



## Thomas P. Kurland

Partner

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Tom Kurland is a Partner in the firm's Litigation department, focusing on products liability, brand protection, and commercial torts, with a particular emphasis on matters involving FDA-regulated products. For his experience in these areas, Mr. Kurland has been recognized annually since 2016 in the New York-Metro edition of *Super Lawyers*.

### **Products Liability**

Mr. Kurland regularly defends products liability, toxic tort, and public nuisance claims related to drugs, medical devices, vaccines, biologics, cosmetics, food products, vehicles, and other consumer goods in courtrooms throughout the country. He has acted as both national and local counsel for some of the nation's best-known brands, and is routinely called upon by clients, colleagues, and even adversaries to share his deep understanding of both substantive products liability law and of courtroom evidence and procedure.

Praised for his ability to translate complicated scientific issues to a lay audience, Mr. Kurland also maintains extensive relationships with physicians and scientists, and has been specifically engaged to identify and prepare litigation experts in fields such as epidemiology, signal detection, regulatory compliance, and medical causation to consult on and testify in proceedings throughout the United States and abroad.

In addition to maintaining an active trial and appellate practice, Mr. Kurland is a sought-after writer and presenter on topics related to products liability and consumer products litigation, and is an active member of numerous bar associations focused on products liability law and procedure.

### **Talcum Powder Litigation**

Over the past decade, Mr. Kurland has been at the forefront of litigation concerning allegedly asbestos-contaminated cosmetic talcum powder, and has developed significant expertise representing the manufacturers, distributors, and sellers of these products.

In particular, since 2016, Mr. Kurland has overseen the defense of scores of cases against one of the nation's best-known producers of baby powder in specialized asbestos proceedings throughout New York State, and has handled jury trials and appeals in some of New York's most challenging venues.

Mr. Kurland's work in this area has set legal precedents that have redefined the landscape of asbestos litigation in New York. Among other successes, Mr. Kurland played a key role in winning an appeal of a \$325 million jury verdict on causation

grounds, and more recently secured, on appeal, the first summary judgment dismissal on causation grounds of any talc case in New York history.

### **Brand Protection**

Mr. Kurland regularly represents major manufacturers of pharmaceuticals, medical devices, nutritional supplements, and other FDA-regulated products in anti-counterfeiting and brand protection actions nationwide, coordinating large-scale investigations in cooperation with law enforcement authorities and prosecuting civil lawsuits on behalf of brand owners to combat illegal counterfeiting, diversion, reimbursement fraud, and other harms arising from the improper manufacture, distribution, or sale of offending consumer goods.

As an integral part of the firm's brand protection litigation team, Mr. Kurland has successfully obtained injunctive relief—including seizure and asset freeze orders—against scores of counterfeiters and other wrongdoers, and has recovered hundreds of millions of dollars in settlements, judgments and penalties for his clients.

Over the course of this work, Mr. Kurland has also developed unique expertise in designing and deploying investigative strategies to uncover improper marketing and sales tactics, and has extensive experience working with private investigators and law enforcement both domestically and abroad to further his clients' brand protection objectives.

### **Advertising Litigation and Consumer Class Actions**

Mr. Kurland has represented clients in the telecommunications, e-commerce, nutritional supplement, and cosmetics industries as both plaintiffs and defendants in advertising litigation and consumer fraud actions brought under both state and federal law, including Lanham Act claims and consumer class-action lawsuits.

### **Commercial Disputes**

Mr. Kurland has litigated a wide variety of commercial disputes arising under both tort and contract law in state and federal court, including in the New York State Commercial Division. Among other matters, Mr. Kurland has successfully defended an international publisher against claims related to alleged corporate espionage; defended a major Latin American manufacturer in a dispute concerning a professional services contract; and defended an engineering firm from allegations of tortious interference with a joint venture agreement.

