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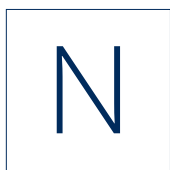
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Welcome

We look forward to building a mutually beneficial relationship together. Please contact us to discuss opportunities further.



FROM LEFT Marie Napoli, Partner, Hunter J. Shkolnik, Partner and Paul J. Napoli, Of Counsel.



APOLI SHKOLNIK PLLC is a national litigation firm providing representation to victims of defective prescriptions drugs and medical devices, asbestos-related illnesses, aviation accidents, complex litigation and other serious personal injury matters.

Our attorneys have a proven track record of successfully handling these types of matters over the past 22 years. Notably, our attorneys were part of the teams responsible for the historic \$816 million settlement for injuries sustained by first responders from toxic dust at Ground Zero following the attacks of September 11,

“It’s not about assigned case numbers—it’s about people.”

2001, the \$650 million settlement related to the heart drug Pradaxa, the \$100 million settlement involving the birth control device NuvaRing as well as the landmark billion-dollar series of settlements in a major diet drug case.

With their principal office in New York City and offices in Chicago, Long Island and affiliates through the United States, Napoli Shkolnik PLLC is readily available to clients. □





A Strategic Alliance

Your partner in results.



Attorney Referral Program

Our clients come from across the United States, and in addition to our multi-state offices, we obtain referrals from all over the country from attorneys like you.



**ASBESTOS
RELATED ILLNESSES**



**AVIATION
ACCIDENTS**



**COMPLEX
LITIGATION**



**DEFECTIVE PRESCRIPTION
DRUGS AND MEDICAL
DEVICES**



**SERIOUS
PERSONAL INJURY**



**SOCIAL SECURITY
DISABILITY**



**WORKERS'
COMPENSATION**



**WORLD TRADE
CENTER**



WE EVALUATE CASES DAILY and we encourage you to contact Napoli Shkolnik PLLC to discuss steps for compensation for our clients as well as to speak about any new litigations.

We now have active offices in California, Illinois (Madison county and Chicago), Delaware, Maryland and our principal offices in New York City and Long Island.

The following articles highlight some of the cases we are currently litigating or have recently resolved.

Our attorneys hold a variety of leadership positions (lead or liaison counsel, members of litigation steering committees) in numerous multi-district litigations for pharmaceutical cases.

INTERESTED PARTIES CONTACT
(212) 397-1000



Team Profiles

Experience, purpose
and determination.



Marie Napoli, Partner



M

ARIE NAPOLI, PARTNER, has over twenty years of experience handling personal injury, medical malpractice, mass tort, and complex litigation matters. After earning her JD from St. John's University Law School and her LLM degree from New York University (NYU) School of Law, Marie went on to become one of the very few female partners in a top mass tort litigation firm with a successful and proven track record. She has worked for the New York Appellate Division, 2nd Department and has taught CLE courses on Tort & Civil Procedure at St. John's University School of Law.

As a founding partner of Napoli Kaiser Bern LLP, Marie was involved in many high level negotiations that resulted in favorable settlements for their clients. Notably, Marie was part of the team responsible for the billion dollar settlement in a major pharmaceutical case.

Marie understands the breadth of the legal issues that particularly affect women injured by pharmaceutical and other defective products. She is a breast cancer survivor and philanthropist. She channels her passion to

create awareness and fund research through such organizations and events as The Bone Marrow Foundation, Inc., the Long Island Half Marathon and the New York City Marathon.

BAR ADMISSIONS

- United States Supreme Court
- New York Supreme Court
- United States District Court, Eastern District of New York
- United States District Court, Southern District of New York

PROFESSIONAL AFFILIATIONS

- Founding Partner of Napoli, Kaiser, Bern, LLP
- Advisory Board to the Dean at St. John's University School of Law
- Board of Governors at St. John's University
- Associate Board Member, The Bone Marrow Foundation
- Founder, Paul and Marie Napoli Foundation
- New York State Bar Association

PUBLICATIONS

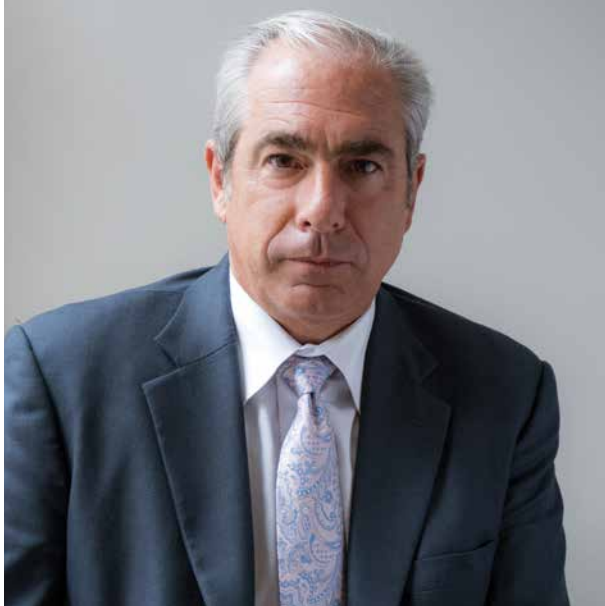
- *The Lord in the Law*
- *Reflections on a Catholic Law School*, St. Mary's Law Review
- *He Said, She Said*, St. John's Journal of Legal Commentary

PREVIOUSLY SERVED AS

- Notes & Comments Editor, St. John's Journal of Legal Commentary
- Notes & Comments Editor, St. Mary's Law Journal
- President, St. John's Alumni Association, Nassau Chapter
- Vice President, Friend's Academy Parent Council
- Board Member, Glen Cove Boys & Girls Club □



Hunter J. Shkolnik, Partner



Mr. Shkolnik has also lectured and organized seminars on issues involving Guidant, Medtronic and St. Jude pacemakers, ICD and Lead Wire recall science and litigation; Cardiac Device product liability litigation, Class Actions topics such as Ethics of Mass Tort Settlements, Lone Pine, State Federal Coordination and Preemption and on multiple occasions, on science related to various pharmaceuticals.

