

# Charles F. Rysavy

## Of Counsel

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## OVERVIEW

Charles Rysavy, a partner in K&L Gates' Newark office, is a trial lawyer with more than thirty-five years of experience in all aspects of dispute resolution, focusing on complex commercial litigation, class actions, product liability, and mass toxic tort. His commercial litigation experience includes contract and licensing disputes, antitrust (Sherman Act), environmental cost recovery, oppressed minority shareholder, trade secret misappropriation, trade libel and disparagement, and fraudulent conveyance. His experience in class action and product liability and toxic tort litigation includes matters involving pharmaceuticals, cosmetics, radiation, chemicals, asbestos, various medical devices, and industrial machinery.

## PROFESSIONAL BACKGROUND

Charles has been first chair in numerous jury trials in state and federal courts in New Jersey and New York, and has been lead counsel in individual and mass consolidated cases in state and federal courts throughout the U.S.

In addition, Charles has filed appeals and amicus briefs in the United States Supreme Court, the Third, Ninth, Tenth, and Eleventh Circuit Courts of Appeals and the New Jersey Supreme Court on fraudulent conveyance issues, the constitutionality of punitive damages, federal preemption, legal proximate causation, medical monitoring, and fear of cancer, among other issues.

Charles is also involved in the Community Health Law Project, a nonprofit legal services and advocacy organization for the frail elderly and physically or mentally disabled persons. He is a member of the Board of Trustees (1997 to present), and has served as Vice Chair (2002 to 2004) and Chair (2004 to 2007).

Through the non-profit Kids in Need of Defense (KIND), Charles also provides pro bono representation of unaccompanied minors who enter the United States without documentation, in Immigration Court, immigration proceedings in family courts, and before the U.S. Immigration and Customs Enforcement agency. Mr. Rysavy was recognized for his “exceptional contribution” to KIND in 2018.

## ACHIEVEMENTS

- Listed by *The Best Lawyers in America*®, Newark

  - Product Liability Litigation - Defendants, 2025
  - Mass Tort Litigation / Class Actions - Defendants, 2022-2025
- Recognized as BTI *Client Service All-Star,* 2020
- Pro Bono Award for Exemplary Service, New Jersey State Bar Association, 2020

## PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association
- Community Health Law Project, Board of Trustees (Vice Chair (2002-2004), Chair (2004-2007), Member (1997-present))

## SPEAKING ENGAGEMENTS

- "An Ounce of Prevention is Worth a Pound of Cure: How Manufacturers Can Avoid Pitfalls in Contracts with Third Party Service Providers and Business Partners," *K&L Gates Webinar*, June 17, 2015.
- "Litigation and Trial Lessons Learned from *Avaya v. Telecom Labs*," *Association of Corporate Counsel - New Jersey Chapter CLE seminar*, January 13, 2015.
- "Are You Protecting Your Intellectual Property or Illegally Restraining Competition? Lessons from *Avaya v. Telecom Labs*", *Association of Corporate Counsel - New Jersey Chapter CLE seminar*, June 2014.
- "Tips for Being the Worst Litigation Expert You Can Be - Part 2, The Deposition," *27th Annual International Radiation Dosimetry Symposium and National Dosimetry Records Conference*, June 2008.
- "Tips for Being the Worst Litigation Expert You Can Be - Part 1, The Report," *26th Annual International Dosimetry Symposium and National Dosimetry Records Conference*, June 2007.
- "Class Actions Without Borders: Foreign Plaintiffs in U.S. Courts and U.S. Defendants in Foreign Courts," *The Future of Class Action Litigation in America*, *American Bar Association*, November 2005.

## EDUCATION

- J.D., University of Minnesota Law School, 1986
- B.A., University of Minnesota, 1983

## ADMISSIONS

- Bar of New Jersey
- Supreme Court of the United States
- United States Court of Appeals for the Second Circuit

- United States Court of Appeals for the Tenth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

## THOUGHT LEADERSHIP *POWERED BY HUB*

- April 2021, April 2021 Accolades
- 3 March 2017, An Easier Path: *McCarrell v. Hoffman-La Roche* Paves the Way to Bring Tort Claims in New Jersey Barred by Other States' Statutes of Limitations

