



## HABIB NASRULLAH

### Partner

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**Habib Nasrullah has particular experience representing pharmaceutical manufacturers and distributors in mass tort, multidistrict litigation. A former Assistant U.S. Attorney, Habib also maintains a very active white collar and investigations practice. Habib is a Fellow of the American College of Trial Lawyers.**

### EDUCATION

Georgetown University Law Center, J.D., 1988

University of Southern California, B.A., 1984, International Relations, *magna cum laude*  
Phi Beta Kappa

### GOVERNMENT SERVICE

United States Attorney's Office, District of Colorado  
Special Prosecutions Section  
Project Safe Childhood Coordinator  
Major Crimes Section  
Civil Division

### OTHER EXPERIENCE

United States Attorney's Office (District of Colorado)  
Parcel, Mauro, Hultin & Spaanstra, P.C.  
McKenna, Conner & Cuneo LLP

### ADMISSIONS

Colorado  
Pennsylvania

### HIGHLIGHTS

- Successfully represented a leading global chemical company in an investigation involving multiple federal agencies and international trade compliance issues.
- Successfully represented a Chinese national in an investigation involving multiple federal agencies and allegations of arms trading.
- Serve as trial and national coordinating counsel for the largest pharmaceutical distributor in North America in nationwide litigation involving Zoloft, Lipitor, Effexor, and fen-phen.
- Won reversal of a \$3 million property appraisal award and disqualification of the appraiser and umpire.
- Won a defense verdict in federal court for Power Mount, Inc. in a \$28 million breach of contract dispute.
- Represent a federal contractor in a procurement integrity investigation.
- Represent senior executives in a False Claims Act investigation involving allegations of fraud on defense agencies.

### INDUSTRIES

- Medical Devices & Pharmaceuticals
- Healthcare
- Financial Services
- Professional Services
- Consumer Products & Services
- Trucking
- Automotive
- Insurance

### PRACTICE AREAS

- Commercial Litigation
- Mass Torts
- Product Liability
- Personal Injury Defense
- Investigations & Compliance

# HABIB NASRULLAH

## BIOGRAPHY

Habib Nasrullah serves as trial and national coordinating counsel on mass tort and complex product liability lawsuits, including multidistrict litigation. He maintains a very active white collar and investigations practice and also represents sophisticated clients in complex commercial litigation. Habib's clients include Fortune 100 and other leading companies, and he has substantial experience in federal and state courts. Formerly, Habib served as Assistant U.S. Attorney for the District of Colorado.

A Fellow of the American College of Trial Lawyers, Habib frequently manages mass tort litigation involving dockets of several thousand cases across multiple jurisdictions. He recently defended a major healthcare industry client against more than 12,000 claims involving its dialysis products. In another matter, Habib is leading the litigation strategy involving more than 3,000 claims against a popular cholesterol drug. Habib also negotiated the dismissal of a food distributor from wide-ranging litigation relating to the deadly 2011 *Listeria* outbreak linked to Colorado cantaloupes, which sickened hundreds and killed 33 people.

In all of his engagements, Habib works with clients and local counsel to conceptualize and implement coherent and effective litigation plans for multidistrict and complex litigation. Clients frequently retain him to try cases involving sophisticated expert and evidentiary issues with potentially high exposure when trial is imminent.

Habib's background as a federal prosecutor makes him particularly valuable to clients in criminal cases and civil cases in which there is a parallel criminal investigation. He strives to resolve these matters in the earliest possible stages, sparing clients the potential of facing criminal charges or intense public scrutiny. Habib also conducts internal investigations and counsels individual and corporate clients on a variety of federal and state compliance issues in the healthcare, aviation, and financial institution sectors.

## CASES

### Mass Torts

- Serve as trial and national coordinating counsel for the largest pharmaceutical distributor in North America in nationwide litigation involving Zoloft, Lipitor, Effexor, and fen-phen.
- Served as national counsel to a global healthcare company in multidistrict litigation involving over 12,000 claims relating to dialysis products. WTO helped develop national resolution strategy, identified bellwether cases, and negotiated settlement of all claims.
- Represented a food distributor in allegations of *Listeria* contamination resulting in 33 deaths and 146 confirmed cases in one of the largest and deadliest food-borne illness outbreaks in the United States.
- Represented Continental Airlines and Global Aerospace in matters stemming from a 2008 incident in which a plane skidded off the runway at Denver International Airport due to strong crosswinds. The claims involved over 200 plaintiffs.