### **Pro Bono**

Mr. Kurland shares the firm's commitment to pro bono work, focusing on civil rights litigation. Among other matters, Mr. Kurland has represented pre-trial detainees housed in City-run correctional facilities who sustained injuries as a result of their improper classification as gang members; represented disabled students in New Orleans who were turned away from public schools in the aftermath of Hurricane Katrina; represented a non-profit school for disabled children facing eviction from its facility; represented low-income immigrants after the tenement building where they resided was destroyed in a devastating fire; and represented tenants in a rent-controlled building facing eviction motivated by improper ethnic discrimination.

In connection with these efforts, Mr. Kurland is a past recipient of the Legal Aid Society's Pro Bono Publico Award for Outstanding Pro Bono Service, and has been recognized as Empire State Counsel by the New York State Bar Association.

### **Representative Matters**

*Tippin v 3M Co., Alcat*, \_\_\_AD3d\_\_\_, 2024 NY Slip Op 06679 (1st Dep't 2024) (overturning denial of summary judgment on causation grounds and entering judgment in favor of cosmetic talc producer)

*Matter of Johnson & Johnson v Northwell Health Inc.*, 231 AD3d 481 (1st Dep't 2024) (enforcing subpoena to turn over litigation files of adverse expert in talcum powder litigation)

*Matter of NY City Asbestos Litig. ("Olson")*, 207 AD3d 415 (1st Dep't 2022) (overturning \$325 million jury verdict and entering judgment for defendant cosmetic talc producer on causation grounds)

*English v. Avon Prods., Inc.*, 2019 NY Slip Op 32026[U] (Sup Ct., NY County 2019) (personal jurisdiction and forum non conveniens dismissal in favor of defendant cosmetic talc producer)

*Chandler v. Janssen Pharms., Inc.*, 322 F Supp 3d 314 (EDNY 2018) (summary judgment in favor of defendant pharmaceutical manufacturer on warning causation grounds)

*Byrd v Janssen Pharms., Inc.*, 333 F Supp 3d 111 (NDNY 2018) (JNOV in favor of defendant pharmaceutical manufacturer on preemption grounds after two-week trial)

*Innovation Ventures, LLC v Ultimate One Distrib. Corp.*, 176 F Supp 3d 137 (EDNY 2016) (granting summary judgment in favor of trademark owners and awarding over \$20 million in statutory damages and attorney's fees against willful counterfeiters of popular energy drink)

## **Admissions**

- U.S. Court of Appeals, Second Circuit; Third Circuit
- U.S. District Court, Southern; Eastern; Western; Northern Districts of New York
- New York

## **Professional Activities**

### MEMBERSHIPS:

- New York State Bar Foundation (Fellow, 2025-Present)
- New York County Lawyers Association (Member, Board of Directors 2023-2026)
- New York City Bar Association (Product Liability Committee - Member 2016-Present; Chair 2019-2022)
- New York State Bar Association (Section on Federal and Commercial Litigation, Federal Procedure Committee, 2022-present)
- American Bar Association
- DRI (Drug and Medical Device Committee)

### SPEAKING ENGAGEMENTS:

- Speaker, "Methodologies on Trial: Sharpening Expert Strategy in Asbestos & Talc," DRI's Toxic Tort & Environmental Law Seminar (April 16, 2026)
- Panelist, "Third-Party Litigation Financing Under the Microscope: Managing Risk and Reclaiming Control Amid Rapid Expansion and Limited Transparency," American Conference Institute's 30th Annual Conference on Drug & Medical Device Litigation (December 4, 2025)
- Guest, "Algorithms, AI, and Product Liability," *Tech Policy Podcast* (September 15, 2025)
- Panelist, "AI v. ASSOCIATE: Rethinking the Role of AI in Legal Practice and Trial Strategy," American Conference Institute's 29th Annual Conference on Drug & Medical Device Litigation (December 3, 2024)
- Panelist, "FDA in the Crosshairs: What Recent Court Activity and State Litigation Over Mifepristone Means for the Future of Agency Deference," American Conference Institute's 28th Annual Conference on Drug & Medical Device Litigation (December 6, 2023)

