



## HABIB NASRULLAH

### Partner

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**A former Assistant U.S. Attorney, Habib Nasrullah maintains an active trial practice in high exposure tort and commercial cases. He regularly represents global clients in trials and government investigations. Habib is a Fellow of the American College of Trial Lawyers.**

### EDUCATION

Georgetown University Law Center,  
J.D., 1988

University of Southern California,  
B.A., 1984, International Relations,  
*magna cum laude*  
Phi Beta Kappa

### GOVERNMENT SERVICE

United States Attorney's Office,  
District of Colorado  
Special Prosecutions Section  
Project Safe Childhood Coordinator  
Major Crimes Section  
Civil Division

### OTHER EXPERIENCE

United States Attorney's Office  
(District of Colorado)  
Parcel, Mauro, Hultin & Spaanstra,  
P.C.  
McKenna, Conner & Cuneo LLP

### ADMISSIONS

Colorado  
Pennsylvania (inactive)

### HIGHLIGHTS

- Won defense verdict in \$97M Vermont ski case
- Representing an Argentinian sports figure in a high-profile case of first impression involving genetic cloning.
- Represented an oil and gas producer in an arbitrated class action in Colorado.
- Won a defense verdict in federal court for a heavy metals supplier in a \$28 million breach of contract dispute.
- After trial, won reversal of a \$3 million property appraisal award against American Family and disqualification of the plaintiff's national property appraiser as well as the umpire on grounds that they were not impartial and failed to disclose directly relevant financial incentives and relationships.
- Serve as trial counsel in cases involving claims under the Defend Trade Secrets Act.
- Served as trial counsel for a high-profile case in Colorado alleging elder abuse resulting in death.

### INDUSTRIES

- Healthcare
- Medical Devices & Pharmaceuticals
- Consumer Products & Services
- Automotive
- Insurance

### PRACTICE AREAS

- Commercial Litigation
- Mass Torts
- Product Liability
- Catastrophic Injury Defense
- Investigations & Compliance

# HABIB NASRULLAH

## BIOGRAPHY

A former Assistant U.S. Attorney, Habib Nasrullah maintains an active trial practice in high exposure tort and commercial cases. He regularly represents global clients in trials and government investigations. Habib is a Fellow of the American College of Trial Lawyers.

Habib also serves as trial and national coordinating counsel on commercial, mass tort, and complex product liability lawsuits, including multidistrict litigation. Habib's clients include Fortune 100 and other leading companies, and he has substantial experience in federal and state courts across the U.S.

Habib's background as a federal prosecutor makes him particularly valuable to clients in civil cases that involve a parallel criminal investigation. Habib strives to resolve these matters in the earliest possible stages, sparing clients the potential of facing criminal charges or intense public scrutiny. Habib also conducts internal investigations and counsels individual and corporate clients on a variety of federal and state compliance issues in the healthcare, technology, aviation, and the food and beverage sectors.

A Fellow of the American College of Trial Lawyers, Habib frequently manages mass tort litigation involving dockets of several thousand cases across multiple jurisdictions. He has been involved in defending healthcare industry clients against thousands of claimants alleging catastrophic personal injuries. He has represented food producers in various disease outbreaks allegedly linked to contaminated food products that have resulted in multiple deaths, including the deadly *Listeria* outbreak linked to Colorado cantaloupes, which sickened hundreds and killed 33 people.

In every engagement, Habib works with clients and local counsel to conceptualize and implement coherent and effective litigation plans for multidistrict and complex litigation. Clients frequently retain him to try cases involving sophisticated expert and evidentiary issues with potentially high exposure when trial is imminent.

## CASES

### Commercial Litigation

- Representing an Argentinian sports figure in a high-profile case of first impression involving genetic cloning.
- Represented an oil and gas producer in an arbitrated class action in Colorado.
- Won a defense verdict in federal court for a heavy metals supplier in a \$28 million breach of contract dispute.

