

David Venderbush

Counsel

212.210.9532

david.venderbush@alston.com

New York | 90 Park Avenue, 15th Floor | New York, NY 10016-1387



Throughout his 25-year career, David Venderbush has been at the center of bet-the-company litigations literally ripped from the headlines. In litigations involving breast implants, asbestos, cell phones, Vioxx, Seroquel, unintended automobile acceleration and Chinese-manufactured drywall, David's work in client-developed virtual law firms has helped reduce eventual client outlay to a fraction of initial potential exposure.

As counsel in the Products Liability Group, David focuses his practice on trial and appellate work, with particular focus in legal strategies for managing complex litigation. As a member of national counsel teams in several multidistrict litigations, he has served as national litigation strategist, supervised local counsel and implemented litigation management and expense control programs. David has been particularly successful at effectively ending mass tort litigations through the exclusion of expert witness testimony on complex scientific issues under Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals Inc.*, 509 U.S. 579 (1993). He has developed substantial class-action expertise in products liability and consumer fraud cases. He is well-known among his peers for his legal analysis and brief-writing abilities.

David has participated in several high-profile trials, managing legal issues and trial briefing, and has argued to federal and state appellate courts. He is a five-time *Jeopardy!* champion.

Representative Experience

Mr. Venderbush has successfully excluded the testimony of numerous expert witnesses following Rule 702 evidentiary hearings in a variety of contexts:

- Silicone breast implants: (*Hall v. Baxter Healthcare Corp.*, 947 F. Supp. 1387 (D. Or. 1996); *In re Breast Implant Litigation*, 11 F. Supp. 2d 1217 (D. Colo. 1998); *Kelley v. American Heyer-Schulte Corp.*, 957 F. Supp. 873 (W.D. Tex. 1997)).
- Mobile telephones: (*Motorola Inc. v. Murray*, 147 A.3d 751 (D.C. 2016); *Newman v. Motorola, Inc.*, 218 F. Supp. 2d 769 (D. Md. 2002), aff'd 78 Fed. Appx. 292 (4th Cir. 2003)).
- Uranium ore: (*Cano v. Everest Minerals Corp.*, 362 F. Supp. 2d 814 (W.D. Tex. 2005)).
- Pharmaceuticals: (*Guinn v. AstraZeneca Pharms. LP*, 602 F.3d 1245 (11th Cir. 2010); *Haller v. AstraZeneca Pharms. LP*, 598 F. Supp. 2d 1271 (M.D. Fla. 2009); *Scaife v. AstraZeneca LP*, 2009 WL 1610575 (Del. Super. Ct. June 9, 2009)).

Publications & Presentations

Publications

- Editor, Alston & Bird Class Action Round Up, "Where the (Class) Action Is," quarterly.
- "The Supreme Court's Class Action Certification Trilogy," *Corporate Counsel*, August 1, 2014.
- "Daubert at Class Certification: More Is All There Is," *Law360*, March 22, 2012.

Professional & Community Engagement

- Alston & Bird New York Diversity Committee, co-chair

Education

- Stanford University (J.D., 1988)
- Yale University (B.A., 1984)

Admitted to Practice

- New York
- California

Related Services

Litigation | Products Liability | Appellate | Class Action & Multidistrict Litigation | Toxic Torts