John Rosenthal

Partner

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With more than 30 years of trial experience, John litigates complex commercial, class action, and multidistrict litigation. He also has substantial experience defending clients before federal and state enforcement agencies. His substantive focus includes antitrust, unfair competition, and false advertising. *Lawdragon* has recognized him as one of the "500 Leading Litigators in America." Clients say he is "a great trial lawyer" who "is a bulldog for his clients," is "always prepared on the law and the facts," and "understands the business and risks that actually matter to his clients." *Chambers USA* highlights his "reputation for excellence in some of the most challenging and complex litigation matters of recent years," noting that one client lauded him as a "shining star."

John has expansive experience in all areas of electronic discovery, privacy, information governance, and data breach, for which *Chambers* has ranked him as one of three Star attorneys in e-discovery globally and in the USA. *Chambers USA*'s editorial quotes a client as saying "[John] is one of the most knowledgeable e-Discovery counsel in the U.S." Others call him "a trusted and authoritative voice in e-discovery" and a "leader in the e-discovery space."

John is also at the forefront of the adoption and use of artificial intelligence. John counsels clients on a wide variety of issues regarding artificial intelligence, including the use of the Generative AI applications. John has lectured and written extensively on the topic, including as a contributing author to the ABA's recent publication entitled *Artificial Intelligence: Legal Issues, Policy, and Practical Strategies* (2024).

John is a former steering committee member of Working Group 1 of the Sedona Conference on Best Practices for Electronic Discovery and Records Management—a group of lawyers, judges, and vendors focusing on the development of the law regarding electronic discovery and retention issues. John is also a participant in Working Group 6 of the Sedona Conference International Electronic Information Management, Discovery, and Disclosure, a group which focuses on international issues relating to disclosure, cross-border discovery, and privacy. John is an advisory board member of the Georgetown University Law Center Continuing Legal Education E-Discovery Institute and a member of the District of Columbia Bar Association's E-Discovery Committee. John is also an editor and contributing author to the Federal Judge's Guide to E-Discovery.

Key Matters

John's representative matters include:

MULTI-DISTRICT & PRODUCTS LIABILITY

- *Koller v. Monsanto Co.*, Case No. 3:22-cv-04260 – currently defending Monsanto in a claim that impurities in is Roundup products causes cancer. (N.D. CA)

- *Perez-Hernandez v. Monsanto*, No. 3:23-CV-4946 – currently defending Monsanto in a class case seeking medical monitoring relief over allegations that Roundup products cause cancer. (MDL No. 2741 – D. CA).

- *In re ZF-TRW Airbag Controls Unites Products Liability Litigation* – defending Toyota in allegations relating to certain airbag control units. (MDL – C.D. CA)

- *In re: Abilify (Aripipriazole) Products Liability Litigation* – defending Otsuka in a products liability litigation relating to Abilify. (MDL – N.D. FL)

- *In re JUUL Labs, Inc., Marketing Sales Practices, and Products Liability Litigation* – defended JUUL in allegations regarding marketing practices around their vaping products. (MDL No. 2913 – N.D. CA)
  In re: Abilify (Aripipriazole) Products Liability Litigation – defending Otsuka in a products liability litigation relating Abilify. (MDL No. 3:16-md-2734 – D. FL)

- *In re: Ethiopian Airlines Flight ET 302 Crash* – defended Boeing relating to the crash of a 737 airliner. (MDL 3072 – N.D. IL.)

- *In re Takata Airbag Products Liability Litigation* – representing Toyota in an MDL action regarding claims of alleged product liability defect in airbags. (MDL – FL)

- *In re Genetically Modified Wheat Litigation* – representing Monsanto in an MDL action regarding class claims of the alleged wrongful distribution of genetically modified wheat. (MDL – D. KS)

- *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation* – representing Toyota in an MDL action regarding claims involving Toyota's electronic accelerator technology. (MDL – C.D. CA)

- *In the Matter of The Fort Totten Metrorail Cases* – defended Alstom Transport in a case involving a collision on the Washington Metropolitan Area Transit Authority's subway system. (D. DC)

COMPLEX CLASS LITIGATION AND FALSE ADVERTISING

- *Tomlinson, et al. v. Monsanto Co.* (Jackson County, MO) – defending Monsanto in a class action relating to Roundup.

