

# Elaine M. Stoll

Associate



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## Practices/Industries

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

## Education

Smith College  
(B.A., 2004)  
University of Cincinnati  
College of Law (J.D., *cum laude*, 2011)  
Citations Editor, *University of Cincinnati Law Review*

## Overview

Elaine focuses her practice on defending product liability litigation and pharmaceutical, medical device, and mass tort claims. She has extensive experience with critical motions and briefs during all stages of litigation and with deep-dive legal research and analysis that drives case evaluation and litigation strategy. She has won “million dollar motions,” achieving judgment as a matter of law for clients on high-risk claims, obtained rulings excluding key plaintiffs’ evidence from trial through *Daubert* and *Frye* motions and motions in limine, and successfully defended defense judgments through appeal. She is skilled at analyzing and briefing questions of first impression or unsettled law and understanding and explaining important medical, engineering, scientific, and technical concepts.

## Experience

- Handles all aspects of federal and state civil litigation, including pleadings, motion practice, trial preparation, and appeals.
- Effectively and efficiently handles pretrial discovery, including the management of large-scale electronic discovery in product liability matters.
- Performs advanced legal research and analysis on a variety of topics.

## Publications

- “Attempts to Quantify Lost Enjoyment of Life Inadmissible Under *Daubert*,” DRI Daubert Online (April 2019)
- “Rein in the ‘Reptile’ at Trial: Strategies for More Effective Motions In Limine,” For the Defense (December 2017) (co-authored)
- “Truck EDR Data—Strategies to Limit Plaintiffs’ Event-Counter Evidence,” For The Defense (December 2016) (co-authored)
- “Assembling the Trial Record, Pretrial Objections, and Motions in Limine, in How to Try Your First Case” (ABA First Chair Press 2014) (co-authored)
- Seventh Circuit Report, Daubert Online (Semiannual, Fall 2014–present)
- “Debunking the Myth of 15% Non-Recovery from MTBI: Using Sound Science to Show the True Rate of Complete Recovery,” Trucking Industry Defense Association 2010 Annual Seminar, updated 2013 (co-authored)
- “A Motor Carrier’s Preservation Obligations After an Accident: Beyond the ‘Save Everything’ Approach,” Trucking Industry Defense Association 2012 Annual Seminar (co-authored)
- “Hot News Misappropriation: More Than Nine Decades After *INS v. AP*, Still an Important Remedy for News Piracy,” 79 U. Cin. L. Rev. 1239 (2011)
- “The Family Smoking Prevention and Tobacco Control Act and the First Amendment: Why a Substantial Interest in Protecting Public Health Won’t Save Some New Restrictions on Tobacco Advertising,” 65 Food & Drug L.J. 873 (2010)

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## Involvement

### Professional Affiliations

- The American Society of Legal Writers
- Defense Research Institute
- American Bar Association
- Cincinnati Bar Association
- Ohio State Bar Association
- Kentucky Bar Association

## Honors & Distinctions

- Named to the Best Lawyers: Ones to Watch, Product Liability Litigation - Defendants (2021)
- Named to the Ohio Super Lawyers Rising Stars list (2021)

## Admissions

- State of Ohio
- Commonwealth of Kentucky
- State of Florida
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Eastern District of Kentucky
- U.S. District Court, Western District of Kentucky