- Panelist, "Nemeth and Beyond: An Expanded Discussion of the Past, Present, and Future of Expert and Causation Evidence in New York," New York City Bar Association (May 17, 2023)
- Speaker, "Drug and Medical Device 101," DRI webinar (March 22, 2023)
- Speaker, "Addressing The Latest and Greatest in Plaintiffs' Bar Attacks on OTC Drugs and Consumer Health Products," American Conference Institute's 27<sup>th</sup> Annual Drug & Medical Device Litigation Conference (December 6, 2022)
- Moderator, "What a Nuisance: Opioids, Public Nuisance, and the Evolution of Mass Torts," New York City Bar Association Panel (May 10, 2022)
- Panelist, "Getting Along at A Cosmetic Talc Trial - Plaintiffs, Experts, Manufacturers, Distributors, And Retailers," ABA's 30th Annual Toxic Torts and Environmental Spring CLE Meeting (April 8, 2022)
- Presenter, "Strategies for Combating Off-Label Marketing Claims with the Learned Intermediary Doctrine," DRI Drug and Medical Device Conference (May 11, 2017)
- "CASE STUDY: The 5-Hour ENERGY™ Anti-Counterfeiting Litigation," IQPC 17<sup>th</sup> Annual Anti-Counterfeiting & Brand Protection Summit (September 26, 2016)

#### IN THE MEDIA

- "NY Court Avoids 'Can of Worms' With Algorithm Liability Decision," *Bloomberg Law* (July 29, 2025)
- "US Nabs Man in Fake 5-Hour Energy Plot After Decade on the Run," *Law360* (June 16, 2025)
- "Web Giants in NY Mass Shooting Case Say Algorithm Isn't Product," *Bloomberg Law* (May 19, 2025)

#### Publications

- Co-Author, "High Court's Hain Ruling Undermines Diversity Jurisdiction," *Law360* (March 16, 2026)
- Co-Author, "Strict Liability for Content Providers is Gaining Traction in New York," *New York Law Journal* (July 18, 2025)
- Co-Author, "When The Platform Is A Product, Strict Liability Can Attach," *Law360* (May 14, 2024)
- Co-Author, "Is a Platform Also a Product? One New York Court Says Yes, and It's Not Alone," *New York Law Journal* (March 28, 2024)
- Co-Author, "'Mallory' Decision Could Have Profound Implications for Out-of-State Companies Registered to Do Business in NY," *New York Law Journal* (July 10, 2023)
- Co-Author, "Pending FDA Cosmetics Review Allows Class Action Defense," *Law360* (February 2023)
- Author, "Court Split On Amazon's Seller Liability Could Be Moot," *Bloomberg Law* (December 2021)
- Co-Author, "NY's New Marijuana Law: Implications for False Advertising and Products Liability Lawsuits," *New York Law Journal* (May 2021)
- Co-Author, "The SCOTUS Ford Decision Is Good News for Mass Tort Defendants," *Bloomberg Law* (April 2021)
- Author, "NY Ruling On Amazon's Seller Liability Is Good For Plaintiffs," *Law360* (January 2021)
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Co-Author, "COVID-19 Business Interruption Coverage – Chief Roadblocks And Potential Paths To Coverage For Commercial Losses In New York" *MEALEY's Litigation Report: Catastrophic Loss* (August 2020)

- Co-Author, "COVID-19 Business Interruption Coverage – Chief Roadblocks And Potential Paths To Coverage For Commercial Losses In New York" *MEALEY's Emerging Insurance Disputes* (July 2020)
- Co-Author, *INSIGHT: Business Interruption Recovery in New York—Two Cases Might Help*, *Bloomberg Law* (July 2020)

- Contributing Author, DRI Products Liability Case Law Update (2015)
- Co-Author, 50 State Survey: Media Privacy and Related Law (Media Law Resource Center)

## **Education**

- Cornell Law School (J.D., 2010)
  - Articles Editor, *Cornell Journal of Law and Public Policy*
  - General Editor, *Cornell Legal Information Institute Bulletin*
- University of Pennsylvania (B.A., *cum laude*, 2005)