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- Retained as lead trial counsel to defend General Electric against claims brought by more than 100 NATO soldiers for cancer-causing exposure to ionizing radiation from missile systems used during the Cold War. All 40 related cases were settled for what would have amounted to approximately two months' worth of defense costs.
- Served as trial counsel for a water softener manufacturer against allegations of bacterial contamination resulting in Crohn's disease.
- Serve as trial and national coordinating counsel for a generic drug manufacturer in nationwide litigation involving metoclopramide, alendronate sodium, allopurinol, and finasteride.
- Serve as trial counsel for a dental clinic involving allegations of overtreatment of pediatric patients.

## White Collar & Investigations

- Successfully represented a leading global chemical company in an investigation involving multiple federal agencies and international trade compliance issues.
- Successfully represented a Chinese national in an investigation involving multiple federal agencies and allegations of arms trading.
- Represent a federal contractor in a procurement integrity investigation.
- Represent senior executives in a False Claims Act investigation involving allegations of fraud on defense agencies.
- Represent a stock transfer agent in securities fraud investigated by the United States.
- Represented a Fortune 10 company in an international investigation into the alleged destruction of documents related to ongoing litigation.
- Represented a prominent Colorado lawyer in an investigation by the State of Colorado involving allegations of securities fraud.
- Represented a senior public official in corruption-related proceedings being investigated by the United States.
- Represent a technology company under investigation for alleged conflict of interest charges in a government contract.
- Represented an originator and servicer of mortgage loans in multiple investigations conducted by the United States into allegations of mortgage and appraisal fraud.
- Represent a cloud-based healthcare recordkeeping service in Stored Communications Act and related compliance issues and grand jury proceedings.
- Represent the former CEO of a hospice care organization in a federal False Claims Act investigation and related qui tam litigation.
- Represented a private school following a sexual assault investigation.
- Represented an airline pilot in an investigation by the United States of crew intoxication.
- Represented one of the nation's largest manufacturers of mobile home parts in allegations of corruption and regulatory noncompliance.

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- Represent a senior partner of a physicians group in a federal investigation into alleged healthcare fraud and related qui tam proceedings.

## Commercial Litigation

- *American Family v. Copper Oaks* (D. Colo. 2018) - Won reversal of a \$3 million property appraisal award against American Family and disqualification of the plaintiff's national property appraiser as well as the umpire on grounds that they were not impartial and failed to disclose directly relevant financial incentives and relationships.
- *Stillwater Mining Co. v. Power Mount, Inc.* (D. Colo. 2017) - Won a complete defense ruling for Power Mount after a week-long bench trial involving a breach of contract claim in which the plaintiff sought \$28 million.
- *Sipes v. Allstate Indemnity* (D. Colo. 2013) - Won complete defense verdict in a bad faith matter on behalf of Allstate before the United States District Court for the District of Colorado.
- Obtained summary judgment in district court in a professional negligence claim against WTO's client, a construction consultant, in a matter related to criminal charges brought against the consultant's client, a utility company.
- Served as trial counsel in bad faith case involving significant water damage claims at a nursing home facility.

## Criminal (as Assistant U.S. Attorney)

- Served as trial counsel for the Denver Mint in a sexual harassment and hostile work environment lawsuit based upon an alleged assault on a female employee by a supervisor.
- Prosecuted a Mexican national for failure to pay child support resulting in the second-highest award of restitution obtained by the United States Government in a federal child support prosecution. Habib was awarded the Inspector General's Integrity Award by the Office of the Inspector General of the Health and Human Services Department.
- Litigated multiple issues of first impression in the District of Colorado concerning computer forensic evidence under the Adam Walsh Child Safety and Protection Act of 2006.
- Successfully tried a case filed by a sitting county court judge in southern Colorado for alleged violations of the Privacy Act stemming from the conduct of FBI agents.

## TEACHING POSITIONS

National Institute for Trial Advocacy  
Deposition Skill Seminars

## REPRESENTATIVE CLIENTS

CNA - National Trial Counsel  
Fresenius - National Counsel



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General Electric - National Trial Counsel  
Northstar Rx LLC - National Trial Counsel  
PNC Mortgage, a Division of PNC Bank - Regional Trial Counsel

## BAR & COURT ADMISSIONS

Colorado  
District of Columbia  
Pennsylvania  
U.S. Court of Appeals for the Fourth Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Court of Appeals for the Tenth Circuit  
U.S. District Court for the District of Colorado  
U.S. District Court for the Western District of Texas