BAR ADMISSIONS

- New York
- United States District Court, Eastern District of New York
- United States District Court, Southern District of New York
- New Jersey
- United States District Court, District of New Jersey

PROFESSIONAL AFFILIATIONS

- American Association of Justice (AAJ), The Actos Bladder Cancer Litigation Group, Co-Chair
- Litigation Counsel of America, Fellow
- New York State Trial Lawyers (NYSTLA), Board of Directors; Past Secretary, Assistant Treasurer and Treasurer
- Long Island Affiliate of the NYSTLA, Past President
- Nassau County Bar Association, Past Vice-Chairman, Medical Legal Committee
- American Association of Justice (AAJ), Past Vice-Chairman, Healthcare Finance Litigation Group
- American Association of Justice (AAJ) Health Orthopedic Implant Litigation Group, Past Vice-Chairman, Science Committee Director
- American Association of Justice (AAJ), Past Chairman, Health Breast Cancer Litigation Group
- American Association of Justice (AAJ), Co-Chair, Health Heart Device Litigation Group

REPRESENTATIVE SPEAKING ENGAGEMENTS

- “Mass Tort vs. Class Action: What it is and What it is Not.”, The

PARTNER HUNTER J. SHKOLNIK concentrates his area of practice to the trial of significant personal injury cases primarily in the area of drug, automobile, heavy truck and aviation related product liability actions.

He leads the discovery and trial teams of various mass tort pharmaceutical and medical device litigations for the firm. He is also active in managing national litigation and plaintiff litigation groups including the American Association of Justice’s Actos Litigation Group.

He is currently serving as a chairman, leader or court appointed representative on Plaintiff Steering Committees in various drug and other mass torts. Additionally Mr. Shkolnik has also held officer positions in the New York State Trial Lawyers, Nassau County Bar Association and Committee Chair positions in ATLA Health Care Finance Litigation Group, Orthopedic Implant Litigation Group, AAJ Breast Cancer Litigation Group, Co-Chair AAJ Heart Device Litigation Group and the Chair of the Medtronic ICD and CRTD Litigation Sub Group.



Hunter J. Shkolnik (Continued)

American Association for Justice (AAJ)

- “Diabetes Drugs (Actos, Januvia, Byetta” at Mass Tort Med School, A Boot Camp for Plaintiff Attorneys, HB Litigation Conferences
- “Decisions 2013: Recent Developments in Tort Law”, NYSTLA Seminar Series
- “Class Certification: Defining or Challenging Class Membership”, Strafford Webinars
- “HarrisMartin’s Complex Litigation Conference”
- “Mirena IUD, Tylenol, Granuflon, Byetta & Januvia”, HarrisMartin MDL Conference
- “Plaintiff Pharmaceutical Litigation Forum 2013”, HB Litigation Conferences
- Breast Cancer Litigation, ATLA Breast Cancer Litigation Group Educational Seminar
- “Transvaginal Mesh and Actos Litigation Group”, Harris Martin MDL Conference
- HarrisMartin’s MDL Conference: Xarelto & Power Morcellators
- HarrisMartin’s Major Developments in Drug & Device Litigation
- HarrisMartin’s MDL and Complex Litigation Seminar
- 11th Annual Class Action/Mass Tort Symposium presented by the LSBA, “Multi-district Litigation and the Parallel State Court Universe: A Practitioners Global Positioning Guide”
- NYSTLA, “Product Liability Mass Tort & Class Actions: What every lawyer should know and understand”
- Pharmaceutical Litigation Forum, “Case Theories, Challenges and Case Selection Considerations for your Actos Inventory.”

PUBLICATIONS

- *Danger in the Ring* by Marie Brenner, *Vanity Fair*, January 2014
- *Divided They Fall: Conception’s Effect on Consumer and Employee Claims* (Co-Author: Richard J. Arsenault, Esq.), *NYSTLA*, Vol. 1, 2012
- Lecturer and Written extensively in the areas of Auto Product and Drug Product Liability

AWARDS AND HONORS

New York Super Lawyers: 2006–2015

STEERING COMMITTEES

- Appointed by Judge James B. Selna to Plaintiffs’ Liaison Committee for Personal Injury and Wrongful Death Claimants, MDL 10-2151 for In re: Toyota Sudden Acceleration Litigation 10:2151:
- Actos Product Liability Steering Committee, American Association of Justice’s Actos Litigation Group
- Plaintiffs’ Steering Committee in lawsuits against Medtronic Inc. (MDT) over flawed heart defibrillators
- Appointed by Senior Judge Ann Aldrich as Co-Lead Counsel for In re: Oral Sodium Phosphate Solution-Based Products Liability Litigation 09:2066 (US District Court, Northern District Ohio)
- Appointed Liaison Counsel, New Jersey NuvaRing Products Liability Consolidated Mass Tort Litigation
- Appointed by US District Judge Richard H. Kyle to serve as a member of the Plaintiffs’ Steering Committee for In re: Medtronic, Inc., Sprint Fidelis Leads Product Liability Litigation, MDL 08-1905 (US District Minnesota)
- Plaintiffs’ Steering Committee, Member, Trial, Expert, Discovery Sub Committee and Co-Lead Trial Team for In re: Guidant Corp Implantable Defibrillators Products Liability Litigation 05:1708
- Steering Committee Member, Trial Expert and Discovery Subcommittees for In re: Medtronic Inc., Implantable Defibrillators Products Liability Litigation, MDL 05:1726
- Appointed by Judge Rodney Sippel Co-Lead Counsel for In re: NuvaRing Product Liability Litigation, MDL 1964, (US District Court, Eastern District of Missouri)
- Appointed Co-Liaison Counsel and Member of the Plaintiffs’ Steering Committee for New Jersey Metoclopramide (Reglan) Product Liability Consolidated Mass Tort Litigation
- Co-Lead Counsel for In re: NuvaRing Products Liability Litigation, MDL 1964 (MOED)
- NY State Consolidated Bextra/ Celebrex Litigation, Plaintiffs’ Steering Committee
- Plaintiffs’ Steering Committee, Member and a Lead Counsel for New York Sulzer Inter Op Hip and Knee Implant Litigation
- State Federal Liaison Counsel, MDL 1785 for In re: Bausch & Lomb, Inc., Contact Lens Solution Product Liability Litigation; In re: New York Consolidated Bausch & Lomb Contact Lens Solution Litigation
- New Jersey Levaquin Mass Tort Litigation, Discovery Co-Chair
- Appointed by U. S. District Judge Charles Brieant to serve as a Member of the Plaintiffs’ Steering Committee for In re: PepsiCo. Inc., Bottled Water Marketing and Sales Practices Litigation, MDL 08-1903 (United States District Court, Southern District of New York)
- New York Consolidated Bausch & Lomb Contact Lens Solution Litigation, Plaintiffs’ Steering Committee and Lead Trial Attorney for the first scheduled bellwether trials
- Plaintiffs’ Steering Committee and a Lead Counsel in the NY Diet Drug/Phen-Fen Litigation
- Plaintiffs’ Steering Committee and a Lead Counsel in the NY Sulzer Inter-Op Hip and Knee Implant Litigation
- Appointed by US District Judge Rebecca R. Pallmeyer Plaintiffs’ Steering Committee for MDL 2272 In re: Zimmer NexGen Knee Implant Products Liability Litigation: (US District Court, Northern District Illinois)
- Petition Pending for Appointed to Plaintiffs’ Steering Committee before US District Judge James Edgar Kinkeade, MDL 2244 for In re: DePuy Orthopaedics. Inc., Pinnacle Hip Implant Product Liability Litigation
- Appointed US District Judge Dean Pragerson to Plaintiffs’ Steering Committee for In re: Pom Wonderful Sales and Marketing Practice Litigation, MDL 10-219
- Appointed Co-Lead by Judge Donald Nugent: for In re: Kaba Simplex Push Button Lock Sales and Marketing Litigation, MDL 2220 (US District Court, Northern District Ohio) □



