007-2010, 2012-2013)
- *Super Lawyers®*, Personal Injury Defense: Products - Business Edition (2011)
- *Super Lawyers®*, Personal Injury Defense: Products - Corporate Counsel Edition (2009-2010)
- *Southern California Super Lawyers®*, Personal Injury Defense: Products - Rising Stars Edition (2004)
- Top 75 Women Litigators in California, *The Daily Journal* (2005)
- Top ten defense verdict in California, *The Daily Journal* (2004)

PROFESSIONAL / CIVIC ACTIVITIES

- Orange County Bar Association
 - Products Liability Section, Co-Chair (2005)
- American Bar Association
 - Section of Litigation
- Defense Research Institute
- Network of Trial Law Firms
- Board of Directors for the Orange County Chapter of the Juvenile Diabetes Research Foundation

SPEAKING ENGAGEMENTS

- “FDA UPDATE: Essential Knowledge Pharmaceutical and Medical Device Companies Need for 2015,” Co-Presenter, 26th Annual All Hands Meeting 2014, November 2014
- “Pharmaceutical Counterfeiting, How the Changing Landscape of Technology, Legislation and Regulation Could Affect Manufacturer Liability,” Presenter, DRI Drug & Medical Device Seminar, New York, May 2009
- “Business Development, Practice Management, and Personal Satisfaction in the First 10 years: What Young Lawyers and Their Mentors Can Do Now,” Panel Member, ABA Section of Litigation Products Liability, Women in Products Liability Regional Workshop, September 2006

EDUCATION

- J.D., University of San Diego School of Law, 1990
- B.A., University of Arizona, 1986

ADMISSIONS

- Bar of California

- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Southern District of California

OTHER PUBLICATIONS

- “New Angles for Potential Manufacturer Liability Stemming from Pharmaceutical Counterfeiting,” *Co-Author, DRI For the Defense*, October 2011
- “The New War on Drugs: Manufacturers vs. counterfeiters and the rise of the anti-counterfeiting technology industry,” *Co-Author, Orange County Business Journal*, May 2011

AREAS OF FOCUS

- Product Liability
- Class Action Litigation Defense
- Commercial Disputes
- Consumer Product Safety
- Food, Drugs, Medical Devices, and Cosmetics (FDA)

INDUSTRIES

- Consumer Beauty and Aesthetics
- Consumer Products
- Luxury Products and Fashion

REPRESENTATIVE EXPERIENCE

- Represented manufacturer of hydroforming equipment in claims related to alleged deceptive sales practices and defective design
- Represented manufacturer of outdoor living products in commercial and consumer defective product claim involving significant personal injuries and economic loss
- Represented various manufacturers of consumer products, such as hair care products and aloe vera gel, in disputes regarding product labeling
- Represented commercial bakery equipment manufacturer against personal injury claims arising out of alleged design and manufacturing defects

- Handled several US Consumer Product Safety Commission ("CPSC") recalls for a variety of consumer product companies, including handling post-recall negotiations and settlement discussions with product manufacturers. Handled similar roles relating to NHTSA recalls
- Represented recreational engine manufacturer against claims of breach of warranty, fraud, and violation of Florida's Deceptive Unfair Trade Practices Act
- Lead trial counsel in United States and three foreign countries in class action litigation relating to five million laptop computers, including defense of 28 US class actions (consolidated into an MDL)
- Counseled and represented a variety of pharmaceutical and medical device companies, including a global pharmaceutical/biologic company facing public and regulatory scrutiny for its well-known biologic used aesthetically and therapeutically, handling over 50 lawsuits as lead counsel trying seven cases, five to verdict, with all but one ending in a positive result for the client
- Oversee United States and United Kingdom-based personal injury litigation for Chinese state-owned enterprise and implement training and risk management programs for engineers and salespeople
- Represent manufacturer of centrifuges and separator equipment, providing assistance with post-trial motions and advising on various appellate issues in asbestos-related litigation, as well as providing ongoing counseling and comprehensive risk assessment associated with various product lines
- Defended multi-national corporation in its first asbestos exposure claim in the United States and achieved summary judgment, after many months of contentious litigation, based on Texas' innocent seller statute
- Serves as national counsel for equipment manufacturers with thousands of asbestos-related claims pending throughout the United States, not only handling the day-to-day litigation of these claims but also coordinating expert and trial defense strategies
- Serves as national coordinating counsel for industrial premises owners facing asbestos claims pending in multiple jurisdictions
- Represented manufacturer and packager of birth control pills against tort, breach of warranty, consumer fraud, and false advertising claims in 13 lawsuits and a mass action with 113 plaintiffs over the course of six years after nationwide recall of over three million pill packets, including defeating attempts to certify class actions and multi-district litigation and prevailing on summary judgment in courts throughout the country
- Regularly defend claims involving exposure to asbestos, benzene, dioxins and furans, polycyclic aromatic hydrocarbons (PAHs), and talc, among other substances, including conducting expert depositions across various scientific disciplines, including disease causation, epidemiology, exposure assessment, industrial hygiene, pathological diagnosis, pulmonary function, and toxicology