- *Gilmore v. Monsanto Co.*, et al. – defended Monsanto in a class action relating to Roundup. John also argued and was affirmed by the 9th Circuit in this matter. (N.D. CA)

- *Sheller v. Bayer AG* – defending Monsanto in a class action relating to Roundup. (S.D. IN)

- *Thomas v. Costco Wholesale Corp.* – defended Monsanto and Costco in a class action relating to Roundup. (E.D. NY)

- *Shelly v. Target Corp.* (Palm Beach County, FL) – defended Monsanto and Target in a class action relating to Roundup.

- *Biddle v. Lowe's Home Centers, LLC* (Palm Beach County, FL) – defended Monsanto and Lowe's in a class action relating to Roundup.

- *Jewell v. Walmart, Inc.* (W.D. AR) – defended Monsanto and Walmart in a class action relating to Roundup.

- *Morley v. Ace Hardware Corp.* (Broward County, FL) – defended Monsanto and Ace in a class action relating to Roundup.

- *Lamerson v. Walmart Stores, Inc.* (S.D. FL) – defended Monsanto and Walmart in a class action relating to Roundup.

- *Boyette v. Lowe's Companies, Inc.* (W.3D. AR) – defended Monsanto and Lowe's in a class action relating to Roundup.

- *Jones v. Monsanto Co., 2021 WL 2426126 (W.D. Mo. May 12, 2021), aff'd, 38 4th 693 (8th Cir. 2022)* – represented Monsanto in consolidated putative class actions regarding unfair competition claims concerning the labeling of its Roundup brand (E.D. MO). John also argued and was affirmed by the 8th Circuit in this matter.

- *Blitz v. Monsanto Co.*, Case No. 3:17-cv-00473 – representing Monsanto in a putative class action alleging false advertising in association with its Roundup brand. (W.D. WI)

- *Beyond Pesticides v. Monsanto Company*, Case No. 1:17-cv-00941 – representing Monsanto an unfair competition claim brought by a consumer advocacy group alleging false advertising in association with its Roundup brand.

- *Rawa v. Monsanto Co., 2018 WL 2389040 (E.D. Mo. May 25, 2018), aff'd, 934 F.3d 862 (8th Cir. 2019)* – represent Monsanto against a false advertising claim relating to the marketing of Roundup. John also argued and was affirmed by the 8th Circuit in this matter.

- *Miraze v. Monsanto Co.* – represent Monsanto against a false advertising claim relating to the marketing of Roundup. (C.D. CA)

- *Blackmore v. Union Pacific Railroad* – represented Union Pacific in a data breach class action. (D. NE)

- *Boiles v. Union Pacific Railroad* – represented Union Pacific in a data breach class action. (D. NE)

- *In the Matter of Certain Digital Multimeters, and Products with Multimeter Functionality* – successfully represented Fluke Corp. in an action brought before the ITC seeking to stop the illegal importation of electronic test equipment violating Fluke's trade dress. A general exclusion order was issued in favor of Fluke. (ITC 337)

- *J&J Snack Foods Corp. v. The Earthgrains Co., et al.* – successfully represented Nestlé as a defendant in a trademark infringement action concerning the Nestlé Tollhouse brand. (D. NJ)

ANTITRUST

- *In re Insulin Pricing Litigation*, Case No. 3:17-cv-00699 – assisted a manufacturer in allegations relating to the pricing of insulin products. (D. NJ)

- *Smokey Alley Farm Partnership v. Monsanto Co., et al.* – defending Monsanto in a Section 1 and Section 2 Sherman Act case relating to soybean seeds. (E.D. MO)

- *MLR v. Dell* – represented Dell in an antitrust counterclaim against a patent troll alleging a Section 1 violation. (E.D. VA)

- *In re: Text Messaging Antitrust Litigation* – defended Verizon against claims of price fixing relating to charges for text messaging services, resulting in summary judgment in favor of the defendants. (N.D. IL)

- *Monsanto Co. v. AgVenture, Inc., et al.* – defended Monsanto against counterclaims brought under Section 1 and 2 of the Sherman Act alleging exclusive dealing and tying. (E.D. MO)

- *Monsanto Co. v. E.I. DuPont De Nemours and Co.* – defended Monsanto in a Section 2 Sherman Act case brought by DuPont relating to genetically modified crops.