Paul Napoli, Of Counsel



P **AUL J. NAPOLI** is a Founding Partner who developed a law firm headquartered in New York City, with offices in nine states across the United States. On 9/11, the Napoli firm had its NYC offices across the street from the World Trade Center, and its employees were eyewitnesses to the terrorist attacks on lower Manhattan. Paul was appointed by the United States District Court as Co-Liaison Counsel representing more than 11,000 first responders and other rescue and recovery workers who became ill or were injured during the rescue, recovery and debris-removal activities at the World Trade Center site in the months following 9/11 and was instrumental in obtaining settlements that are today valued at more than \$816 million for his clients. Paul also lobbied New York State and the U.S. Congress for and was instrumental in obtaining two important pieces of legislation to assist WTC- injured workers. These are an amendment to New York’s General Municipal Law §50-1 (“JIMMY NOLAN’S LAW”) that provided a one-year savings statute for otherwise time-barred first responder claims

and the JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010 (“Zadroga Bill”), which provides for medical monitoring and cash awards for injured first responders and other WTC survivors, local office workers and community members injured by the post-9/11 fallout. Paul is a generous contributor to the 9/11 Memorial, the 9/11 Memorial Museum and other organizations working to support first responders and other WTC-injured workers.

He was profiled in the published book “City of Dust,” a journalistic account of the rescue, recovery and debris removal activities at the site of the World Trade Center following the September 11, 2001 attacks, authored by former New York Times columnist Anthony DePalma.

Mr. Napoli has written on physician liability for diet drug injuries and on “The Cost of Contamination” for the American Water Works Association Journal, November 2012. He has extensively litigated on behalf of municipal clients for contamination to land and water supplies resulting from petroleum and related chemical spills.

He has achieved hundreds of verdicts and settlements valued over \$1 million for his clients and has also received many awards from his peers. He served on the Board of Directors of the New York Trial Lawyers Association, is active in several bar associations, has been interviewed on numerous television shows, in newspaper and magazine articles and is frequently consulted by attorneys around the country on a variety of mass tort, professional malpractice and general liability issues.

BAR ADMISSIONS

- New York
- Illinois
- United States District Court, Eastern District of New York
- United States District Court, Southern District of New York
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States Supreme Court



Paul Napoli (Continued)

PROFESSIONAL AFFILIATIONS

- National September 11 Memorial & Museum (Board Member)
- New York State Bar Association (Member)
- St. John's Loughlin Society (Benefactors' Council)
- St. John's University School of Law Dean's Advisory Counsel

PUBLICATIONS

- *The Cost of Contamination*, American Water Works Association Journal, What's New in Water and Waste Water, November 2012
- *Compensation through legislation for 9/11 responders and victims: An analysis of Zadroga* (Co-Author Brian Crosby), Westlaw Journal - Toxic Torts, Volume 29, Issue 8 / June 2011
- Napoli, Paul J., *Physician Liability In Diet Drug Litigation* NYLJ April 20, 1998

PROFILED IN

- Mundy, Alicia, *Dispensing with the Truth: The Victims, The Drug Companies, and the Dramatic Story Behind the Battle Over Fen-Phen*, St. Martin's Press, 2001.
- Depalma, Anthony, *City of Dust: Illness, Arrogance and 9/11*, FT Press, 2010

STEERING COMMITTEES

- Appointed by the Supreme Court of the State of New York as a Liaison Counsel for the New York State Consolidated Diet Drug litigations *In re: Diet Drug (Phentermine, fenfluramine, dexfenfluramine) Products Liability Litigation*, United States District Court, Eastern District of Pennsylvania
- Plaintiffs' Discovery Committee for *In re: MTBE (Methyl Tertiary Butyl Ether) Products Liability Litigation* (MDL-1358), United States District Court for the Southern District of New York (Judge Shira Scheindlin) on Environmental Contamination of Municipal Water Supplies of MTBE by Petroleum Refiners and Retailers
- New York Court Appointed Member of the Plaintiff's Steering Committee for *In re Rezulin Products Liability Litigation* (removed from the US market 3/21/2000)

- Plaintiffs Co-Liaison Counsel for *In re: World Trade Center Disaster Site Litigation*, 21 MC 100 (AKH) pending/ settled in the US District Court for the Southern District of New York by Judge Alvin K. Hellerstein

AWARDS AND HONORS

- Legal Leaders, Martindale-Hubbell Top Rated Lawyers, 2014
- The Legal 500 United States, Top Tier 2014
- America's Elite Trial Lawyers
- New York Super Lawyers® 2007-2015
- Top 100 Attorneys in the New York Metro Area, 2007; 2010; 2012; 2013; 2014
- Million Dollar Advocates Forum
- American Trial Lawyers Association: Top 100 Trial Lawyers, 2008
- Top 100 Trial Lawyers: New York (The American Trial Lawyers Association) □



Verdicts and Settlements

Building on the firm's ongoing success, we represent clients in complex litigation, arbitration proceedings and mediations.