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- After trial, won reversal of a \$3 million property appraisal award against American Family and disqualification of the plaintiff's national property appraiser as well as the umpire on grounds that they were not impartial and failed to disclose directly relevant financial incentives and relationships.
- Serve as trial counsel in cases involving claims under the Defend Trade Secrets Act.
- Obtained dismissal with prejudice, without any payment by WTO's client, for an online educational content provider facing allegations that it violated the Colorado Consumer Protection Act and put minors at risk.
- Negotiated settlement for a subcontractor drilling company in a significant public works project in California.
- Won reversal of a \$3 million property appraisal award against American Family and disqualification of the plaintiff's national property appraiser as well as the umpire on grounds that they were not impartial and failed to disclose directly relevant financial incentives and relationships.
- Represented a Japanese-owned telecommunications company in a theft of trade secret case.
- Won a complete defense ruling for a heavy metals supplier after a week-long bench trial involving a breach of contract claim in which the plaintiff sought \$28 million.
- Won a complete defense verdict in a bad faith matter for Allstate before the United States District Court for the District of Colorado.
- Represented an Icelandic software developer in a dispute with a subcontractor.
- Obtained summary judgment in district court in a professional negligence claim against WTO's client, a construction consultant, in a matter related to criminal charges brought against the consultant's client, a utility company.
- Served as trial counsel in bad faith case involving significant water damage claims at a nursing home facility.

## Personal Injury and Mass Torts

- Won a jury defense verdict for a ski resort in a closely watched, \$97 million catastrophic injury case in Vermont.
- Served as trial counsel for a high-profile case in Colorado alleging elder abuse resulting in death.

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- Served as national counsel to a global healthcare company in multidistrict litigation involving over 12,000 claims relating to dialysis products. WTO helped develop national resolution strategy, identified bellwether cases, and negotiated settlement of all claims.
- Represented a food distributor in allegations of *Listeria* contamination resulting in 33 deaths and 146 confirmed cases in one of the largest and deadliest food-borne illness outbreaks in the United States.
- Serve as trial and national coordinating counsel for a generic drug manufacturer in nationwide litigation involving metoclopramide, alendronate sodium, allopurinol, and finasteride.
- Serve as trial and national coordinating counsel for the largest pharmaceutical distributor in North America in nationwide litigation involving Zoloft, Lipitor, Effexor, and fen-phen.
- Served as trial counsel for a dental clinic involving allegations of overtreatment of pediatric patients.
- Served as trial counsel for a water softener manufacturer against allegations of bacterial contamination resulting in Crohn's disease.

## White Collar & Investigations

- Successfully represented a leading global chemical company in an investigation involving multiple federal agencies and international trade compliance issues.
- Represent a stock transfer agent in securities fraud investigated by the United States.
- Represent a federal contractor in a procurement integrity investigation.
- Represent senior executives in a False Claims Act investigation involving allegations of fraud on defense agencies.
- Represent a senior partner of a physicians group in a federal investigation into alleged healthcare fraud and related qui tam proceedings.
- Represent the former CEO of a hospice care organization in a federal False Claims Act investigation and related qui tam litigation.
- Represent a technology company under investigation for alleged conflict of interest charges in a government contract.
- Represent a cloud-based healthcare recordkeeping service in Stored Communications Act and related compliance issues and grand jury proceedings.

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- Represented a Fortune 10 company in an international investigation into the alleged destruction of documents related to ongoing litigation.
- Represented an originator and servicer of mortgage loans in multiple investigations conducted by the United States into allegations of mortgage and appraisal fraud.
- Represented one of the nation's largest manufacturers of mobile home parts in allegations of corruption and regulatory noncompliance.
- Represented an airline pilot in an investigation by the United States of crew intoxication.
- Represented a prominent Colorado lawyer in an investigation by the State of Colorado involving allegations of securities fraud.
- Represented a senior public official in corruption-related proceedings being investigated by the United States.
- Represented a private school following a sexual assault investigation.