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Fellow, American College of Trial Lawyers  
Federal Rules of Evidence Committee  
*The Best Lawyers in America*  
Mass Tort/Class Action Litigation Lawyer of the Year, 2017  
Commercial Litigation, 2013-2019  
Mass Tort/Class Action Litigation, 2016-2019  
Product Liability Litigation, 2012-2019  
*The Legal 500 United States*  
Litigation: Product Liability and Mass Tort Defense, 2013, 2015  
*Colorado Super Lawyers*  
Business Litigation, 2006, 2010-2018  
Top 100, 2013-2018  
*Benchmark Litigation*  
Commercial Litigation - Colorado, 2013-2018  
Insurance Litigation - Colorado, 2013 -2018  
Product Liability - Colorado, 2013-2018  
Personal Injury - Colorado, 2013-2016  
*The International Who's Who of Life Sciences Lawyers*, 2017  
*International Who's Who of Product Liability Defense Lawyers*, 2016-2017  
*Martindale-Hubbell AV<sup>®</sup> Peer Review Rated*  
Diversity & The Bar  
Law Firm Rainmakers, 2011  
Federal Bureau of Investigation  
Certificate of Appreciation for outstanding prosecutive skills and assistance as an Assistant United States Attorney, 2008  
United States Department of Justice, Office of Inspector General, Denver Field Office  
Professionalism Award, 2008  
United States Department of Health and Human Services, Office of the Inspector General

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Integrity Award for major contributions as an Assistant United States Attorney  
toward the goals and mission of the Inspector General  
Defense Research Institute  
International Association of Defense Counsel  
American Bar Association  
Member, Conference of Minority Partners in Majority Corporate Law Firms  
Lawyer-Pilots Bar Association  
International Bar Association

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Founder and Advisor, Internet Safety Foundation, a coalition of Colorado educational, corporate, and law enforcement interests whose mission is to be a clearinghouse for Internet safety resources  
Colorado Association of Leaders in Educational Technology (CALET)  
Outstanding Friend of Technology Award, 2008

## ARTICLES & PRESENTATIONS

### Articles

- Co-author "Working with International Suppliers: Sound Contracts Minimize Risk," CNA's *Life Science POV* (January 2013).
- "Mississippi Adopts 'Tort Reform'," LJM's *Prod. Liab. L. & Strategy*, at 1 (April 2003).
- "Pretrial Depositions and Interrogatories May No Longer Be Private," LJM's *Prod. Liab. L. & Strategy*, at 1 (January 2003).
- "Protecting Confidential Settlement Agreements From Third Party Access," LJM's *Prod. Liab. L. & Strategy*, at 1 (February 2002).
- "To Beep or Not to Beep: The Optional Equipment Defense," LJM's *Prod. Liab. L. & Strategy*, at 4 (April 2001).
- "Protecting the Defendant: Challenging 'Other Acts' Evidence in Product Liability Cases," LJM's *Prod. Liab. L. & Strategy*, at 1 (June 2000).
- Co-authored, "Working with International Suppliers: Sound Contracts Minimize Risk." CNA's *Life Sciences POV* (2013)

### Presentations

- "Ethics: Pitfalls in Settlement Negotiations," *Litigation Management in a New York Minute - 2017 Edition*, presented by The Network of Trial Law Firms, New York, NY (August 4, 2017).
- "The Art & Science of Jury Selection," presented at the CDLA Trial Academy (April 27, 2017).
- "Off-Label Marketing and Free Speech in the Post-*Caronia* and *Amarin* World," presented at the ABA Life Sciences Seminar (September 21, 2016).

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- "Ethical Issues in Internal Investigations," *Litigation Management in a New York Minute - 2015 Edition*, presented by The Network of Trial Law Firms, New York, NY (August 7, 2015).
- "Off-Label Marketing in the Post-*Caronia* World," presented at the ABA Life Sciences Legal Summit (March 4, 2015).
- "Taking and Defending Depositions," presented for CLE credit to assistant U.S. attorneys and other federal agency counsel at the United States Attorney's Office for the District of Colorado (December 3, 2014).
- "Settlement, Approval, Ethics, and Beyond," presented at *Managing Complex Litigation 2014: Class Actions, Mass Torts & MDL* (PLI conference).
- "Federal Preemption and its Impact on Generic Drug Manufacturers," presented to the ABA Life Sciences Legal Summit (February 27, 2014).
- "Prospective Changes in Generic Drug Regulation," presented to underwriters from CNA (January 7, 2014).
- "Interviews With Former Employees: Strategies and Pitfalls," *The Prac. Litigator*, at 47 (March 2005).
- "Preparation and Presentation of Defenses of a Punitive Damages Claim in a Product Liability Case," presented at the Center for International Legal Studies' International Product Liability and Personal Injury Conference (March 25, 2003).
- "Punitive Damages: A View From the Trenches," presented at American Tort Reform Association Annual Legislative Conference for State Coalition Leaders and Citizens Against Lawsuit Abuse (November 14, 2002).

## PERSONAL INTERESTS

Aviation, instrument, and multi-engine rated private pilot  
Travel