"The ability to help a client, often at a time when they need it most and have nowhere else to turn, is ultimately rewarding."

MARIE NAPOLI, PARTNER

\$ 30.75 Million Settlement

For a class of over 4500 Oklahoma royalty interest owners against several big oil companies for their unauthorized deduction from royalty payments owed to claimants.

\$ 650 Million Settlement

The firm negotiated this settlement to resolve the claims of approximately 4,000 Pradaxa® users who claimed to have been injured by the drug.

\$ 17 Million Settlement

This settlement was reached on behalf of four US Military Servicemen who were killed in a UH-60A Blackhawk helicopter crash. The action alleged improper maintenance and servicing of the DynCorp International LLC accident aircraft.

Multi-Million Dollar Settlement

'Fracking' Settlement for over 50 residents of Dimock, PA, in actions against a natural gas companies for contamination of their drinking water supply wells. Featured in the award-winning 2010 documentary Gasland that focuses on the environmental impacts of natural gas drilling operations.

\$ 47.5 Million Settlement

For injuries sustained by Rescue and Recovery workers at ground zero from toxic dust recovered from The Port Authority of New York and New Jersey.

\$ 100 Million Settlement

This settlement was reached on behalf of the injured women who used the birth control device, NuvaRing®.

\$ 24.5 Million Settlement

For injuries sustained by Rescue and Recovery workers at ground zero from toxic dust at Fresh Kills landfill.

\$ 10 Million Settlement

For over 300 residents of Brooklyn, NY, in their action against several oil companies for personal injury and property damage caused by one of the longest ongoing oil spills in United States history.

\$ 8 Million Federal Court Settlement

The firm obtained this settlement on behalf of a senior citizen who was struck by a Mack truck tractor trailer while walking in a crosswalk. The pedestrian suffered a traumatic leg amputation after being run over by the truck.





“Our clients always come first. We combine strong trial advocacy with the unparalleled use of technology in order to give our clients the very best representation available.”

HUNTER J. SHKOLNIK, PARTNER

\$ 816.45 Million Settlement

For injuries sustained by Firefighters, Police Officers and Construction Workers at Ground Zero from toxic dust.

\$ 28 Million Settlement

For injuries sustained by Rescue and Recovery Workers at Ground Zero from Toxic Dust while working on the Barges and Piers.

\$ 7.8 Million Settlement

Value on behalf of customers whose personal and financial information was compromised due to the company's failure to properly protect this information.

\$ 2 Million Settlement

Our client was exposed to asbestos during his career as an insulator. At the direction of the owners and general contractors, he was brought into direct contact with asbestos-containing products through his work. The firm successfully obtained this settlement on behalf of our client and his family against major oil companies such as ExxonMobile, Shell Oil Co., and Chevron/Union Oil as well as major contractors and products manufacturers.

\$ 2.5 Million Settlement

Against an investment advisor firm for breach of their fiduciary duties to their clients.

\$ 52 Million Settlement

For environmental contamination of municipal water supplies of MTBE by Petroleum Refiners and Retailers.

\$ 7 Million Settlement

For a Water District and its more than 3,000 clients for damages resulting from MTBE contamination of drinking water supply wells in Rhode Island. □

\$ 11 Million Settlement

For a water district serving over 48,000 residents in an action against several industrial entities for contamination.

“I am excited to be part of the firm’s continuing drive to provide the highest level of service to our clients and to maximize their potential recovery.”

PAUL J. NAPOLI, OF COUNSEL





Media Excerpts

Napoli Shkolnik PLLC partners and attorneys are sought after speakers and have been interviewed in newspaper and magazine articles around the country on a variety of legal issues.



Danger in the Ring

Jonas Karlsson, Marie Brenner

SOURCE *Vanity Fair*, vanityfair.com

January 2014

“...Hunter’s name kept coming up in all the articles. It was obvious he was an expert.”

WHEN 24-YEAR-OLD Erika Langhart—talented, beautiful, bound for law school—died on Thanksgiving Day 2011, she became one of thousands of suspected victims of the birth-control device NuvaRing. Elite army athlete Megan Henry, who survived rampant blood clots in her 20s, is another. With major suits against NuvaRing’s manufacturer, Merck, headed for trial, Marie Brenner asks why, despite evidence of serious risk, a potentially lethal contraceptive remains on the market.

Karen Langhart never had the slightest doubt about her 24-year-old daughter Erika’s ability to organize meticulously every detail of her life. For months in 2011, Erika’s Thanksgiving plans had been locked in place. On November 23 she was set to arrive from Washington, D.C., on U.S. Airways, landing in Phoenix, Arizona, at five P.M. Erika and her mother would go straight to Sprouts, a local gourmet grocery store, to shop for a turkey, corn bread, yams, and the ricotta and walnuts needed for the signature cheesecake they served at their restaurant, the Red Snapper, one of Durango, Colorado’s best. The Red Snapper, designed by Karen and her husband, Rick, restaurateurs and land developers, had been, for the 25 years they owned it, the center of the family’s life.

Lanky and athletic, Erika had a toothy smile, a raucous laugh, and a lush beauty; her long blond hair bounced when she spoke. She carried herself like a debutante, and she made light of her leadership awards and magna cum laude degree at Washington’s American University. On Sundays, when the Denver Broncos played, Erika wore their colors, orange and blue. Almost six feet tall,

she often wore big hats, short designer wrap dresses, and high heels or expensive cowboy boots, playing her height to maximum advantage. Chosen to represent her university at leadership conferences in China and Tibet, Erika seemed on her way to more honors at Georgetown Law School and a career in politics.

