



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 seven 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

- Successfully tried high exposure cases to defense verdicts for national defendants in California, Florida, Illinois, Iowa, Massachusetts, Ohio, and Virginia.
- Won for Foster Wheeler in a Fourth Circuit asbestos case involving the government contractor defense.
- Won an asbestos failure to warn case for Foster Wheeler in the Fourth Circuit.
- Won summary judgment for General Electric in an asbestos liability case.
- WTO wins jury verdict for General Electric in asbestos case heard in Cook County, Illinois
- Won a defense verdict in a mesothelioma case in California.
- WTO wins in a personal injury liability case for Pizza Hut

INDUSTRIES

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

PRACTICE AREAS

- Commercial Litigation
- Product Liability
- Personal 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 seven 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

- Successfully tried high exposure cases to defense verdicts for national defendants in California, Florida, Illinois, Iowa, Massachusetts, Ohio, and Virginia.
- *Sawyer v. Foster Wheeler* (4th Cir. 2017) - 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.
- *Ripley v. Foster Wheeler* (4th Cir. 2016) - 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.
- *Mulcahy v. Rapid American* (Ill. Cook Cnty. Cir.Ct.) - Won a jury verdict in Cook County, Illinois, for General Electric in an asbestos duty to warn case involving power plant land turbines.
- *Pelletier v. Alfa Laval* (Cal. Sup.Ct.) - 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.
- *Shaw v. Pizza Hut* (M.D. Fla. 2009) - Won a defense verdict for Pizza Hut/Yum! Brands in liability case stemming from an automobile accident involving a delivery driver.

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- *Stewart v. Foster Wheeler* (D. Iowa 2008) - 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.
- Won summary judgment motions in many jurisdictions, including most recently briefing and argument before the 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

Dana Corporation - National Trial Counsel
Foster Wheeler - National Trial Counsel
General Electric - National Trial Counsel
Premier Insurance - National Trial Counsel
Velan - National Trial Counsel

BAR & COURT ADMISSIONS

California
Colorado
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
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

- "Expert Experts: Strategies & Practice Pointers for Taking Down the Professional Witness," presented at the CDLA CLE (March 21, 2018).
- "Challenging Failure to Warn and Plaintiff Mock Deposition" presented at 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).
- "Cross Examination Strategy for Key Plaintiffs' Experts," DRI Defense Asbestos Litigation Conference, Las Vegas, NV (June 2016).
- "Taking Down Plaintiff's Expert" presented at the Aegis 2014 Claims Seminar, Miami, FL (October 2014).
- "The Top Adversary Lung Cancer & Mesothelioma Experts," presented at the DALs Conference, Las Vegas, NV (June 2014).
- "Mock Closing Argument Presentation and Jury Exercise," presented at 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).
- "The Post-OSHA Warnings Case," presented at DRI Asbestos Medicine Seminar (November 12, 2009).

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- "Does Every Fiber Really Contribute?" presented at DRI Asbestos Medicine Seminar (November 12, 2009).

PERSONAL INTERESTS

Cooking, skiing, and traveling