

Scott A. Elder

Partner

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Scott Elder represents corporations in complex litigation, from inception through trial, throughout the country. As a leader of the firm's Products Liability Team, Scott is called on by clients for his extensive experience in mass torts and class actions, as well as in commercial cases involving product warranties and related contracts. He frequently handles cases at the intersection of product defect and false advertising and also provides advice on advertising claim construction, product development, and risk mitigation. Scott's experience includes pharmaceuticals, food and beverage, asbestos, silica, chemicals, automobiles, and consumer equipment and electronics. Scott was selected by his peers for inclusion in *The Best Lawyers in America*® 2016–2022. He received his J.D. from Vanderbilt University, where he was a member of the *Vanderbilt Law Review* and the Order of the Coif.

Representative Experience

- National counsel to an international mining corporation in talc mass tort litigation in multiple jurisdictions around the country.
- Lead counsel in jury trials in Los Angeles and New Jersey involving allegations that cosmetic talcum powder was contaminated with asbestos and caused cancer.
- National counsel to one of the nation's largest wireless phone service providers in litigation alleging adverse health effects from the use of wireless phones.
- Represented a manufacturer of over-the-counter medication in a Federal Trade Commission (FTC) inquiry related to advertising. The FTC concluded the investigation without requiring any corrective action.
- Counsel to a leading over-the-counter drug manufacturer in multiple challenges before the National Advertising Division of the Better Business Bureau.
- Counsel to numerous clients involved in assessments and recalls under the Consumer Product Safety Act, including consumer electronics, auto parts, appliances, toys, play sand, and other consumer goods.
- National science counsel to a pharmaceutical company in multidistrict litigation involving 6,000 plaintiffs and associated state court cases. Obtained favorable scientific evidence rulings leading to the exclusion of opinions from six of the plaintiffs' expert witnesses in three different jurisdictions.
- Represented an international paint and coatings manufacturer in a proposed nationwide class action alleging the sale of defective deck paint.
- Counsel to a glass products manufacturer in an environmental class action alleging contamination from historic glass manufacturing operations.
- Represented a national restaurant chain in a purported class action in California alleging false advertising to children. The court dismissed all claims at the motion to dismiss stage.

- Counsel to a leading maker of vitamin supplements in a purported nationwide class action in California alleging consumer fraud and false advertising. The court denied the plaintiffs' motion to certify the class.
- Counsel to a Fortune 50 computer company in a purported nationwide consumer class action in New York alleging the sale of defective computers. The court granted summary judgment to our client.
- Obtained the dismissal of consumer class actions in New Jersey and Illinois alleging that a large restaurant chain violated state consumer protection laws.
- Coordinating counsel for a pharmaceutical company in cases alleging death caused by narcotic medication.
- Counsel to an international beverage company in class actions involving alleged false advertising and exposure to benzene in soft drinks.
- Science counsel to a large petroleum corporation in a challenge to the plaintiffs' expert witness in a suit alleging that the plaintiffs developed cancer from exposure to ionizing radiation.
- Counsel to a Fortune 50 computer company in a purported nationwide class action in New York challenging billing and collection practices. Following discovery, the plaintiff agreed to dismiss all class-related claims, and the case resolved with a favorable settlement of the named plaintiff's claim.

Publications & Presentations

Publications

- "Genomics in the Courtroom: The Current Landscape of DNA Technology in Criminal and Civil Litigation," *International Association of Defense Counsel*, January 19, 2021.
- "INSIGHT: Businesses Better Brace for Post-Coronavirus Lawsuits," *Bloomberg Law*, April 17, 2020.
- "Class Action Litigation Post-Certification Strategies," *The Brief*, American Bar Association Tort Trial & Insurance Practice Section, Vol. 46, No. 2, Winter 2017.
- "3D Printed Medical Devices: More Lawsuits and More Questions," *Bloomberg BNA Medical Devices Law & Industry Report*, February 4, 2015.
- "Class Action Certification Got Tougher in 2014," *The National Law Journal*, December 8, 2014.
- "All You Can Eat: Food and Beverage Class Actions in 2014," *Bloomberg BNA Product Safety & Liability Reporter*, October 6, 2014.
- "Food for Thought? Chew on These Class Action Trends," *Law360*, September 2, 2014.
- "False Advertising, Scientific Opinion and the First Amendment – The Second Circuit's Opinion in *Ony, Inc. v. Cornerstone Therapeutics, Inc.*," *IADC Committee Newsletter*, March 2014.
- "What's in a Claim? Would a Food Not Labeled "Natural" Taste as Sweet?" *INFORM (International News on Fats, Oils, and Related Materials)*, AOCS, Vol. 24, No. 3, March 2013.
- "New Jersey Rejects Lack-of-Prior-Substantiation Claim," *Section of Litigation, Products Liability, News & Developments*, American Bar Association, February 14, 2013.
- "Consumer-Fraud Class Action Challenging 'Natural' Claim Is Dismissed," *Section of Litigation, Products Liability, News & Developments*, American Bar Association, January 18, 2013.

Presentations

- "The Use of Genetic Testing in the Courtroom," The International Association of Defense Counsel, webinar, July 10, 2020.

Education

- Vanderbilt University (J.D., 1997)
- Duke University (B.A., 1994)

Admitted to Practice

- Georgia

Related Services

Litigation | Toxic Torts | Products Liability | Class Action & Multidistrict Litigation | Consumer Product Safety & Regulatory Compliance | Food, Beverage & Agribusiness