Taking off a semester to work on John McCain’s 2008 presidential campaign, she was quickly promoted to be the liaison between the Republican National Committee and the campaign on the road, a demanding job of keeping records of travel contracts and renting venues for events. “I was stunned when someone told me Erika was only 21,” McCain later told Karen. “She ran an entire arm of my campaign.” All day long, Erika would pace back and forth in her heels and wrap dresses at the candidate’s Crystal City, Virginia, headquarters, earpiece in place, her voice cascading through the cluster of desks: “Where is the addendum? I need the addendum. I can’t release the senator without the addendum.” The other interns had a game, her friend Katelyn Roberts recalled: “How many times will Erika use the word ‘addendum’ this afternoon? We didn’t even know what an addendum was.”

The Monday before Thanksgiving, Erika and her boyfriend, Sean Coakley, planned to stay in after work so that Erika could pack. Coakley worked for a government agency, Erika for a branding company not far from their apartment, in Arlington, Virginia. All that day, they messaged back and forth. Sean was to stop at the store to pick up dinner; Erika would already be home... □

[MORE http://vnty.fr/1DP23bF](http://vnty.fr/1DP23bF)



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Huge Plaintiffs' Victory Seen In First Actos® Trial

SOURCE *The Sacramento Bee*, sacbee.com

DATE April 29, 2013

“Takeda will be facing back-to-back trials of far stronger cases next year,” Shkolnik said.

COMMENTING ON a \$6.5 million dollar verdict reached this past Friday in a Los Angeles courtroom against Takeda Pharmaceuticals for injuries arising from the plaintiffs' ingestion of Takeda's blockbuster selling diabetes drug, Actos®, firm Partner Hunter Shkolnik described the verdict as “a disaster for Takeda”. In the California trial, a jury found that in marketing Actos®, which has been linked to bladder cancer, Takeda had “failed to adequately warn” physicians about Actos' bladder cancer risk and that this failure was “a substantial factor” in causing injuries that may lead to the death of the plaintiff, a California man. Jurors awarded \$5 million in compensatory damages to the patient and \$1.5 million to his wife.

Losing the first of more than 3,000 Actos® suits that are slated for trial “is devastating to the company,” said Shkolnik, a New York-based attorney for former Actos users, on Friday. “Takeda will be facing back-to-back trials of far stronger cases next year,” Shkolnik said. Shkolnik a Partner of the nationally-known plaintiffs' injury Napoli firm is a trial attorney in the first trials that are

scheduled to commence in Chicago within the next year. The firm's partners have been part of a small team of lawyers spearheading the efforts against Takeda Pharmaceuticals in Cook County where there are currently in excess of 2000 Actos® bladder cancer claims on file. The litigation has been moving aggressively forward under the team's supervision.

Actos® (pioglitazone) is a treatment for type 2 diabetes. Available only by prescription, pioglitazone is in a class of medications called thiazolidinediones, which work in the body to balance blood sugar by increasing cells' receptiveness to insulin. Patients may have taken this drug under the brand name Actos® or under other brand names such as Actoplus Met® (a combination of pioglitazone and metformin) or Duetact® (pioglitazone and glimepiride).

More than two million Americans with type 2 diabetes take Actos® and many are increasingly concerned about its potential side effects. Actos® is the most prescribed medication for the treatment of type 2 diabetes, generating 3.4 billion in sales in 2009. Recent studies have shown a link between this medication and bladder cancer. □



The Napoli firm Secures \$1.49 Million Judgment in Federal Securities Fraud Case

SOURCE *PR Newswire*

June 11, 2014

The Southern District Court decided in plaintiffs' favor, granting summary judgment against Punj.

I**N A RECENT** federal securities fraud case, the Securities and Commercial Litigation Group at the Napoli firm successfully obtained a \$1.49 million judgment on behalf of several investors defrauded by Rajeev "Roger" Punj. The case – *Yadav v. Punj*, 11 Civ. 1500, NYLJ 1202658317415 – was decided on May 29, 2014 in the United States District Court, Southern District of New York.

The four investor plaintiffs alleged that Punj fraudulently solicited \$1.120 million in purported "investments" from Napoli's clients by taking advantage of his long-standing relationships with them through representations that Punj was a registered commodities broker, employed by a commodities exchange, and held established professional relationships with three trading firms. The plaintiffs' alleged that Punj actually deposited their funds into his personal bank accounts.

Punj's misconduct violated federal law, including RICO, Section 10(b) of the Securities Exchange Act and Rule 10b-5 promulgated thereunder, as well as the Commodities Exchange Act. The Napoli firm charged Punj with conversion of investor funds, unjust enrichment, breach of contract and fraud.

Punj stipulated to legal and negative inferences with respect to plaintiffs' exhibits and intended questions at deposition. The Southern District Court decided in plaintiffs' favor, granting summary judgment against Punj, and awarding the plaintiffs damages in the amount of \$1.49 million. Punj denied the charges as "false accusations."

The Securities and Commercial Litigation Group of the firm handles all aspects of securities disputes on behalf of investors across the United States. The legal team has years of experience prosecuting broker misconduct, investment fraud, arbitration and litigation. □



The Napoli Firm Secures \$8.4 Million Judgment in Case Involving Fraudulent Real Estate Investment Scheme

SOURCE *Digital Journal*

August 13, 2014

The judgment ... shows that the defendants cannot hide behind corporate entities to avoid repaying the money they borrowed.

IN A RECENT state investment fraud case, the Securities and Commercial Litigation Group at the Napoli firm obtained an \$8.4 million judgment on behalf of two companies that had invested millions of dollars that was supposed to be used to develop several pieces of commercial real estate.