## **Criminal (as Assistant U.S. Attorney)**

- Successfully tried a case filed by a sitting county court judge in southern Colorado for alleged violations of the Privacy Act stemming from the conduct of FBI agents.
- Served as trial counsel for the Denver Mint in a sexual harassment and hostile work environment lawsuit based upon an alleged assault on a female employee by a supervisor.
- Litigated multiple issues of first impression in the District of Colorado concerning computer forensic evidence under the Adam Walsh Child Safety and Protection Act of 2006.
- Prosecuted a Mexican national for failure to pay child support resulting in the second highest award of restitution obtained by the United States Government in a federal child support prosecution. Habib was awarded the Inspector General's Integrity Award by the Office of the Inspector General of the Health and Human Services Department.

## **Mass Torts**

- Represented Continental Airlines and Global Aerospace in matters stemming from a 2008 incident in which a plane skidded off the runway at Denver International Airport due to strong crosswinds. The claims involved over 200 plaintiffs.

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- Retained as lead trial counsel to defend General Electric against claims brought by more than 100 NATO soldiers for cancer-causing exposure to ionizing radiation from missile systems used during the Cold War. Settled all 40 related cases for what would have amounted to approximately two months' worth of defense costs.

## Other Relevant Experience

- Won a Tenth Circuit appeal affirming WTO's trial victory for a pro bono client who brought claims involving violations of international kidnapping protections under the Hague Convention. The appeal affirmed the trial court's decision to order the child back to her home country.
- Won a remote trial in federal court in a pro bono case for a foreign national who brought claims involving violations of international kidnapping protections under the Hague Convention. The court ruled that WTO's client's child must be returned to her home country.

## TEACHING POSITIONS

National Institute for Trial Advocacy  
Deposition Skill Seminars

## REPRESENTATIVE CLIENTS

CNA - National Trial Counsel for CNA Insureds  
Fresenius - National Counsel  
General Electric - National Trial Counsel  
Northstar Rx LLC - National Trial Counsel  
PNC Mortgage, a Division of PNC Bank - Regional Trial Counsel

## BAR & COURT ADMISSIONS

Colorado  
Pennsylvania (inactive)  
U.S. Supreme Court  
U.S. Court of Appeals, 10th Circuit  
U.S. Court of Appeals, 4th Circuit  
U.S. Court of Appeals, 6th Circuit  
U.S. Court of Appeals, 9th Circuit  
U.S. District Court, D. Colorado  
U.S. District Court, S.D. Texas  
U.S. District Court, W.D. Pennsylvania  
U.S. District Court, W.D. Texas

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Fellow, American College of Trial Lawyers  
Chair of the Federal Rules of Evidence Committee, 2022-2023

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Vice-Chair of the Federal Rules of Evidence Committee, 2021-2022  
The Best Lawyers in America  
Mass Tort/Class Action Litigation - Defendants Lawyer of the Year, 2017, 2020  
Commercial Litigation, 2013-2021  
Mass Tort/Class Action Litigation, 2016-2021  
Product Liability Litigation, 2012-2021  
The Legal 500 United States  
Litigation: Product Liability and Mass Tort Defense, 2013, 2015  
Colorado Super Lawyers  
Business Litigation, 2006, 2010-2020, 2022-2024  
Top 100, 2013-2019, 2022-2024  
Benchmark Litigation  
Local Litigation Star, 2020-2024  
Commercial Litigation - Colorado, 2013-2018  
Insurance Litigation - Colorado, 2013 -2018  
Product Liability - Colorado, 2013-2018  
Personal Injury - Colorado, 2013-2016  
The International Who's Who of Life Sciences Lawyers, 2017, 2021  
International Who's Who of Product Liability Defense Lawyers, 2016-2017, 2019  
Martindale-Hubbell AV® Peer Review Rated  
Diversity & The Bar  
Law Firm Rainmakers, 2011  
Federal Bureau of Investigation  
Certificate of Appreciation for outstanding prosecutive skills and  
assistance as an Assistant United States Attorney, 2008  
United States Department of Justice, Office of Inspector General, Denver Field Office  
Professionalism Award, 2008  
United States Department of Health and Human Services, Office of the Inspector  
General  
Integrity Award for major contributions as an Assistant United States Attorney  
toward the goals and mission of the Inspector General  
Defense Research Institute  
International Association of Defense Counsel  
American Bar Association  
Member, Conference of Minority Partners in Majority Corporate Law Firms  
Lawyer-Pilots Bar Association  
International Bar Association  
Colorado Supreme Court  
Character and Fitness Committee

