


## Ellen Relkin, Esq.

### Practice Group Co-Chair, Drug and Medical Device Litigation Weitz & Luxenberg, P.C.

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#### Narrative

Ellen Relkin is of counsel to Weitz & Luxenberg, P.C. in New York City and Cherry Hill, New Jersey. She is certified by the New Jersey Supreme Court as a Certified Civil Trial Attorney. She has been elected as a "Super Lawyer" of New Jersey and New York and as a Best Lawyers honoree as well as AV rated by Martindale-Hubbell. She is an elected member of the American Law Institute where she serves as an Advisor on the ALI Restatement of the Law Third Torts: Concluding Provisions, is an invited Fellow of the American Bar Foundation, is a past President of the Pound Civil Justice Institute and a past member of the Board of Visitors of the University of California Irvine School of Law. She is licensed to practice in New York, New Jersey, Pennsylvania, and the District of Columbia and focuses her practice on pharmaceutical, medical device and toxic tort litigation in both federal and state courts.

Ms. Relkin was most recently appointed as interim Co-Lead Counsel in *In Re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, Northern District of California. In 2018, she was appointed to the Executive Committee in the Multi-District Litigation, *In Re: National Prescription Opiate Litigation, Northern District of Ohio*. In 2017 she was appointed as co-lead counsel *In Re: Farxiga Products Liability Litigation in the Southern District of New York*. She was also appointed in 2017 as State Liaison Counsel and to the Plaintiffs' Executive Committee in the *In re: Stryker LFIT V40 Femoral Head Products Liability Litigation* in the District of Massachusetts and in the parallel state court litigation as both Lead and Liaison counsel in the New Jersey Multi-County Litigation, *Stryker LFit CoCr V40 Femoral Heads Litigation*, Case No. 624. Ms. Relkin serves on the Plaintiffs' Executive Committee in the *Invokana Products Liability Litigation*, US District Court for the District of NJ. She was also appointed in 2015 to the Plaintiffs' Steering Committee in *In Re: Xarelto Products Liability Litigation*, US District Court, E.D. of Louisiana.

Ms. Relkin has served since 2012 as court-appointed lead counsel in the New Jersey *In Re: Stryker Rejuvenate/ABG II Modular Hip Litigation*. In that capacity she was a key member of the negotiating team for a settlement compensating 3,000 plaintiffs for an amount in excess of one and a half billion dollars. Ms. Relkin has served since 2010 as co-lead counsel in the *DePuy ASR MDL* litigation in the Northern District of Ohio. In that capacity she also played a major role in negotiating the \$2.5 billion settlement for 8,000 victims of the failed hip implant. She was a member of the trial team in the landmark Vioxx case *McDarby v. Merck*, that obtained a \$13.5 million verdict and successfully defended the compensatory verdict on appeal before the New Jersey Appellate Division, 949 A.2d 223 (N.J. App. Div. May 29, 2008). This precedential case established that New Jersey recognized a heeding presumption in pharmaceutical product liability litigation.

She serves on the Board of Governors of the New Jersey Association for Justice, she is the Co-Chair of the Mass Tort Law Committee and Co-Chair of the Mass Tort I Law Section of the New Jersey Association for Justice, she is also co-chair of the Pharmaceutical and Medical Device Subcommittee of the American Bar Association's Mass Torts Committee. She co-chairs the MDL Roundtable of the Emory Law School Institute for Complex Litigation and Claims. She is a former chair of the Toxic, Environmental and Pharmaceutical Torts Section of the American Association of Justice. She is a frequent lecturer at continuing legal education programs nationwide.



## ELLEN RELKIN

### EDUCATION

- J.D., Rutgers University Law School, 1984
- B.A., Cornell University, 1980, *cum laude* and with Distinction in All Subjects

### CLERKSHIP

- Clerkship, The Honorable Sylvia Pressler, former Presiding Judge of New Jersey Superior Court, Appellate Division 1984 – 1985

### BAR ADMISSIONS

- U.S. Court of Appeals for the 2nd, 3rd, 4th, 6th, 7th, 8th and 11th Circuits
- 1985, New York, New Jersey and U.S. District Court, District of New Jersey
- 1986, District of Columbia and U.S. District Court, Southern, Eastern, Northern and Western Districts of New York
- 2000, U.S. Supreme Court
- 2007, Certified by the Supreme Court of New Jersey as a Civil Trial Attorney
- 2013, Commonwealth of Pennsylvania; Eastern District of Pennsylvania

### HONORS and AWARDS

- 2018 – New Jersey Association for Justice Gerald B. O'Connor Award for professionalism
- 2019 – American Association for Justice Marie Lambert given in recognition of exemplary leadership to the profession, the community, to AAJ, and to the Women Trial Lawyers Caucus

### SELECTED PUBLICATIONS

- *Hiding Across the Atlantic - How American Pharmaceutical and Device Companies Attempt to Block Discovery in US Litigation Using European Privacy Law, and What We Can Do to Stop It* – AAJ Trial Magazine – June 2012
- *Commentary: Setting the Record Straight on Misconceptions About Pharmaceutical Litigation in New Jersey Mass Tort Courts*, New Jersey Lawyer Magazine, August 2011/No. 271
- *Preamble Preemption and the Challenged Role of Failure to Warn and Defective Design Pharmaceutical Cases in Revealing Scientific Fraud, Marketing Mischief, and Conflicts of Interest*, 35 *Hofstra L. Rev.* 1773, Summer 2007
- *The Sword of the Shield: Use of Governmental Regulations, Exposure Standards and Toxicological Data in Toxic Tort Litigation*, 6-1 *Dickinson Journal of Environmental Law and Policy*, Winter 1997.
- *Some Implications of Daubert and Its Potential for Misuse: Misapplication to Environmental Tort Cases and Abuse of Rule 706(a) Court-Appointed Experts*, 6-7 *Cardozo L. Rev.* 2255, 1994.
- *Snatch and Remove before Service: Removal to Federal Court In Forum Defendant Cases - American Bar Association – Environmental Mass Torts and Products' Liability Committees' Joint CLE Seminar – 1/31/13 and 2/1/13*
- *Ring the Bell: Bellwether Trial Selection*, ABA Section of Litigation – Environmental Mass Torts and Products Liability Litigation Committees' Joint CLE Seminar Program Materials – January 21, 2012
- *Any Day Now. Any Day Now. I Shall Be Released" Medical Device Recalls: Legal And Ethical Dilemmas When Manufacturers Initiate Communications With Injured Patients Under The Guise Of Taking Care Of Their Medical Needs* – American Bar Association, 2011