



ERIK D. NADOLINK

Partner

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Erik (“Rick”) Nadolink defends companies and individuals in high-stakes product liability, toxic tort, and medical malpractice lawsuits. He has successfully defended clients in multibillion-dollar litigation and won high-exposure trials in eight states.

EDUCATION

The George Washington University Law School, J.D., 1995, *cum laude*

Stanford University, B.A., 1992

OTHER EXPERIENCE

LeClair Ryan, P.C.
Hunton & Williams

ADMISSIONS

California
Colorado
Virginia

HIGHLIGHTS

- Won a complete defense jury verdict for Caesarstone in a toxic torts trial with industry wide implications.
- Successfully tried high exposure cases to defense verdicts for national defendants in California, Florida, Illinois, Iowa, Massachusetts, Ohio, Texas, and Virginia.
- Serving as national counsel for a major international company in commercial litigation involving over 180 cases of alleged PCB exposure.
- Won a Texas defense verdict in a \$20 million personal injury trial.
- Represent Michelin as national coordinating counsel for toxic tort litigation.
- Won summary judgment in seven-figure mesothelioma case in Minnesota.
- Represented oil and gas companies in high-exposure cases arising from well-site and other industry-related accidents resulting in catastrophic injury and death.

INDUSTRIES

- Asbestos
- Construction & Engineering
- Healthcare
- Medical Devices & Pharmaceuticals
- Insurance

PRACTICE AREAS

- Commercial Litigation
- Product Liability
- Catastrophic Injury Defense
- Environmental Litigation
- Mass Torts

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BIOGRAPHY

Erik ("Rick") Nadolink defends companies and individuals in high-stakes product liability, toxic tort, and medical malpractice lawsuits. He has successfully defended clients in multibillion-dollar litigation and won high-exposure trials in eight states.

Rick has first and second-chaired numerous trials, winning defense verdicts in some of the most difficult plaintiffs' jurisdictions in the nation, including Los Angeles, CA; Madison County, IL; Chicago, IL; Boston, MA, and Tampa, FL, among others. He also has broad experience litigating and managing all aspects of complex litigation in addition to trial work, including complex motions practice; extensive fact and expert deposition discovery; preparing and defending corporate witnesses and employees; fact investigation; document discovery and management; use of protective orders to safeguard proprietary and privileged materials; and appellate issues.

Prior to joining Wheeler Trigg O'Donnell, Rick also defended large professional financial services providers in securities litigation.

CASES

- Won a complete defense jury verdict for Caesarstone in a toxic torts trial with industry wide implications. It was the third case tried to verdict in the U.S. and the first in Colorado where workers sued companies in the stone countertop fabrication industry over silica exposure.
- Successfully tried high exposure cases to defense verdicts for national defendants in California, Florida, Illinois, Iowa, Massachusetts, Ohio, Texas, and Virginia.
- Serving as national counsel for a major international company in commercial litigation involving over 180 cases of alleged PCB exposure.
- Hired a month before trial, won a defense verdict in Texas for an oil and gas company in a \$20 million personal injury case.
- Represent Michelin as national coordinating counsel for toxic tort litigation.
- Won summary judgment for General Electric in a seven-figure mesothelioma case in plaintiff-friendly Ramsay County, Minnesota. The win came less than a month before trial, and marks WTO's second asbestos victory of 2021 in this challenging jurisdiction.
- Represented oil and gas companies in high-exposure cases arising from well-site and other industry-related accidents resulting in catastrophic injury and death.
- Represented a brewery owner after an explosion in Virginia caused by methane by-products in a wastewater tank killed two people.

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- Represented a gas utility at trial in Texas in a case involving a natural gas explosion that severely burned two individuals. Settled for a fraction of the demand.
- Represented an oil and gas company in a catastrophic injury case involving an oil rig employee who was crushed by a piece of loose equipment.
- Defending utility companies and equipment manufacturers in catastrophic fire and explosion cases resulting in major burn injuries.
- Represented a utility company at trial in Missouri in a case involving a maintenance worker who suffered loss of limb after electrocution while attempting to service a billboard. Settled for a fraction of the demand.
- Won for Foster Wheeler in an asbestos failure to warn case involving the government contractor defense. The Fourth Circuit reversed and remanded to the district court following WTO's arguments that evidence set forth by Foster Wheeler was sufficient to demonstrate a colorable defense establishing federal jurisdiction.
- Won for Foster Wheeler in an asbestos failure to warn case involving the government contractor defense. The Fourth Circuit reversed and remanded to the district court following WTO's arguments in this matter of first impression.
- Obtained summary judgment for General Electric Company in an asbestos liability case in the U.S.D.C. for the District of Wyoming.
- Won a jury verdict in Cook County, Illinois, for General Electric in an asbestos duty to warn case involving power plant land turbines.
- Won a defense jury verdict for Leslie Controls, the sole remaining defendant at trial after other defendants settled. A jury deliberated for just 20 minutes before deciding our client was not liable for the plaintiff's mesothelioma.
- Won a defense verdict for Pizza Hut/Yum! Brands in liability case stemming from an automobile accident involving a delivery driver.
- Won a defense jury verdict for Foster Wheeler in the first asbestos wrongful death case tried to a verdict in Iowa in over 10 years.
- Won a defense verdict after five weeks of trial in Massachusetts in a living mesothelioma case, the first asbestos case tried to verdict in Boston in 10 years.
- First and second-chaired additional high exposure trials to favorable mid-trial resolutions in California, Illinois, Louisiana, Minnesota, New York, Pennsylvania, South Dakota, and South Carolina among others.