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## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Founder and Advisor, Internet Safety Foundation, a coalition of Colorado educational, corporate, and law enforcement interests whose mission is to be a clearinghouse for Internet safety resources

Colorado Association of Leaders in Educational Technology (CALET)

Outstanding Friend of Technology Award, 2008

## ARTICLES & PRESENTATIONS

### Articles

- Co-Author, "Working with International Suppliers: Sound Contracts Minimize Risk," CNA's *Life Science POV*, (January 2013).
- "Mississippi Adopts 'Tort Reform'," LJN's Prod. Liab. L. & Strategy, at 1, (April 2003).
- "Pretrial Depositions and Interrogatories May No Longer Be Private," LJN's Prod. Liab. L. & Strategy, at 1, (January 2003).
- "Protecting Confidential Settlement Agreements From Third Party Access," LJN's Prod. Liab. L. & Strategy, at 1, (February 2002).
- "To Beep or Not to Beep: The Optional Equipment Defense," LJN's Prod. Liab. L. & Strategy, at 4, (April 2001).
- "Protecting the Defendant: Challenging 'Other Acts' Evidence in Product Liability Cases," LJN's Prod. Liab. L. & Strategy, at 1, (June 2000).
- "Working with International Suppliers: Sound Contracts Minimize Risk." Co-Authored, CNA's *Life Sciences POV*, (2013).

### Presentations

- Presenter, "Ethics: Pitfalls in Settlement Negotiations, Litigation Management in a New York Minute - 2017 Edition," The Network of Trial Law Firms, New York, NY, (August 4, 2017).
- Presenter, "The Art & Science of Jury Selection," The CDLA Trial Academy, (April 27, 2017).
- Presenter, "Off-Label Marketing and Free Speech in the Post-*Caronia* and *Amarin* World," The ABA Life Sciences Seminar, (September 21, 2016).
- Presenter, "Ethical Issues in Internal Investigations, Litigation Management in a New York Minute - 2015 Edition," The Network of Trial Law Firms, New York, NY, (August 7, 2015).



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- Presenter, "Off-Label Marketing in the Post-*Caronia* World," The ABA Life Sciences Legal Summit, (March 4, 2015).
- Presenter, "Taking and Defending Depositions," CLE credit to assistant U.S. attorneys and other federal agency counsel at the United States Attorney's Office for the District of Colorado, (December 3, 2014).
- Presenter, "Settlement, Approval, Ethics, and Beyond," Managing Complex Litigation 2014: Class Actions, Mass Torts & MDL, PLI conference, (October 2014).
- Presenter, "Federal Preemption and its Impact on Generic Drug Manufacturers," The ABA Life Sciences Legal Summit, (February 27, 2014).
- Presenter, "Prospective Changes in Generic Drug Regulation," Underwriters from CAN, (January 7, 2014).
- Presenter, "Interviews With Former Employees: Strategies and Pitfalls," The Prac. Litigator, at 47, (March 2005).
- Presenter, "Preparation and Presentation of Defenses of a Punitive Damages Claim in a Product Liability Case," The Center for International Legal Studies' International Product Liability and Personal Injury Conference, (March 25, 2003).
- Presenter, "Punitive Damages: A View From the Trenches," American Tort Reform Association Annual Legislative Conference for State Coalition Leaders and Citizens Against Lawsuit Abuse, (November 14, 2002).

## PERSONAL INTERESTS

- Aviation, instrument, and multi-engine rated private pilot  
Travel