



Jillian T. Flax

Member

Philadelphia

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Jillian focuses her practice on product liability litigation and product regulatory compliance. She represents major corporate clients in all aspects of product liability, including successfully defending catastrophic injury and death claims and large-scale environmental toxic and exposure claims. She defends companies in a variety of industries, including consumer goods, highway safety products, chemicals, medical devices, and cosmetics. She serves as national counsel for a consumer safety product manufacturer and highway safety product manufacturer in product liability matters throughout the United States. Jillian provides counsel in all phases of litigation, from pre-suit investigation and negotiations through trial and appeal. She has successfully represented clients in all facets of high-stakes federal and state litigation, including jury trials.

Beyond litigation, Jillian offers strategic advice to companies regarding product regulatory compliance and approval, risk mitigation, product development, labeling, good manufacturing practices and procedures, and a wide range of matters across the regulated product life cycle. Jillian helps clients assess their compliance with U.S. Consumer Product Safety Commission (CPSC), U.S. Food & Drug Administration (FDA), and other agency regulations; determine when it is appropriate to notify CPSC of potential safety issues; avoid unnecessary recalls; develop effective corrective action plans; and defend penalty investigations.

As a former assistant district attorney at the District Attorney's Office in Philadelphia (through the firm's year-long secondment program), Jillian effectively handled hundreds of criminal trials and felony preliminary hearings. Jillian earned her law degree from Harvard Law School and her undergraduate degree, *summa cum laude*, from the University of Pittsburgh.

Experience

Representing a chemical manufacturer in environmental and product liability litigation alleging PFAS groundwater contamination and personal injuries.

Secured voluntary dismissal of strict liability and negligence claims against a company that manufactures smoke alarms in case alleging wrongful death in a residential fire.

Obtained voluntary dismissal of claims of design defect, manufacturing defect, and inadequate warnings against a company that manufactures carbon monoxide alarms in a case alleging significant injuries due to carbon monoxide poisoning.

Provided regulatory advice and counsel to a distributor of personal protective equipment, medical devices, OTC drugs, and cosmetics.

Represented a highway safety product manufacturer in a multimillion-dollar wrongful death product liability action in Missouri state court involving claims of design defect, manufacturing defect, and inadequate warnings.

Represented a highway safety product manufacturer in a multimillion-dollar wrongful death product liability action in South Carolina state court involving claims of design defect, manufacturing defect, and inadequate warnings.

Practice Areas

- Product Liability
- Product Regulatory & Compliance
- Commercial Litigation
- Class Actions

Education

- Harvard Law School, J.D., 2008
- University of Pittsburgh, B.S., *summa cum laude*, 2005

Bar Admissions

- Pennsylvania

Court Admissions

- U.S. District Court -- Eastern District of Pennsylvania

Affiliations

Product Liability Advisory Counsel

Pennsylvania Bar Association Commission on Women in the Profession

Legal Clinic for the Disabled, former board member

Awards & Honors

- Pennsylvania Super Lawyers "Rising Star" 2023
- Lawyer on the Fast Track, *The Legal Intelligencer*, 2020
- JD Supra's Readers' Choice Award Top Authors Medical Device Industry 2017
- BillyPenn.com "Who's Next in the Law: 18 young leaders making a difference in Philly's legal community"

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Obtained pre-discovery dismissal of a product liability action in federal court in West Virginia against a highway safety product manufacturer. The plaintiff sought compensatory damages for claims of design defect, manufacturing defect, inadequate warnings, and breach of warranty.

Represented a medical device manufacturer in a product liability action alleging claims of design defect, failure to warn, and breach of warranty.

Secured voluntary dismissal of a case in which our client, a company that makes and sells fire extinguishers, faced design defect, manufacturing defect, and implied warranty of merchantability claims. We secured this dismissal after initial discovery, avoiding the need to file a dispositive motion or submit expert discovery.

Obtained summary judgment in state trial court on behalf of a manufacturer of consumer safety products facing wrongful death claims arising out of two deaths in a residential fire. We then defended this victory on appeal, with the Supreme Court of Alabama affirming the result.

Obtained summary judgment for a product manufacturer whose product was alleged to have proximately caused five deaths. The court held that the plaintiffs failed to establish a product defect and/or that the alleged product defect was the proximate cause of the plaintiffs' deaths. This result was affirmed by the U.S. Court of Appeals for the Eighth Circuit.

Secured a unanimous jury verdict for a manufacturer of consumer safety products in Illinois state court against a plaintiff seeking compensatory and punitive damages. The case raised unique rescue doctrine issues of first impression in the jurisdiction.

Represented a product manufacturer in an appeal in which the Supreme Court of Alabama affirmed a jury verdict for the client in a published decision. In an issue of first impression for the Court, it held that judgment as a matter of law should have been entered because the appellants failed to prove a safer alternative design.

Obtained a defense jury verdict for a manufacturer of a safety product against multi-million dollar wrongful death claims arising out of the death of a four-year-old child in a case tried in a state court in Alabama.

Secured a favorable summary judgment decision in state trial court on behalf of a prison health services provider against claims of successor liability following the purchase of another company's assets.

Successfully defended an appeal before the Pennsylvania Superior Court on behalf of health services provider. In affirming the summary judgment dismissal, the Court agreed that the client's asset purchase did not constitute de facto merger for purposes of successor liability.