



Scott Glauberman

Partner

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Scott is one of the nation’s top product liability and consumer class action defense lawyers, as recognized by Law360, *Legal 500 US*, and *The Best Lawyers in America*[®].

Scott defends food, medical, nutrition supplement, appliance, technology, cosmetics, and other companies in complex commercial litigation, with a focus on consumer class action and product liability cases.

Scott was named one of five “Rising Stars” in the U.S. in class action litigation, and also one of five “Rising Stars” in the U.S. in product liability litigation, both by Law360, which then named him to its Product Liability Editorial Advisory Board. He has received additional accolades from *The Best Lawyers in America*[®] and *The Legal 500 US*—which singled out his polished legal writing. He is the immediate past chair of the firm’s product liability practice.

Key Matters

Consumer Class Action and Product Liability Litigation

- *Nutrition bars, infant formula, and protein shakes*—For a leading food company, Scott was lead counsel defending a class action case alleging that “net carb” statements on food labels are misleading. He convinced the court on

summary judgment that no damages may be recovered. For the same company, he led the defense of a class action case alleging that organic infant formula is not actually organic, winning the case in the trial court and on appeal, and he defends the company against cases alleging that its formula for premature infants harms them. He also led the defense of a class action case alleging that the labels of protein shakes overstated their protein content, convincing the plaintiffs to voluntarily dismiss the case. All of these cases involve complex FDA or USDA regulatory issues.

- *High fructose corn syrup*—Represented most of the U.S. makers of high fructose corn syrup in a case alleging that it causes diabetes, which raised FDA regulatory issues. The district court dismissed the case, a ruling the Second Circuit affirmed.
- *McDonald's food*—For more than a decade, Scott represented McDonald's in class action cases. These included the infamous "obesity case"—the only case that has tried to blame a restaurant for weight gained by a class of people. Class certification was denied. He also defended McDonald's in several class action cases about the presence of trans fatty acids (TFAs) in french fries, which he won on FDA regulatory grounds, and he consulted on a class action case alleging that certain McDonald's foods were falsely represented to comply with Muslim dietary restrictions (halal).
- *Nutrition supplements*—Represented a leading nutrition supplement manufacturer, as well as national retailers that sell the supplements, in dozens of class action cases alleging that the supplements lack their named ingredients. He successfully argued before the Judicial Panel on Multidistrict Litigation for consolidation, and he helped convince plaintiffs to abandon the cases.
- *Taxes*—Won a rare denial of class certification in a securities class action case in which plaintiffs sought a refund of taxes that shareholders paid due to a corporate inversion transaction, and convinced the state appellate and supreme courts not to review the decision.
- *Right to publicity*—Successfully defended, in the Seventh Circuit, a denial of class certification in a case brought by consumers under the Illinois Right to Publicity Act.
- *Cable television*—Won a ruling compelling non-class arbitration of all claims brought in a putative class action case alleging consumer fraud.
- *Medical devices*—Represented several companies in product liability cases alleging that defects in medical devices caused serious injuries. In one, he briefed, argued, and won a motion to dismiss the case with prejudice.
- *Cosmetics*—Defended class action cases alleging that aloe lotions do not contain aloe under FDA regulations.
- *Testosterone Replacement Therapy*—Represented the world's leading makers of FDA-approved testosterone replacement therapies in thousands of cases alleging personal injuries from their use. He successfully argued before the Judicial Panel on Multidistrict Litigation for consolidation, and in the resulting MDL he was appointed by the court as their lead counsel and as liaison counsel for all defendants.
- *Appliances*—Represented one of the world's leading appliance companies in a dozen consolidated class action cases alleging design defects in front-loading washing machines. Scott also represented the same company in class action litigation alleging design defects in refrigerators and convinced plaintiffs to voluntarily dismiss it.
- *Automotive*—Worked with a tier-one supplier to design its global recall program, and on behalf of another tier-one supplier he won a temporary restraining order. He also represented an car maker in an appeal of a verdict which was that year one of the 75 largest verdicts in the nation. He wrote the briefs that convinced the Illinois Supreme Court to vacate the verdict. The case established new law in Illinois on the legal standard for design defect claims, overturning the Illinois pattern jury instruction on that subject. The *Chicago Daily Law Bulletin* named the decision as one of the court's most important of the year.

Other Litigation

Scott handles a wide variety of contract and commercial disputes. He was also a member of the trial team that successfully defended Microsoft during the three-month remedy trial for the government antitrust case, during which he prepared Chairman Bill Gates for deposition and trial testimony. He also defended Microsoft in lawsuits about the Windows® trademark, smartphones, and volume management software.

Recognitions

- *The Best Lawyers in America*®, Commercial Litigation since 2013
 - *The Legal 500 US*, 2013-2015, 2017-2019
 - Law360: Rising Star, Class Actions (2012) and Product Liability (2011)
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Activities

Scott is responsible for the compensation of all associates in the firm's U.S. offices. He was previously responsible for the annual performance evaluations of all associates in the firm's U.S. offices, as well as for the hiring of associates from Harvard Law School. On behalf of Harvard College, he interviews high school students who have applied for admission.

Credentials

EDUCATION

Scott clerked for Chief Judge Marvin E. Aspen of the U.S. District Court for the Northern District of Illinois.

He holds a B.A. in Finance, *summa cum laude*, from the University of Illinois, where he was inducted into Phi Beta Kappa and awarded the Bronze Tablet, the university's highest academic honor. He holds a J.D., *cum laude*, from Harvard Law School.

ADMISSIONS

- Illinois

CLERKSHIPS

- USDC - Northern District of IL for the Honorable Marvin Aspen

Related Insights & News

RECOGNITIONS

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AUGUST 29, 2022

RECOGNITIONS

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AUGUST 18, 2022

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Winston Named to 2021 Appellate Hot List by *The National Law Journal*

AUGUST 23, 2021

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Winston & Strawn Attorneys Recognized in *The Best Lawyers in America*® 2022

AUGUST 19, 2021

CLIENT SUCCESS

Winston Wins Rare Denial of Class Certification for Medtronic in a Securities Fraud Case

JULY 14, 2021

RECOGNITIONS

Winston & Strawn Attorneys Recognized in *The Best Lawyers in America*© 2021

AUGUST 20, 2020

RECOGNITIONS

Winston & Strawn Lawyers Recognized in *The Best Lawyers in America*® 2020

AUGUST 15, 2019

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2019

MAY 30, 2019

PRO BONO IN ACTION

Pro Bono Reporter – Fall 2018

FALL 2018

RECOGNITIONS

101 Winston Lawyers Listed in *The Best Lawyers in America*® 2019

AUGUST 15, 2018

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2018

MAY 30, 2018

PRO BONO IN ACTION

Pro Bono Reporter – Fall 2017

FALL 2017

Capabilities

- Class Actions & Group Litigation
- Commercial Litigation & Disputes
- Litigation/Trials
- Product Liability & Mass Torts
- Automotive & Mobility
- Food & Beverage
- Medical Devices
- Professional Services
- Technology, Media & Telecommunications
- Financial Services