- *In re Vitamins Antitrust Litigation* – represented an opt-out plaintiff against various vitamins suppliers alleged to have engaged in a worldwide price-fixing cartel. The client was one of more than 300 opt-out plaintiffs working jointly in a group representing 70% of the potential claims. The claims were settled favorably for the client, with reimbursement for overcharges ranging among the highest percentage recovered in a Sherman Act case. (D. DC)

Recent Experience

Copy of Monsanto Co. v. E.I. du Pont de Nemours & Co. $1B Jury Verdict

Recognitions

John has been ranked in *Chambers USA* from 2012–2024, and in *Chambers Global* from 2010–2025 as one of the nation's top lawyers in e-discovery litigation practice. He is one of three lawyers ranked as "Star Individual" for E-Discovery & Information Governance. He has also been recognized in *The Legal 500 US* from 2019–2024 as a "Leading Lawyer" for eDiscovery. Clients remarked that "John Rosenthal is one of the best e-discovery lawyers in the US. One of his great strengths is how good he is in the courtroom and before judges about e-discovery matters." He was also recognized in the 2023 and 2024 editions of *The Legal 500 US* as a "Key Lawyer" in the area of Dispute Resolution: Product Liability, Mass Tort and Class Action – Defense: Consumer Products. He was recognized in *Law360's* Legal Lions of the Week list in December 2023. In addition, John has recognized in the eDiscovery section of *Who's Who Legal: Litigation*. He is recognized in *Lawdragon's* "500 Leading Litigators in America" for Complex Commercial, Antitrust, and IP Litigation (2023–2025); *Lawdragon's* "500 Leading Global Cyber Lawyers" for Litigation, Privacy, and Data Breach (2024); and *Lawdragon's* "100 Leading AI & Legal Tech Advisors" for Data Science and Digital Transformation (2025). John has received the Distinguished Service Award by Electronic Discovery Institute, named a *National Law Journal* Trailblazer in litigation and recognized by the *Financial Times* as one of the most innovative lawyers in the United States.

Activities

John is an advisory board member of the Georgetown University Law Center Continuing Legal Education E-Discovery Institute and a member of the District of Columbia Bar Association's E-Discovery Committee.

Credentials

EDUCATION

John received a B.A., with honors, in Political Science from Johns Hopkins University in 1985, and a J.D. in 1988 from the University of Virginia School of Law.

ADMISSIONS

- District of Columbia

- Maryland

Related Insights & News

John writes and lectures extensively in the fields of e-discovery, privacy, and data breach. He is frequently quoted in the media. Over the last year, John appeared as faculty or lecturer on a wide variety of programs and industry events. John's recent publications and speaking engagements include:

- "Adoption of Generative AI Within a Law Firm or Legal Department: Hype vs. Reality," EDI Leadership Summit, Moderator, Oct. 17, 2024

- "Generative AI for Legal Uses," Arizona Bar Association, Lecturer, Spring 2024

- "Legal Use Cases for Generative AI and their Ethical Implications," Lawline Webinar, Lecture, June 2024

- "eDiscovery and Hyperlinked Files: Considerations for Collecting, Searching and Producing Modern Attachments," Strafford Webinar, Faculty, June 2024

- "Artificial Intelligence: Legal Issues, Policy, and Practical Strategies," American Bar Association, Contributing Author, 2024

- "USPTO Releases Updated Guidelines for AI-Related Patent Eligibility," Winston & Strawn LLP Client Alert, Co-author, July 22, 2024

- Comment Letter on Proposed New Rule 16.1, Feb. 9, 2024

- "Natural Language AI and the Practice of Law," Lecturer, Oct. 2023

- "Demystifying Artificial Intelligence, ChatGPT, and Large Language Models in the Legal Industry," Faculty, Oct. 2023

- "Preservation in an Ever-Changing World," EDI Leadership Summit, Moderator, Oct. 2023

- "Practical Effects of the 2015 Changes to the Federal Rules on Discovery, Rand Symposium on E-Discovery," Panelist, Sept. 2023)

- "Slack, Teams, WhatsApp – Oh My – Discovery of Newer Data Types," Winston & Strawn, Panelist, June 2023

- "Hot Topics in E-Discovery – Virtual Meetings, Ephemeral Data, Collaboration Tools," PLI, Panelist, May 2023

- "Changed Management in the Legal Industry," Solid West, Feb. 2023

- "eDiscovery 101," Ted Talk, April 2023

- "How Producing Parties Decide How, What and Where to Search for Data," GW eDiscovery Program in conjunction with the Rabiej Litigation Law Center, Faculty, April 2023

- "Litigators Duty of Reasonable Inquiry in Rule 26(g)(3)," Strafford Webinar, Panelist, March 2023

- "Ethical Issues Regarding Use of Generative AI in the Legal Industry," Presenter, Jan. 2023

