



KATE MERCER-LAWSON

Partner

mercerlawson@wtotrial.com | P 303.244.1891

Kate Mercer-Lawson defends product liability and personal injury lawsuits involving asbestos and stray voltage claims. Prominent asbestos clients include Michelin, GE, and Foster Wheeler. Kate has argued in court, taken well over 100 asbestos depositions—including extremely sensitive ones as SWAT counsel to a national energy company—and prepped many corporate witnesses. Kate is a powerful storyteller who brings a vibrant approach to pattern litigation.

EDUCATION

Indiana University Robert H. McKinney School of Law, J.D., 2011, Faculty Prize, *summa cum laude*, *Indiana Law Review*, Editor-in-Chief

Indiana University Richard M. Fairbanks School of Public Health, M.H.A., 2012, *summa cum laude*, Health Administration

Indiana University, B.A., 2004, Wells Scholar, *summa cum laude*, Chemistry and Religious Studies Phi Beta Kappa

GOVERNMENT SERVICE

Law Clerk to The Honorable Jerome A. Holmes, U.S. Court of Appeals for the Tenth Circuit

Law Clerk to The Honorable Sarah Evans Barker, U.S. District Court for the Southern District of Indiana

Judicial Intern to the Honorable David F. Hamilton, U.S. Court of Appeals for the Seventh Circuit

OTHER EXPERIENCE

Bingham Greenebaum Doll LLP, Summer Associate

Y-ME Indiana Breast Cancer Organization
Programs Manager/Volunteer Coordinator

ADMISSIONS

Colorado
Indiana
Utah
Wisconsin

HIGHLIGHTS

- Serving as national counsel for a major international company in commercial litigation involving over 180 cases of alleged PCB exposure.
- Defeated a motion for preliminary injunction in a stray voltage case in New York where the plaintiffs were asking the court to order a multimillion-dollar rebuild of an electrical distribution line and issue unprecedented rules about the delivery of electrical power.
- Won a jury verdict for Foster Wheeler in a highly watched \$63 million federal asbestos trial in Boston.
- Won a walk-away dismissal for CoorsTek before plaintiff's deposition and the filing of a motion to dismiss in a mesothelioma case.
- Represent Michelin as national coordinating counsel for toxic tort litigation.
- Won exclusion via *Daubert* challenge of a star medical-causation expert—twice—in two living mesothelioma cases in California and North Carolina federal court.
- Won walk-away dismissal with no money paid for a national cosmetics company in a talc case with 78 defendants in Denver District Court. The plaintiff claimed that asbestos-contaminated talc in the client's products caused his mesothelioma.

INDUSTRIES

- Asbestos
- Energy
- Automotive
- Oil & Gas

PRACTICE AREAS

- Commercial Litigation
- Mass Torts
- Product Liability
- Appellate
- Environmental Litigation
- Catastrophic Injury Defense

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BIOGRAPHY

Kate Mercer-Lawson defends product liability and personal injury lawsuits involving asbestos and stray voltage claims. Prominent asbestos clients include Michelin, GE, and Foster Wheeler. Kate has argued in court, taken well over 100 asbestos depositions—including extremely sensitive ones as SWAT counsel to a national energy company—and prepped many corporate witnesses. Kate is a powerful storyteller who brings a vibrant approach to pattern litigation.

Kate's legal practice is bolstered by her background in science, which gives her an edge in understanding the complex issues her clients face. She also excels at triaging new and complicated cases, often uncovering vital information to develop winning arguments.

CASES

- Serving as national counsel for a major international company in commercial litigation involving over 180 cases of alleged PCB exposure.
- Defeated a motion for preliminary injunction in a stray voltage case in New York where the plaintiffs were asking the court to order a multimillion-dollar rebuild of an electrical distribution line and issue unprecedented rules about the delivery of electrical power.
- Won a jury defense verdict for Foster Wheeler in a three-week asbestos trial in federal court in Massachusetts. The plaintiff—a sympathetic Navy widow represented by a high-profile asbestos plaintiff firm—asked for \$20 million in compensatory damages and \$43 million in punitive damages.
- Won a walk-away dismissal for CoorsTek before plaintiff's deposition and the filing of a motion to dismiss in a mesothelioma case.
- Represent Michelin as national coordinating counsel for toxic tort litigation.
- Won exclusion via *Daubert* challenge of a star medical-causation expert—twice—in two living mesothelioma cases in California and North Carolina federal court.
- Won walk-away dismissal with no money paid for a national cosmetics company in a talc case with 78 defendants in Denver District Court. The plaintiff claimed that asbestos-contaminated talc in the client's products caused his mesothelioma.
- Won summary judgment for General Electric in a seven-figure mesothelioma case in plaintiff-friendly Ramsay County, Minnesota. The win came less than a month before trial, and marks WTO's second asbestos victory of 2021 in this challenging jurisdiction.

