



**Vincent R. Lodato**

*Of Counsel*



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Vincent R. Lodato is Of Counsel to Firm's Litigation Practice Group. Mr. Lodato's practice concentrates on defending product liability and toxic tort matters involving medical devices, pharmaceuticals, consumer products, chemical products and class actions. His experience includes serving as part of national counsel teams defending a stroke prevention medication, a Parkinson's Disease medication, HRT products and latex glove manufacturers. He has also defended medical device, pharmaceutical and consumer product companies in personal injury actions involving aortic stent grafts, adhesion barriers, spinal catheters, knee and hip implants, syringes, ambulance stretchers, cosmetic products and numerous prescription and over the counter medications. Mr. Lodato has also defended class actions involving medical devices and consumer goods and services. Moreover, he has litigated various types of personal injury matters and commercial matters involving patents, trade secrets, contract disputes and employment matters on behalf of several prominent corporations.

His responsibilities in these litigations have included identifying and collecting fact discovery, managing e-discovery issues, developing and implementing defense strategies, working with local counsel and national defense counsel, preparing corporate and expert witnesses, conducting depositions of plaintiffs, treating physicians and experts, and preparing discovery and dispositive and Daubert motions. Mr. Lodato has particular experience in litigating FDA regulatory issues, including pre-emption issues, and routinely works with regulatory experts to develop defense strategies and to prepare for deposition and trial testimony.

Mr. Lodato graduated from Seton Hall School of Law *magna cum laude*. While at Seton Hall, Mr. Lodato was a member of the *Seton Hall Law Review* and completed internships with the New Jersey Division on Civil Rights and the Honorable Philip B. Cummis in Essex County.

## Practices

Litigation

Product Liability

## Court Admissions

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U.S. District Court, District of New Jersey

## Newsroom

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### Publications

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#### **Artificial Intelligence and You: Perfect Together?**

*New Jersey Law Journal - E-Discovery & Complex Litigation Supplement*

April 11, 2022

#### **Discovery of Litigation Funding in NJ Mass Tort Litigation: Charting a Course**

*New Jersey Law Journal*

December 16, 2019

#### **Third Circuit Resolves Tension Between Snap Removals and the Forum Defendant Rule**

*New Jersey Law Journal - E-Discovery & Complex Litigation Supplement*

April 15, 2019

#### **Personal Jurisdiction in the Wake of 'Bristol-Myers Squibb'**

*New Jersey Law Journal - Product Liability & Class Action Supplement*

December 11, 2017

#### **In Re Reglan Litigation: New Jersey Supreme Court Holds that Failure to Timely Update Claims Against Generic Drug Manufacturers Are Not Pre-Empted by Federal Law**

*International Association of Defense Counsel's Drug, Device and Biotechnology Committee*

*Newsletter*

September 1, 2016

#### **Poking Holes in Pliva v. Mensing: Are Failure to Timely Update Label Claims Cognizable?**

*Metropolitan Corporate Counsel*

January 1, 2015

#### **Can Design-Defect Claims against Generic Pharma Survive? Pre-emption under Pliva v. Mensing**

*New Jersey Law Journal - Product Liability & Toxic Tort Supplement*

# Sills Cummis & Gross P.C.

December 17, 2012

## **Reducing the Impact of the Internet on Product-Liability Jury Trials**

*New Jersey Law Journal - Product Liability & Toxic Torts Supplement*

December 12, 2011

## **Product Liability Actions and the Consumer Fraud Act: Living Together in Disharmony**

*New Jersey Law Journal - Product Liability & Toxic Torts Supplement*

November 22, 2010

## **Parallel Claims: Exact Contours Will Continue to Be Litigated**

*New Jersey Law Journal - Product Liability & Toxic Torts Supplement*

December 14, 2009

## **Effective Use of a Regulatory Expert in Product Liability Litigation**

*Metropolitan Corporate Counsel*

November 1, 2009

## **Emerging Litigation Involving Human Research Subjects: A Future for Class Actions?**

*American Bar Association — The Brief*

June 1, 2006

## **The Role of Class Actions in Litigation Involving Human Research Subjects**

*5 BNA Class Action Litigation Report 182*

March 12, 2004

## **Client Alerts**

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### **New Jersey Appellate Division Holds that Plaintiffs Bear the Burden of Establishing Special Conditions Justifying the Presence of Third Parties or Recording Devices at Defense Medical Examinations**

*Product Liability*

June 28, 2022

### **New Jersey Appellate Division Finds that Evidence of 510(k) Clearance Cannot be Categorically Excluded in Medical Device Product Liability Cases**

*Product Liability*

April 21, 2021

### **So You Want to Point the Finger at a Settling Defendant at Trial: A New Jersey Supreme Court Case You Should Know**

*Product Liability*

July 31, 2020

### **Challenges Facing the Non-Settling Defendant: How to Present Evidence of a Settling Defendant's Liability Without Running Afoul of NJ's Evidentiary Rules**

# Sills Cummis & Gross P.C.

*Product Liability*

August 1, 2018

**In Re Reglan Litigation: New Jersey Supreme Court Holds that Failure to Timely Update Claims against Generic Drug Manufacturers Are Not Pre-Empted by Federal Law**

*Product Liability*

August 24, 2016

**Perdue v. Wyeth Pharmaceuticals, Inc.: A Triple Knockout on Pre-Emption and Innovator Liability Grounds**

*Product Liability*

August 3, 2016

**The New Jersey Supreme Court Puts Teeth Back into the “Net Opinion” Rule**

*Product Liability*

April 29, 2015

**Documents Prepared by Hospitals and other Healthcare Facilities during the Investigation and Evaluation of an Adverse Event Are Privileged under New Jersey’s Patient Safety Act**

*Product Liability*

October 23, 2014

**Alabama Supreme Court: Brand-Name Pharmaceutical Manufacturer Can Be Sued for Injury Caused by Generic Product**

*Product Liability*

March 1, 2013

**Kendall v. Hoffman-LaRoche, Inc. - The Interplay between the New Jersey Product Liability Act’s Presumption of Adequacy for FDA-Approved Warnings and the Discovery Rule in Evaluating a Statue of Limitations Defense**

*Product Liability*

February 1, 2012

**Pliva, Inc. v. Mesing - United States Supreme Court Holds That Failure to Warn Claims against Generic Pharmaceutical Manufactures Are Pre-Empted by Federal Law**

*Product Liability*

June 1, 2011

## Rankings and Recognition

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Selected for inclusion in:

- *New Jersey Super Lawyers*®\* “Rising Star” 2009, 2012-2013, Personal Injury – Products Defense,

# Sills Cummis & Gross P.C.

Personal Injury – General Defense, General Litigation

\* See [Award Methodology](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

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## **Education**

J.D., Seton Hall University School of Law, *magna cum laude*

B.A., University of Delaware

## **Bar Admissions**

New Jersey

New York