- "Everything eDiscovery: The 2023 Attorney's Guide Webinar," Lexprint, Inc., Panelist, April 2023

- "Proportionality Revisited," Keynote with Judges P. Grimm and D. Campbell, Georgetown Law Center, Moderator, Nov. 2022

- "Federal Rules Reform," Complex Litigation Conference, GW Law School, Faculty, Nov. 2022

- "Why Use a Discovery Special Master in Complex Litigation," EDI Leadership Summit, Panelist, Oct. 2022

- "ESI Protocols Moderator," EDI Leadership Summit, Oct. 2021

- "Mastering E-Discovery," 2021 Rosdale Seminar, Faculty, Aug. 2021

- "The Practical Operation of Rule 37(e) regarding the Loss of Electronically Stored Information (ESI)," PLI, Faculty

- "Annual 2020 E-Discovery Update," Presenter, Dec. 2020

- "Chapter 24: "Cross Border Production Issues," Essentials of E-Discovery, 2nd Ed., published by State Bar of Texas, Co-Author, 2021

- "Help me, Obi-Wan-Kenobi: Best Practices Regarding Search & TAR Validation," EDI Leadership Summit, Speaker, Oct. 2020

- "EU Court Strikes Down Privacy Shield and Causes Data Transfer Headaches for U.S. Companies," Lexology, Co-author, July 2020

- "Privacy Beyond the GDPR," Masters Conference, Panelist, Nov. 2019

- "Hot Topics in TAR," FJC Training Program, Speaker, Oct. 2019

- "Modern Legal Process Management: The Future of Artificial Intelligence," EDI Leadership Summit, Speaker, Oct. 2019

- "International Privacy in Litigation," PLI Electronic Discovery Institute, Faculty, Sept. 2019

- "Case Law Update," ABA 12th Annual National Institute on E-Discovery, Chicago, Speaker, May 2019

- "eDiscovery Case Law Update," American Bar Association's 13th Annual National Institute on eDiscovery, Speaker, April 26, 2019

- "Case Law Update," Georgetown Law's Advanced eDiscovery Institute, Moderator, Nov. 15, 2018

- "AI and the Law," Leadership Summit of EDI, Speaker, Oct. 2018

- "Data Privacy and E-Discovery," PLI Webinar, Speaker, Sept. 2018

- 12th Annual National Institute on E-Discovery, American Bar Association, Faculty, May 2018

- "eDiscovery & Disclosure," Chambers Global Practice Guides (2018 ed.), Contributing Editor, 2018

- "The Federal Judge's Guide to Discovery," EDI, 3rd ed., Editor, 2017

- "Proportionality and the 2015 Amendments to the Federal Rules," The Federal Judge's Guide to Discovery, Electronic Discovery Institute, 3rd ed., 2017

- "Proportionality, Not Perfection, Is What Matters," Co-author, Nov. 2017

- "Centralized Discovery – The Next Thing," EDI Leadership Summit, Moderator, Oct. 2017

- "Annual Judicial Training Symposium," EDI, Co-Chair, Faculty and Moderator, Oct. 2017

- "Top ESI Mistakes Made in Mass Tort Disputes," Webinar Panelist, Sept. 2017

- "International Privacy in Litigation," PLI Electronic Discovery Institute, Faculty, Sept. 2017

- "The Forensic Take: Authenticating Trump Jr.'s Russia Meeting Evidence," Legal Tech News, Quoted, July 20, 2017

- "Managing the Risks and Spend of E-Discovery," Association of Corporate Counsel National Capital Region's Litigation Forum, Washington, D.C., Speaker, May 9, 2017

- "New Rules of E-Discovery: Everything You Need to Know," Webinar, Panelist, Jan. 2017

- TAR Case Law Primer, The Sedona Conference, Steering Committee, Jan. 2017

- "Understanding the Reality of Review in the Clinton Email Investigation," LegalTech News, Nov. 2, Quoted, 2016

- "Combination of Technology and Humans Work Best in E-Discovery Review, Study Finds," Daily Business Review, Quoted, Nov. 1, 2016

- "Data Privacy and E-Discovery," PLI Electronic Discovery Institute, Speaker, Sept. 2016

- "Data Privacy & Security Practice Group CLE: Safe Harbor – Not So Safe! What Should Businesses Do?" Association of Corporate Counsel, Houston Chapter, Moderator, Feb. 4, 2016

