



## Luke Connelly

Partner

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Luke is a commercial litigator, trial lawyer, and senior member of the firm’s renowned Product Liability & Mass Tort Practice. Named a Law360 “Legal Lion” and “Super Lawyer,” Luke represents pharmaceutical and consumer products companies in product liability, mass tort, and consumer protection litigation. He has deep experience in all phases of litigation in the state and federal courts, including MDLs and state court consolidations.

In addition to his product liability work, Luke maintains a broad complex commercial litigation practice that includes the defense of consumer products and pharmaceutical companies in consumer fraud actions; defense of insurance companies in consumer class actions; representation of large financial institutions, private equity funds, and hedge funds in commercial litigation; defense of auditors and accountants in securities and professional liability matters; and representation of media companies in intellectual property matters. He was also a member of the team that conducted the internal investigation for the New York Stock Exchange concerning its chairman’s compensation.

Luke’s representative clients include Otsuka America Pharmaceutical, Inc.; Grant Thornton LLP; Philip Morris USA Inc.; Pan American World Airways, Inc.; Addus Homecare, Inc.; The Financial Times; and America Press, Inc.

# Key Matters

## PRODUCTS LIABILITY/CONSUMER PROTECTION

- Served as co-lead counsel for an international pharmaceutical manufacturer in a product liability MDL and state court consolidated proceedings alleging compulsive behaviors as an injury.
- Defending an international pharmaceutical manufacturer in product liability actions alleging tardive dyskinesia.
- Successfully defended an international pharmaceutical manufacturer in product liability actions alleging juvenile diabetes.
- Obtained defense verdicts in numerous jury trials against a major cigarette manufacturer asserting fraud and product liability claims in New York state and federal courts.
- Obtained dismissal of over 200 individual fraud and product liability actions against a major cigarette manufacturer in New York state and federal courts.
- Successfully resolved consumer fraud and product liability claims against smokeless tobacco manufacturer.
- Obtained dismissal of toxic tort claims against a real estate investment firm asserting liability for asbestos exposure.
- Defended a large pharmaceutical company against product liability and deceptive trade practice claims in a nationwide mass tort litigation.
- Successfully defended a major automobile manufacturer against a consumer fraud class action alleging defects in safety systems.
- Defended a major dairy company against consumer fraud class action alleging deceptive labeling.
- Obtained affirmance of dismissal of a consumer fraud action by the Second Circuit Court of Appeals.
- Successfully defended a credit card issuer in a consumer antitrust class action alleging conspiracy to include arbitration clauses in credit card agreements in the S.D.N.Y.
- Obtained dismissal of an action alleging deceptive trade practices under NY GBL 349 in connection with standard home owners insurance policy against one of the nation's largest insurance companies.
- Obtained dismissal of a consumer class action in favor of arbitration on behalf of a cell phone service provider.
- Obtained dismissal of a class action against national insurance company alleging violations of New York trade practices.

## FINANCIAL/SECURITIES LITIGATION

- Obtained dismissal of breach of representation and warranty claims against a national bank arising out of commercial mortgage securitization.
- Obtained permanent stay of financial advisor's arbitration against buyer in private-equity-sponsored asset purchase transaction
- Obtained dismissal of repurchase claims against national bank in action arising out of sale of portfolio of mortgage loans
- Successfully defended hedge funds in US\$300 million fraud action arising out of cross-border acquisition
- Obtained dismissal for a bank holding corporation and its senior executives in a securities fraud class action alleging rule 10b-5 and section 20 claims based on allegedly undisclosed litigation risk.
- Served as defense liaison counsel in an MDL for a securities and fraud action arising out of collapse of futures broker.

- Successfully defended an auditor in a fraud action arising out of the collapse of a futures broker and affiliates brought by liquidators of a hedge fund of funds and an investment manager.
- Obtained dismissal of bondholders' tortious interference with contract claims against an investment bank arising out of restructuring of US\$130 million of municipal bonds.
- Successfully resolved an action against investment bank seeking repurchase of US\$32M commercial real estate loan, alleging breaches of representations and warranties in connection with pool of commercial mortgage-backed securities.
- Obtained dismissal of rule 10b-5 claims against an outside auditor in a securities fraud class action in connection with the failure of real estate development company.
- Obtained dismissal of a contract-based action against real estate finance firm arising out of the sale of US\$25M mortgage and foreclosure rights.
- Successfully defended a large investment bank in an action alleging breaches of representations and warranties in connection with the securitization of US\$1B commercial mortgage-backed securities loan pool

#### **MEDIA/TRADEMARK/COPYRIGHT LITIGATION**

- Obtained summary judgement for a trademark owner dismissing an action for fraud and breach of a merchandise license agreement in D. Mass.
- Successfully defended a trademark owner from infringement claims based on the promotion and broadcast of a television series.
- Obtained a TRO and permanent injunction on behalf of a trademark owner against an infringer for the unauthorized sale of trademarked apparel and accessories in the S.D.N.Y.
- Obtained a dismissal of breach of license agreement claims seeking US\$50M in connection with a merchandising license agreement for trademarked goods.
- Successfully resolved claims by an international media company against a financial services firm for the unauthorized use of subscription service.
- Obtained an injunction for a magazine and web publisher in an action based on infringement and dilution of the magazine's trademark.
- Obtained dismissal of defamation claims brought against a blogger for allegedly libelous posts on investment information blog.
- Successfully asserted a reporter's privilege in response to subpoenas to media companies.