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- Won dismissal for a Colorado-based manufacturer in an asbestos product liability case in the plaintiff-friendly "judicial hellhole" of St. Clair County, Illinois. WTO asserted jurisdictional defenses at the pleading stage and later won dismissal after the plaintiff's deposition.
- Represented oil and gas companies in high-exposure cases arising from well-site and other industry-related accidents resulting in catastrophic injury and death.
- Defending utility companies and equipment manufacturers in catastrophic fire and explosion cases resulting in major burn injuries.
- Handled behind-the-scenes case management and participated in all witness prep in a stray voltage trial.
- Handled all remaining mediations in a series of personal injury cases for a cab company that ceased operations.
- Served as lead trial counsel to a leading Las Vegas transportation company for the defense of high-stakes motor vehicle accidents.
- Won 67% reduction of post-trial damages (eliminating punitive damages) in a case involving stray-voltage claims and secured affirmance of the reduced award in the Wisconsin Court of Appeals.
- Won for Foster Wheeler in an asbestos failure to warn case involving the government contractor defense. The Fourth Circuit reversed and remanded to the district court following WTO's arguments that evidence set forth by Foster Wheeler was sufficient to demonstrate a colorable defense establishing federal jurisdiction.
- Won for Foster Wheeler in an asbestos failure to warn case involving the government contractor defense. The Fourth Circuit reversed and remanded to the district court following WTO's arguments in this matter of first impression.
- Obtained midtrial settlement—for less than the cost of defense—for Foster Wheeler in a trial that went to an eight-figure verdict against the other defendant. The plaintiff simply wanted WTO out of the case.
- Taken over 100 expert and fact depositions in asbestos cases nationwide.
- Argued a motion to dismiss in Wyoming state court that drew praise from the court.
- Argued a winning opposition to plaintiffs' motion to dismiss a counterclaim in Wyoming state court.

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- Led trial preparation efforts, under senior supervision, for a major industrial manufacturer facing hundreds of millions in damages as a result of a catastrophic accident. Drafted Daubert motions, developed expert witnesses, and prepared experts for depositions and trial. The case settled shortly before trial.
- Represented a utility company in the retrial of a \$1 billion dollar lawsuit brought by a consortium of dairy farmers alleging stray electricity from our client's facilities and transmission lines depressed herd production. The parties reached settlement on the eve of the retrial.
- Crafted new and improved "good company story" for prominent defendant in asbestos litigation and worked with new corporate representative to prepare him for successful depositions.
- Uncovered "smoking gun" medical record in take-home exposure case, resulting in an extremely favorable settlement.

TEACHING POSITIONS

- Adjunct Professor of Political Science, Indiana University – Indianapolis (taught courses in judicial politics and criminal law)

BAR & COURT ADMISSIONS

- Colorado
Indiana
Utah
Wisconsin
U.S. Court of Appeals, 10th Circuit
U.S. District Court, D. Colorado
U.S. District Court, D. Utah
U.S. District Court, N.D. Indiana
U.S. District Court, S.D. Indiana

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LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

- International Association of Defense Counsel (IADC)
 - Engagement & Retention Chair, Toxic Torts & Hazardous Substances Committee
- Colorado Rising Stars
 - Personal Injury - Products Defense, 2021
- The Best Lawyers in America
 - Ones to Watch - Personal Injury Litigation - Defendants, 2022-2024
 - Ones to Watch - Product Liability Litigation - Defendants, 2024
- Advisory Board, University of Denver Sturm College of Law Professional Mentoring Program
- Mentor, University of Denver Sturm College of Law Professional Mentoring Program Law School...Yes We Can!
 - Mentor, 2022
- Tenth Circuit Historical Society
- Defense Research Institute
 - Vice Chair of Membership for DRI's Products Committee -- Steering Committee
 - Chair of the Newsletter for DRI's Products Liability Committee
 - Author for the Tenth Circuit, 2021-2022 Product Liability Case Law Update
 - Asbestos Medicine Seminar Steering Committee
 - Talc Litigation Seminar Steering Committee
- American Bar Association's Judicial Intern Opportunity Program
 - Volunteer Attorney Screener
 - Mentor

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

- Girls on the Run of the Rockies
 - Associate Board Member

ARTICLES & PRESENTATIONS

Articles

- *Survey of Recent Developments in Indiana Evidence Law*, 45 Ind. L. Rev. 1147, (2012).
- *The Pitfalls of an Internet Persona: Evidentiary and Privacy Concerns of Online Social Media*, 28 Mich. IT Law 9, (2011).
- *Tribute to the Late Mary Harter Mitchell*, 44 Ind. L. Rev. 657, (2011).

Presentations

- Presenter, "Preparing Your Expert for Direct and Cross Examination at Trial," 2023 DRI Asbestos Medicine Seminar (November 16, 2023).

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- Presenter, "The Electrical Products Defense: 'Shockingly' Simple," 2022 Defense Asbestos Litigation Seminar, (June 24, 2022).
- Presenter, "How to Prepare Your Corporate Witness on Knowledge of Asbestos Hazards," 2022 Defense Asbestos Litigation Seminar, (June 24, 2022).

PERSONAL INTERESTS

- Running, traveling, and mentoring