Instead, court documents show the defendants used that money as a personal piggy bank and refused to repay the investors, relying on a web of companies they had set up to shield them from any personal liability. According to the lawsuit, the defendants are a family headed by Yehuda Lieb Poretz and include his wife, Tertza Poretz, and his children, Malka Blau and Aron Poretz. The defendants also included the YLPF Trust (initialed after Yehuda, the leader of the scheme) and their fraudulent realty companies – St. Marks Homes Realty, LLC, St. Marks Homes One Realty, LLC and St. Marks Homes Two Realty, LLC – which were the alter egos of the YLPF Trust. As shown in court documents, the defendants solicited \$4 million from the plaintiffs in return for two mortgaged promissory notes, which the defendants refused to repay when the notes became

due. The lawsuit alleged that the St. Marks companies were sham companies and set up only to shield the individual defendants from personal liability for the amounts they borrowed from the plaintiffs. Court documents stated that the St. Marks companies were undercapitalized, had not maintained any bank accounts, and had no bank records since at least 2007 when the plaintiffs invested the \$4 million in the fraudulent scheme. The plaintiffs' investment was filtered through the St. Marks companies to the YLPF Trust, with the individual defendants as the beneficiaries of the YLPF Trust.

The judgment entered in the case shows that the defendants cannot hide behind corporate entities to avoid repaying the money they borrowed. The \$8.4 million judgment includes not only the \$4 million borrowed but substantial interest for not having repaid the loan for over six years.

The case – NCC Capital, LLC et. ano. v. St. Marks Home Realty, et. al., Index No. 501264/2013 – was decided by the Honorable David Schmidt of the New York State Supreme Court, Kings County. □



Hunter J. Shkolnik and Claimants' Negotiating Counsel Achieve Settlement in Pradaxa® Litigation

SOURCE *PR Newswire*

May 28, 2014

“We are proud of the settlement we have achieved, congratulate the company on doing the right thing...”

B **OEHRINGER INGELHEIM** Pharmaceuticals, Inc. and its affiliated companies, and the Plaintiffs' Negotiating Counsel Committee appointed by a federal judge to seek resolution of all lawsuits related to the use of Pradaxa® in In Re Pradaxa (Dabigatran Etexilate) Products Liability Litigation, MDL No. 2385, and litigation pending in the State of Delaware being litigated by the Napoli firm negotiated a settlement program to resolve the claims of approximately 4,000 Pradaxa® users who claimed to have been injured by the drug.

Pradaxa®, an anticoagulant prescribed to lower stroke risk among those suffering from a heart condition known as atrial fibrillation, was approved for use in the United States by the FDA in October, 2010. Approximately 1,600 individuals have filed lawsuits in state and federal courts in the United States, alleging they suffered bleeding events caused by Pradaxa®. In August 2012, the federal court claims were consolidated in a multi-district litigation be-

fore Hon. David. R. Herndon. Likewise, consolidated state proceedings exist in Connecticut, California, Delaware and Missouri. Lawyers across these different jurisdictions worked cooperatively together to litigate the case.

The company will pay \$650 million to fund the payments called for in today's settlement.

Hunter J. Shkolnik, specially appointed by Chief Judge Herndon as a designated negotiating counsel for all the Plaintiffs, said, “We are pleased that today's settlement will bring justice and financial assistance to those hurt while taking Pradaxa®. We are proud of the settlement we have achieved, congratulate the company on doing the right thing, and look forward to distributing these funds to our clients as expeditiously as possible.”

The trial lawyers of the Napoli firm have lead the Delaware State Coordinated Pradaxa® litigation from start to finish, and are leading the way to resolution for all injured users of Pradaxa®. □



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CNN's *Anderson Cooper 360* to Discuss the Safety of Birth Control Products

SOURCE *PR Newswire*

June 3, 2014

Attorney Hunter J. Shkolnik has been working to increase awareness about the dangerous and potentially fatal birth control product.

Attorney Hunter J. Shkolnik - a Partner at the New York personal injury Napoli firm was representing the family of Erika Langhart, a young woman whose untimely death may have been linked to the birth-control device NuvaRing. Her case is the subject of an upcoming CNN Anderson Cooper series.

E **EVER SINCE** NuvaRing has been associated with severe side effects by several studies and the U.S. Food and Drug Administration (FDA), Attorney Hunter J. Shkolnik has been working to increase awareness about the dangerous and potentially fatal birth control product. His efforts have led him to share his insight on major news publications and media outlets and to represent numerous injured victims and families, with the hope of stirring up national attention.

Erika's story was the subject of a recent Vanity Fair article and now a three part CNN story. Mr. Shkolnik will appear on CNN's Anderson Cooper 360 to discuss the NuvaRing litigation and global settlement, as well as the need for adequate warnings on birth control products.

A popular form of birth control, NuvaRing is used by millions of women throughout the world. Prescriptions for NuvaRing have been filled for more than 44 million American women alone. Merck, NuvaRing's manufacturer, has recognized a small risk of blood clots associated with NuvaRing, but some studies have revealed larger concerns. According to one FDA statement, the type of progestin in NuvaRing can result in a two-fold increase for the risk of blood clots, as well as side effects that include stroke and heart attack. Before settling the litigation, Merck faced more than 3800 lawsuits from women alleging injuries after using NuvaRing.

Mr. Shkolnik will be speaking with Anderson Cooper about how dangerous and potentially lethal contraceptives remain available on the market without adequate warnings. His appearance on CNN will help to further this message.

Hunter J. Shkolnik is an experienced personal injury lawyer who has dedicated his professional career to advocating for the rights of consumers injured through no fault of their own, including women harmed by birth control products such as NuvaRing. □



MDL Judge Remands 57 Plavix Cases To State Court

Charles Toutant

SOURCE *New Jersey Law Journal*

October 2, 2014

“This is huge. We’ve been fighting this for two years,” Shkolnik said.

A FEDERAL JUDGE in Newark ordered 57 cases in the multidistrict litigation over blood-thinning drug Plavix remanded to California after rejecting claims that the plaintiffs fraudulently joined a distributor of the drug to defeat diversity jurisdiction.

In litigation against Bristol-Myers Squibb and Sanofi-Aventis, the plaintiffs sought to return to California 60 cases that were filed in a state court in San Francisco and then removed by the defendants to the U.S. District Court for the Northern District of California.