## **Recent Experience**

Surgical Science Sweden AB's Acquisition of Simbionix

## **Recognitions**

Luke was recognized as a "Key Lawyer" by *The Legal 500 US* in Product Liability, Mass Torts, and Class Actions: Consumer Products (2020, 2022–2023). He was selected to the 2018 New York *Super Lawyers* list for Mass Torts.

# Activities

Luke has served on the firm's Associate Evaluation Committee, Hiring Committee Pro Bono Committee, and Training Committee. He serves on the board of the Hansen Institute for Intellectual Property.

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## Credentials

### EDUCATION

Luke received a B.A. in Classical Studies from The Colorado College in 1991 and a J.D. from Fordham University School of Law in 1996, where he was on the Dean's List, an associate editor of *International Intellectual Property Law & Policy*, and a member of the Moot Court Board.

### ADMISSIONS

- New York

## Related Insights & News

- Speaker, "Strategies for Addressing Plaintiff Evolving Tactics in MDLs: Public Nuisance and Beyond," Winston & Strawn Product & Mass Torts Summit, June 7, 2022
- Mentioned in "[Abilify MDL Plaintiffs Ordered To Defend Their Cases](#)," Law360, Jan. 31, 2019
- Mentioned in "[Pan Am Wins \\$15M Merchandise Licensing Suit](#)," Law360, Dec. 16, 2016
- Mentioned in "[JPML Consolidates Abilify Gambling Suits In Florida](#)," Law360, Oct. 4, 2016
- Mentioned in "[Fage Greek Yogurt False Ad Suit Trimmed But Still Alive](#)," Law360, Sep. 29, 2016
- Mentioned in "Panel Upholds Fee Exclusion in Sale Agreement," *New York Law Journal*, Sep. 3, 2015
- Mentioned in "Big Suits," *The American Lawyer*, Jun. 30, 2014
- Mentioned in "BofA Escapes Investor Class Action Over AIG Suit," *The American Lawyer*, May 19, 2014
- Mentioned in "[2nd Circ. Axes BofA Investor Claims Over AIG's \\$10B MBS Suit](#)," Law360, May 19, 2014
- Named Legal Lion in [Law360's Weekly Verdict](#), Nov. 7, 2013
- Mentioned in "BofA Beats Claims That It Hid AIG's Impending \$10.5B Suit," Law360, Nov. 4, 2013
- Mentioned in "Tobacco Companies Win Upset of Damages Award," *New York Law Journal*, Apr. 11, 2008

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### SEMINAR/CLE

Winston & Strawn's Product & Mass Torts Summit 2023

JUNE 14, 2023

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### RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2023

JUNE 7, 2023

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**RECOGNITIONS**

Winston & Strawn Recognized in *The Legal 500 U.S.* 2022

JUNE 8, 2022

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**WEBINAR**

Product & Mass Torts Summit 2022

JUNE 7, 2022

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**WEBINAR**

Product & Mass Tort Summit 2021

MAY 25–26, 2021

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**RECOGNITIONS**

Winston & Strawn Recognized in *The Legal 500 U.S.* 2020

JUNE 17, 2020

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**RECOGNITIONS**

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

MAY 30, 2019

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**CLIENT ALERT**

Supreme Court Holds that Judges—Not Juries—Must Decide Whether State-law Failure-to-Warn Claims Are Preempted by FDA Drug Labeling Decisions

MAY 21, 2019

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**PRO BONO IN ACTION**

Winston Wins Reversal of Life-Threatening Deportation Order for Pro Bono Client

DECEMBER 13, 2017

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**PRO BONO IN ACTION**

Pro Bono Reporter – Fall 2017

FALL 2017

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# Capabilities

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Product Liability & Mass Torts

Commercial Litigation & Disputes

Government Investigations, Enforcement & Compliance

Class Actions & Group Litigation

Financial Services Litigation

Trademark Litigation, Prosecution & Brand Protection

Securities, M&A & Corporate Governance Litigation

Medical Devices

Health Care

Financial Services

Media & Entertainment

Professional Services

Technology, Media & Telecommunications

Insurance