## OTHER PUBLICATIONS

- "The Economic Damages Expert: Commercial Losses" chapter, *Expert Witness Answer Book*, Practising Law Institute, 2022 ed.
- "The Economic Damages Expert: Property Valuation" chapter, *Expert Witness Answer Book*, Practising Law Institute, 2019 and 2022 eds.
- "U.S. Class Actions Involving Foreign Parties" chapter, *A Practitioner's Guide to Class Actions, Third Edition*, American Bar Association, 2021.
- "Class Actions Involving Foreign Parties" chapter, *A Practitioner's Guide to Class Actions*. American Bar Association, First ed., 2010; Second ed., 2017.
- "Radiation Exposure from Medical Imaging Devices: The Dark Cloud in the Silver Lining." *Class Action Litigation Report*, BNA, Inc., August 13, 2010.
- "CT Scans and Radiation Exposure: Emerging Legal Considerations for Imaging Manufacturers," *Medtech Executive and MX Magazine Issues Update*, December 2008.
- "The (Often Insurmountable) Hurdles Facing Foreign Claimants Prosecuting Class Actions in American Courts," *Tort Trial and Insurance Practice Law Journal*, September 2006.
- "A Roadmap for Escaping Divesting Backlash," *Mergers & Acquisitions: The Dealmakers Journal*, January 2005.
- "Second Circuit OKs Asset Sales Despite Significant Present and Future Liabilities," *American Bankruptcy Institute Journal*, December 2004.
- "Trials" chapter, *Handbook of Civil Practice in the Courts of New Jersey, George T. Bisel & Co.*, September 2004.

- "Case Management and Pretrial Matters" chapter, *Handbook of Civil Practice in the Courts of New Jersey, George T. Bisel & Co.*, August 2004.

## NEWS & EVENTS

- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch

## AREAS OF FOCUS

- Product Liability
- Antitrust and Competition
- Class Action Defense
- Commercial Disputes
- Mass Tort

## INDUSTRIES

- Consumer Beauty and Aesthetics
- Consumer Goods and Services
- Energy
- General Manufacturing
- Healthcare
- Household Goods
- Manufacturing
- Nuclear Energy
- Pharmaceuticals, Biologics, and Medical Devices
- Technology
- Telecommunication Infrastructure
- Utilities

## REPRESENTATIVE EXPERIENCE

- Served as lead counsel to second largest US lighting fixture manufacturer in defense of creditor claims of fraudulent conveyance and successor liability seeking to hold client and codefendants responsible for more than one billion dollars in asbestos personal injury and property damage claims against bankrupt asbestos defendant. Successfully moved for summary judgment resulting in dismissal of all pending claims against client.
- Served as lead attorney for electric utility defending over 6,000 personal injury claims brought by cleanup workers at World Trade Center site following 9/11. Successfully moved for summary judgment resulting in dismissal of all pending claims against client.
- Served as national counsel for Canadian generic pharmaceutical manufacturing/packaging company in defense of claims involving alleged packaging defects in oral contraceptives. Plaintiffs asserted claims for “wrongful birth” and various physical, emotional and economic injuries.
- Served as national trial co-counsel for pharmaceutical manufacturer in defense of product liability claims involving drug for prevention and treatment of osteoporosis. Plaintiffs alleged “atypical” fractures of the femur bone or osteonecrosis of the jaw. Litigation included two multidistrict litigation proceedings, two statewide consolidated litigations, and individual actions in other states.
- Served as national counsel to manufacture of Cold War era radar systems in defense of personal injury and wrongful death claims for exposure to radiation emitted from military radar equipment by US and NATO military personnel. Successfully defeated plaintiffs’ motion to certify two classes. Thereafter defended suits brought by approximately 100 individual plaintiffs, ultimately negotiating a global settlement of all pending and known unfiled claims.
- Served as national counsel to joint defense group representing more than 80% of the US commercial nuclear power industry on claims avoidance and defense of radiation injury claims.
- Served as co-lead trial attorney in groundbreaking antitrust jury trial on behalf of independent provider of maintenance services for telephone equipment. Following six-and-a-half month trial, jury found defendant liable for Sherman Act violations and awarded client US$20 million (automatically trebled to US$60 million). Case was first single product aftermarket antitrust claim to be tried to successful verdict in 20 years. In subsequent landmark ruling, court awarded client US$2.6 million in prejudgment interest, the first ever such award in antitrust lawsuit brought under the federal statute.