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- Won summary judgment motions in many jurisdictions, including briefing and arguing in an MDL in the Eastern District of Pennsylvania on a complex issue concerning the government contractor defense as it applies to equipment manufacturers in asbestos litigation, potentially impacting hundreds or even thousands of similar cases currently pending before the panel.
- Managed discovery and trial preparation in hundreds of cases set for trial for several national asbestos litigation clients, as well as numerous hospitals, doctors, and other healthcare providers in medical malpractice cases.
- Taken and defended hundreds of critical fact, corporate, and expert depositions in dozens of high exposure products liability and medical malpractice cases.
- Successfully briefed and argued two writs to the Supreme Court of Virginia.
- Mediated favorable resolutions in numerous high exposure products liability and medical malpractice cases in various federal and state jurisdictions throughout the country.

REPRESENTATIVE CLIENTS

- Foster Wheeler - National Trial Counsel
- General Electric - National Trial Counsel
- Lumen Technologies - National Trial Counsel
- Michelin North America - National Trial Counsel
- National American Insurance Company - National Trial Counsel for NAICO Insureds

BAR & COURT ADMISSIONS

- California
- Colorado
- Virginia
- U.S. Court of Appeals, 4th Circuit
- U.S. District Court, C.D. California
- U.S. District Court, D. Colorado
- U.S. District Court, E.D. Virginia
- U.S. District Court, N.D. California
- U.S. District Court, W.D. Virginia

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LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

- *Colorado Super Lawyers*
 - Personal Injury Defense: Products, 2013-2017
 - Class Action/Mass Torts, 2018
- *Colorado Rising Stars*
 - Personal Injury Defense: Products, 2009-2010
- Defense Research Institute
- American Bar Association
- Colorado Bar Association
- Virginia Bar Association
- The Lewis F. Powell, Jr. American Inn of Court

ARTICLES & PRESENTATIONS

Articles

- "The Government Contractor Defense In The 4th Circ.," Law360, (July 10, 2017).
- "Attorney-Client Privilege and Attorney Work Product Protections: Successful Partnering Between Inside and Outside Counsel," ch. 33, Robert L. Haig ed., West Group, (2003).

Presentations

- Presenter, "EPA, Regulatory & Government Developments Under Current Administration, and Countering Same," 2021 DRI Asbestos Seminar, (November 4, 2021).
- Presenter, "Attorneys Coming Together to Collaborate and Share Substantive Updates: Industrial Products," 2021 DRI Asbestos Seminar, (November 4, 2021).
- Presenter, "Using the EPA Risk Assessment to the Greatest Defense Advantage," 2021 Defense Asbestos Litigation Seminar, (June 24, 2021).
- Presenter, "Expert Deposition Case Study: Dr. Richard Lemen and No Safe Level," The 2019 Defense Asbestos Litigation Seminar, (June 2019).
- Presenter, "Expert Experts: Strategies & Practice Pointers for Taking Down the Professional Witness," The CDLA CLE, (March 21, 2018).
- Presenter, "Challenging Failure to Warn and Plaintiff Mock Deposition," The 2017 Defense Asbestos Litigation Seminar (DALs), Orlando, FL, (June 8, 2017).
- "Defending Transmission/Distribution Line Contact Cases," AEGIS National Claims Seminar, Scottsdale, AZ, (October 2016).

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- "Cross Examination Strategy for Key Plaintiffs' Experts," DRI Defense Asbestos Litigation Conference, Las Vegas, NV, (June 2016).
- Presenter, "Taking Down Plaintiff's Expert," The Aegis 2014 Claims Seminar, Miami, FL, (October 2014).
- Presenter, "The Top Adversary Lung Cancer & Mesothelioma Experts," The DALs Conference, Las Vegas, NV, (June 2014).
- Presenter, "Mock Closing Argument Presentation and Jury Exercise," Perrin Asbestos Litigation Conference: A National Overview & Outlook, San Francisco, CA, (September, 2012).
- "Shipyard and U.S. Navy Asbestos Cases and the Government Contractor Defense," presented at HarrisMartin Southeast Regional Asbestos Litigation Conference, (April 2011).
- Presenter, "Does Every Fiber Really Contribute?," DRI Asbestos Medicine Seminar, (November 12, 2009).
- Presenter, "The Post-OSHA Warnings Case," DRI Asbestos Medicine Seminar, (November 12, 2009).

PERSONAL INTERESTS

- Cooking, skiing, and traveling