



## JEFFREY R. PILKINGTON Partner

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(303) 892-7513 phone (303) 893-1379 fax

### Expertise

Litigation, Arbitration & Trial, Manufacturing Industry, Pharmaceutical Industry, and Products Liability

### Education

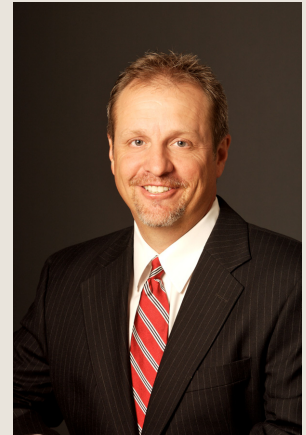
Columbia University, J.D., 1988

Drake University, B.A., *summa cum laude*, *Phi Beta Kappa*, 1985

### Admitted In

Colorado

New York



**Jeffrey Pilkington** is a partner in the firm's trial practice group. His trial practice focuses on three primary areas of litigation: products liability, personal injury and commercial or business. He has represented some of the world's largest manufacturers in significant product liability litigation at the national, regional and local level. Regardless of the size of the case, his defense is focused on "value to the client." He promises to provide the best defense in the most efficient manner in light of the specific needs of each client and case.

### Products Liability Litigation and Counseling

Mr. Pilkington's products liability practice defends a spectrum of products, including drugs, dietary supplements and medical devices, mechanical and consumer products, and chemicals and other substances.

Over the last 15 years, Mr. Pilkington has represented some of the leading pharmaceutical companies throughout the country. He has served as national and/or regional coordinating counsel for a number of prescription drugs. Currently, he is coordinating national litigation relating to a popular gastrointestinal prescription drug. The claims involve complex issues of labeling, epidemiology, marketing and preemption. In addition to prescription drugs, he has defended vaccines, medical devices and dietary supplements. He offers regulatory counseling under the Food Drug and Cosmetic Act and the Dietary Supplement Health and Education Act.

Mr. Pilkington has also represented many of the leading manufacturers of "hard mechanical" products, including automobiles, trucks, agricultural equipment, oil and mining equipment, tires and other component parts, and consumer products. These cases have involved a variety of engineering, design, manufacturing and human factors issues. Most recently, he has represented an oil equipment manufacturer in litigation in the Rocky Mountains. In defending a leading tire manufacturer, Mr. Pilkington secured summary judgment

for the client and a favorable *Daubert* decision for the Colorado Federal Courts. Mr. Pilkington has also counseled these manufacturers in regulatory compliance and product recalls.

Another part of Mr. Pilkington's products practice involves the defense of chemicals and other potentially toxic substances. Currently, he is representing a leading paint manufacturer in "benzene" litigation. These cases have presented complex issues of causation, toxicology, epidemiology and damages.

### Other Personal Injury Litigation

Mr. Pilkington has also represented large companies and insurers in a variety of personal injury cases. Such cases range from straightforward injuries to catastrophic injuries and deaths. For example, he successfully defended a local sheriff's department in the high-profile Columbine High School shootings. In that litigation, all but one of the cases was dismissed in the early stages of the litigation. Insurance carriers and companies look to him for his unique understanding of Colorado's favorable tort reform and damage limitations.

### Basic Commercial Litigation

Finally, Mr. Pilkington's practice includes basic commercial litigation. He has represented a variety of companies and banks in different disputes. Most recently, he represented a local hospital organization in a breach of contract case and a bank in a real estate dispute. He uses his trial and litigation skills to manage and litigate commercial disputes to a favorable and efficient resolution, whether it is achieved through settlement, mediation or trial.

### Education and Interests

Mr. Pilkington grew up in rural Iowa on the family farm. In 1985, he graduated *summa cum laude* from Drake University.

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He then went to Columbia Law School, where he graduated with honors in 1988. His legal career began as a law clerk for the Honorable Judge Thomas Griesa of the Southern District of New York. In 1989, he moved to Colorado and joined DGS.

He is a member of the Colorado, New York and District of Columbia bars and a variety of bar associations, including the American and Denver Bar Associations. He is a member of the Defense Research Institute and the Federation of Defense & Corporate Counsel. He has served on numerous committees, written a number of publications and made presentations in his areas of practice.

When away from the office, Mr. Pilkington enjoys spending time with his family, including his four children. He coaches youth baseball, basketball, soccer and golf, is active in church activities, tries to keep up with his children in snow skiing, water skiing and golf, and enjoys the Colorado outdoors as much as possible.

### Published Articles

- “Federal Jurisdiction Based on Removal: A 50-State Survey.” Colorado. Ed. Kara T. Stubbs. American Bar Association, 2008. 402-409.
- Defending Against Novel Failure to Warn Claims
- Defense Research Institute, Preparing for Plaintiffs’ Recent Theories in Drug and Device Litigation, April 2007
- Liability for Injuries Caused by Generic Prescription Drugs (Part I)
- Liability for Injuries Caused by Generic Prescription Drugs (Part II)
- Colorado Law Regarding FDCA-Related Tort Claims
- Informal Discovery Interview Between Defense Attorneys and Plaintiffs’ Treating Physicians

### Selected Cases With Published Opinions

- *McNeil v. Wyeth*, 462 F.3d 364, (5th Cir. (Tex.) Aug. 22, 2006)
- *McNeil v. Wyeth American Home Products Corp.*, 2005 WL 544222 (N.D. Tex. March 4, 2005)
- *Hauck v. Michelin North America, Inc.*, 343 F.Supp.2d 976, (D.Colo. Sep. 14, 2004)
- *Sanders v. Board of County Commissioners of County of Jefferson, Colorado*, 192 F.Supp.2d 1094 (D.Colo. Nov. 27, 2001)
- *Sunbelt Television, Inc. v. Jones Intercable, Inc.*, 795 F.Supp. 333, (C.D.Cal. July 9, 1992)

- *U.S. v. Winchell*, 793 F.Supp. 994, (D.Colo. June 26, 1992)
- *In re Blinder, Robinson & Co., Inc.*, 131 B.R. 872, (D.Colo. July 1, 1991)