- Duke Conference's Guidelines and Practices for Implementing The 2015 Discovery Amendments To Achieve Proportionality

- "Commentary on the Protection of Privileged Information," The Sedona Conference Working Group 1, Editor-in-Chief, 2016

- "Are Lawyers Better At Evidence Collection Than Tech Companies?" ABA Journal, Nov. 1, 2015

- "Representing Individuals in Government Investigations," EDI Leadership Summit, New Orleans, Oct. 14, 2015

- "Implications of the 2015 Amendments to the FRCP on How You Litigate Matters in Federal Court," Bloomberg BNA Webinar, Speaker, Oct. 8, 2015

- "Data Privacy and eDiscovery," PLI Electronic Discovery Institute, Speaker, Sept. 2, 2015

- "Implications of 2015 Amendments to Federal Rules of Civil Procedure," Webinar, July 2015

- "International Electronic Information Management, Discovery, and Disclosure," The Sedona Conference, Washington, D.C., Panelist, April 23, 2015

- "5 Predictive Coding Pitfalls to Avoid," Law360, Feb. 17, 2015

- "Data Privacy and eDiscovery," PLI: Electronic Discovery Institute: What Corporate and Outside Counsel Need to Know, Bloomberg BNA, Panelist, Sept. 2011–2013 and 2015

- "Proportionality and Cooperation in E-Discovery: Mythical Panacea or Realistic Goal?" CEIC, Panelist, May 2014

- "Transforming Electronic Data Discovery Integrating New Technologies to Optimize Quality and Reduce Expenses," Webinar, May 2014

- "A Brave New World: A Corporation's Guide to Navigating Social Media," May 2014

- "The New Frontier: Predictive Coding for Information Governance," New York LegalTech, Panelist, Feb. 2014

- "The Tested Effectiveness of Equivio>Relevance in Technology Assisted Review," Winston & Strawn LLP eDiscovery & Information Management White Paper, Co-author, Feb. 2014

- "Reducing E-Discovery Costs: Applying an Analytical Approach," Practical Law The Journal, Nov. 2013

- "Money, Money, Money: The Business of eDiscovery," Georgetown Law's Advanced eDiscovery Institute, Washington, D.C., Panelist, Nov. 21, 2013

- "Maintaining Preferred Vendor Relationships: Identifying Quality Service Providers & Guarding Against Costly Vendor Headaches," EDI Leadership Summit, Santa Monica, California, Panelist, Oct. 17, 2013

- "Federal Rules Committee and e-Discovery," George Mason University School of Law, Law & Economics Center, Ninth Annual Meeting of the American College of Business Court Judges, Speaker, Sept. 15, 2013

- "U.S. Data Privacy Laws Challenge the E-Discovery Process," Speaker, April 17, 2012

RECOGNITIONS
Winston Attorneys Featured on the 2025 *Lawdragon* 100 Leading AI & Legal Tech Advisor List
MARCH 21, 2025

RECOGNITIONS
Winston Recognized in *Chambers Global* 2025
FEBRUARY 25, 2025

WEBINAR

Decoding AI Law - Fall 2024 Edition

NOVEMBER 5, 2024

CLIENT ALERT

Significant Sanctions Ruling by the Ninth Circuit Rejects Inherent Authority and Reinforces Specific Intent Standard for Case-Ending Sanctions

NOVEMBER 5, 2024

RECOGNITIONS

Winston Attorneys Featured on the 2025 *Lawdragon 500* Leading Litigators in America List

SEPTEMBER 6, 2024

NEWSLETTER

eDiscovery Advantage, Volume 6, Issue 1

AUGUST 2024

CLIENT ALERT

USPTO Releases Updated Guidelines for AI-Related Patent Eligibility

JULY 22, 2024

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2024

JUNE 12, 2024

RECOGNITIONS

Winston & Strawn Recognized in *Chambers USA* 2024

JUNE 6, 2024

RECOGNITIONS

Winston Attorneys Named to 2023 Capital Pro Bono Honor Roll

MAY 29, 2024

WEBINAR

Generative AI for Legal Uses

MAY 2024

RECOGNITIONS

Winston Attorneys Recognized in the Inaugural Edition of the *Lawdragon* 500 Leading Global Cyber Lawyers

APRIL 29, 2024

Capabilities

Antitrust/Competition

Commercial Litigation & Disputes

eDiscovery & Information Governance

Privacy & Data Security

Automotive & Mobility

Technology, Media & Telecommunications

Health Care

Insurance

Artificial Intelligence (AI)