The cases were then transferred to New Jersey in June 2013 under an order of the Judicial Panel on Multidistrict Litigation. Bristol-Myers Squibb and Sanofi-Aventis, who manufactured and sold Plavix, claimed the plaintiffs added California-based drug distributor McKesson Co. as a defendant in the cases without a reasonable basis.

Bristol-Myers Squibb and Sanofi-Aventis argued that federal law preempts application of the suits’ failure-to-warn claims against McKesson, because it has no control over the content of the drug’s safety label. They also claimed McKesson should not have been joined because no allegations were made that it actually distributed the Plavix pills taken by the plaintiffs.

U.S. District Judge Freda Wolfson of the District of New Jersey denied the motion to remand three of the 60 cases, because McKesson had not yet been served with the complaint at the time Bristol-Myers Squibb and Sanofi-Aventis removed them to federal court. But Wolfson allowed the other 57 cases to return to federal court in

the Northern District of California for the purposes of remand to state court in San Francisco.

Wolfson said the question of whether the claims are preempted should be answered by a state judge in California. And she said the plaintiffs had demonstrated that they can bring a colorable claim against McKesson.

In allowing three cases to remain in the MDL based on the failure to serve McKesson at the time of removal, Wolfson noted that courts were split on whether the so-called forum defendant rule should apply in such circumstances. She said courts that have ruled that removal of cases where a properly joined forum defendant has not been served is improper unambiguous language” of the removal statute. But that approach goes against the U.S. Supreme Court’s doctrine giving more authority to a statutory text than to extrinsic materials, she said.

The California suits claim plaintiffs suffered heart attacks, strokes, internal bleeding, blood disorders or death after taking Plavix. They are bringing only state-law claims for failure to warn of the drug’s dangers.

Bristol-Myers Squibb is headquartered in New York; Sanofi-Aventis is a French company with headquarters in New Jersey, and subsidiary Sanofi-Synthelabo is a Delaware corporation with headquarters in New York. Besides rejecting the defendants’ fraudulent joinder claim for 12 of the 57 California cases, Wolfson also rejected the defendants’ claims of fraudulent misjoinder... □

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Napoli Returns to Asbestos Litigation Practice After Leukemia Battle

Heather Isringhausen Gvillo

SOURCE *The Madison-St. Clair Record*

November 11, 2014

Napoli said he is excited to be back in the full swing of things, saying he expects his work to help him complete a full recovery.

SENIOR PARTNER Paul Napoli of the Napoli firm resumed responsibilities in the firm's asbestos docket after being cleared by doctors from leukemia.

In an interview Monday, Napoli said he will begin working with the firm's other asbestos attorneys on preparing cases for trial and is planning to assume 100 percent of his former responsibilities by early December.

However, his work will be limited to New York until next June because he is on travel restrictions from his doctor, he said.

Napoli said he is excited to be back in the full swing of things, saying he expects his work to help him complete a full recovery.

"Some people go to work to make money and some people enjoy work," he said.

Napoli said he didn't have any plans to make changes to the firm's asbestos department, but reiterated that the firm has made a commitment to reduce the number of cases it takes, focusing instead on the quality of cases.

However, he added that the firm will continue to file as many cases that are necessary as clients continue to bring appropriate claims.

At a September meeting in St. Louis, the firm talked with local asbestos attorneys to discuss past mistakes, specifically with the firm's initial approach to filing asbes-

tos lung cancer cases, when it announced that it intended to file less cases after thoroughly conducting complete evaluations and reviews of the cases.

At the St. Louis meeting, fellow senior partner Marc Bern praised Napoli's strength, saying he did not let his diagnosis get in the way of his work as he continued to be involved in the firm's asbestos department as much as possible.

Calling his diagnosis a "tipping point," Napoli said catching his disease was a close call.

He began feeling ill on a Friday and by Tuesday, his mother-in-law told him that she knew something was wrong with his blood. He agreed to go to the hospital the next morning when he was admitted immediately. He said doctors informed him that if he had waited just hours longer, he would have suffered major organ failure and would not have survived the cancer.

After bone marrow transplants from his younger brother (the only match they could locate) and other cancer treatments, he said he has been in remission since July, but it was confirmed on Oct. 7.

In support of his overcoming leukemia, Napoli's wife, Maria Napoli, ran in the New York City marathon, raising about \$50,000 for cancer research, he said.

Napoli said much of the donations came from asbestos plaintiffs and defense lawyers. □



Settlements Reached by Workers Claiming 9/11-Related Illnesses

BY Joel Stashenko

SOURCE *New York Law Journal*

DATE March 23, 2015

“It’s the last bit of litigation that remains in the World Trade Center catastrophe,” Napoli said...

A FEDERAL JUDGE has approved settlements reached by 78 workers who claimed toxic substances causes their respiratory and intestinal problems as they cleaned private buildings near the World Trade Center after 9/11.

Southern District Judge Alvin Hellerstein said the settlements in *In Re World Trade Center Disaster Site Litigation*, 21-mc-102, met the standards for fairness that have been spelled out in other federal cases, including in the related 9/11-worker matter of *In Re World Trade Ctr. Disaster Site Litig.*, 21-mc-100 (SDNY 2010).

Hellerstein said the settlements involving the 78 workers were found to be fair because they involved adversarial negotiations, no evidence of collusion and were resolved with discovery far enough along for the parties to have fairly evaluated their prospects of success.

“Because the settlements are the result of a fair process, the consideration to be paid is presumably also fair, adequate, and reasonable,” Hellerstein wrote.

The terms of the settlements were not disclosed, though Hellerstein said they “compare favorably” in the aggregate and individually to the settlement in *In Re World Trade Ctr. Disaster Site Litig.*, 21-mc-100, over which Hellerstein is also presiding.

That case, in which Hellerstein approved a settlement in 2010, involved more than 10,000 people who worked at the site in the wake of 9/11 and who also experienced respiratory, intestinal and other health problems (NYLJ, March 12, 2010).

Of the 78 plaintiffs involved in the latest settlement, 26 settled their cases entirely and 52 reached partial settlements. All are represented by attorney Paul Napoli of Worry Groner Edelman and the Napoli Firm.

