

Frederick M. Erny

Partner



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Practices/Industries

- Product Liability
- Pharmaceutical, Medical Device & Mass Tort Litigation

Education

University of Pittsburgh
(B.A., 1983)

Duquesne University School
of Law
(J.D., 1987)

Overview

Fred's practice focuses on product liability defense. His practice primarily entails civil litigation on behalf of manufacturers or distributors, with particular emphasis in drug and medical device product liability litigation. Fred is experienced in the management of mass tort litigation. He also assists clients in the product liability area outside of the drug and medical advice arena. Fred has achieved the highest rating, AV Preeminent[®], from Martindale-Hubbell[®], and has been named to *The Best Lawyers in America*[®] and the Ohio Super Lawyers list.

Experience

- As co-counsel, defended global credit card company in federal court and obtained unanimous defense verdict of no cause of action following summary jury trial.
- Defended pharmaceutical company in over 400 claims in various consolidated litigations across the country.
- Defended past Ohio Secretary of State in class action suit alleging violation of rights to privacy, personal security and due process, resolving case without the entry of a consent order.
- Involved in the defense of leading silicone medical products manufacturer in multimillion dollar litigation in both multiple state and federal litigation, including MDL, involving issues of strict liability, negligence, and failure to warn.
- Involved in the successful defense of pharmaceutical company against thousands of suits alleging that birth defects were caused by the prescription anti-nausea medication, Bendectin.
- Defended major cigarette manufacturer against claims of strict liability, negligence, failure to warn, conspiracy, and fraud in connection with health issues related to cigarettes and tobacco.

Presentations

- "Top Legal Issues of 2014-2015," Drug & Device Defense: Emerging Litigation & Regulatory Developments, HB Litigation Conferences (October 2014)
- "Trial Testimony Limits," Philadelphia Annual Mass Tort Symposium (December 2011)

Publications

- "Court Appointed Experts in the Breast Implant Litigation: Current Developments and Historical Bases," *International Journal of Toxicology* (September 1998)
- "The Noerr-Pennington Doctrine and Its Implications for Drug Product Liability Cases," *Drug Product Liability Reporter*, Vol. 3, Issue 11 (May 1990)
- "The Removal Statute's Voluntary – Involuntary Rule as Affected by Recent Amendments," *Drug Product Liability Reporter*, Vol. 2, Issue 12 (June 1989)
- "Accutane," *Drug Product Liability Report*, Vol. 2, Issue 9 (March 1988)

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Publications (Cont)

- “Artificial Hip Joints,” *Drug Product Liability Reporter*, Vol. 1, Issue 9 (March 1988)
- “Ex Parte Interviews of Non-Party Treating Physicians in Drug Product Liability Actions,” *Drug Product Liability Reporter*, Vol. 1, Issue 6 (December 1987)

Involvement

Professional Affiliations

- American Bar Association
- Ohio State Bar Association
- Cincinnati Bar Association
- Federal Bar Association
- Defense Research Institute

Community Involvement

- St. James of the Valley Catholic Church (*Member, Parish Counsel; Past President; Lector; Eucharistic Minister; President, Athletic Association*)

Honors & Distinctions

- Named to *The Best Lawyers in America*®, Product Liability Litigation – Defendants (2010-2020)
- Designated *Best Lawyers* Product Liability Litigation – Defendants “Lawyer of the Year” in Cincinnati (2020)
- Named to the Ohio Super Lawyers list (2013; 2014; 2018-2019)
- AV Preeminent Peer Review Rated – Martindale-Hubbell

Admissions

- State of Ohio
- State of Pennsylvania
- State of Kentucky
- U.S. Supreme Court
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, Eastern District of Kentucky
- U.S. District Court, Western District of Kentucky