They are part of a larger group of about 1,100 workers who claim injuries from cleaning about 100 private buildings around the site of the wrecked twin towers after 9/11. There are about 345 defendants in the claim.

Napoli said his firm continues to represent about 900 plaintiffs in the case before Hellerstein and plans to proceed to trial against two of the largest defendants, Blackmon Mooring Steamatic Catastrophe and Weston Solutions.

The plaintiffs claim that neither company took steps to properly protect workers from exposure to dangerous materials during the cleanup after 9/11 in the World Financial Center and other buildings around the World Trade Center.

Napoli said Hellerstein has scheduled a three-day settlement conference in the case this week.

“It’s the last bit of litigation that remains in the World Trade Center catastrophe,” Napoli said in an interview Friday. “There is no more litigation after this that has been filed. There’s the potential in the future for cancer cases to be filed, but for what’s been filed, this is it.”

Hellerstein had been presiding over the World Trade Center Disaster Site litigation since Congress... □

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California model sues Kotex after allegedly losing leg, contracting toxic shock syndrome from tampon

Melissa Chan

SOURCE *New York Daily News*

June 18, 2015

Lauren's lawyer, Hunter J. Shkolnik, is accustomed to seeing the darker side of products that most people assume are safe.

A CALIFORNIA MODEL is suing Kotex after allegedly losing her leg from contracting toxic shock syndrome from a tampon and being on the brink of death.

Lauren Wasser, 27, a stellar athlete and longtime model, said her life flipped upside down in 2012 when using a Kotex Natural Balance tampon left her "10 minutes from death" and resulted in the amputation of her right leg, *Vice* reported.

"I wanted to kill myself when I got home," she told the website. "I was this girl and then all of a sudden I don't have a leg, I'm in a wheelchair, I have half a foot, I can't even walk to the bathroom. I'm in a bed, I can't move, and I felt like those four walls were my prison."

The Santa Monica woman said she changed her tampon three times that day, but felt sick and went to bed. She suffered a massive heart attack, shutting down her organs, according to *Vice*.

The tampon that was inside of her tested positive for toxic shock syndrome, a serious disease caused by a toxin produced by some types of bacteria that affects body organs.

Lauren's lawyer, Hunter J. Shkolnik, is accustomed to seeing the darker side of products that most people

assume are safe. For example, he handled the litigation over an ingredient in cough syrup that gave people strokes. "I wish I could say [Lauren's case] shocked me, but it doesn't," he says. "The tampon has not been changed since the day of the original TSS epidemic. All they did was put on the label, 'Oh, you can get toxic shock.' The material has gone unchanged for decades." To avoid the wrath of the FDA, he says, companies simply put a warning on the outside of their tampon boxes. He calls this a "get-out-of-jail-free card."

Tampon boxes have been required to print these warning labels since the 80s, but Shkolnik argues that the warnings on Lauren's tampon box weren't clear enough, especially about leaving tampons in at night. Here's the language: "Change your tampon every four to eight hours, including overnight." The family argues that these instructions are unclear. They plan to argue that "overnight" can mean longer than eight hours, especially when it comes to young girls, who can easily sleep nine or ten hours on a weekend. "[Tampon companies] should be telling you, 'Don't sleep in it. Use a pad,'" says Shkolnik. □

[MORE nydn.us/1L2wMbO](https://www.nydn.us/1L2wMbO)



Class Action Lawsuit Filed on Behalf of Whole Foods Customers

SOURCE *PR Log*

DATE June 25, 2015

A class action lawsuit was filed on behalf of the New York customers of Whole Foods who purchased pre-packaged food.

THE LAW FIRMS Napoli Law PLLC and Imbesi Law P.C., have filed a class action complaint on behalf of Whole Foods customers that purchased mispriced pre-packaged food. The complaint alleges various causes of actions including violation of New York State law.

The complaint alleges that in June of 2015, the New York City Department of Consumer Affairs (DCA) investigated Whole Foods and the investigation revealed that Whole Foods systematically overcharged its customers for pre-packaged food by mislabeling the weight of the product. The complaint alleges that Whole Foods inaccurately labeled its products by listing a weight that was heavier

than the actual weight of the product sold and purchased by Plaintiff and the proposed class members. According to the DCA investigation, the amount overcharged to customers ranged from \$.80 to \$14.84 per package sold.

Whole Foods Market Group Inc. (NASDAQ: WFM) is named as the sole defendant in the complaint that was filed on June 25, 2015, in the Supreme Court of the State of New York, County of Bronx.

The lawsuit seeks damages to compensate customers for the excess money they paid Whole Foods as a result of being overcharged. Whole Food customers can obtain information about the class action lawsuit at wholefoodsclassaction.com. □



Giving Back

Napoli Shkolnik PLLC is proud of its tradition of sponsoring honorable and educational organizations.



National September 11 Memorial and Museum

In addition to supporting their annual 9/11 5K Run/Walk as Sponsors, our team participates as runners and walkers at the event. As a Board Member, Paul is very involved in the organization's message of volunteerism, education and remembrance.

St. John's University Annual President's Dinner

The firm was once again proud to be a Sponsor of the Annual President's dinner; an event committed to raising scholarship money in order to provide financial assistance to deserving students.

New York City Police Museum

The partners are actively committed to helping the Museum realize its Mission to preserve the history of the New York City Police Department through educational programming and exhibitions.

The Bone Marrow Foundation

The BMF helps families improve their odds of finding a donor and receive the necessary support as their loved one receives treatment. When Paul Napoli was diagnosed with leukemia and was told he need a life-saving bone marrow transplant, the BMF provided information and support.

New York City Marathon

In honor of Paul's fight against leukemia and to support the families of other patients, Marie collected over \$50,000 in pledges to support the foundation's programming by completing the NYC Marathon.

The Police Athletic League NYC (PAL)

We are proud supporters of this not-for-profit organization's belief that "young people's individual strengths and capabilities can guide them to mature, productive adulthood" with encouragement and commitment.



WE HOPE YOU FIND THIS INFORMATIVE AND WE LOOK FORWARD TO WORKING ALONGSIDE YOU AND YOUR CLIENTS.



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