



Edward J. Dumoulin

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Ed represents clients in high-stakes civil cases across a variety of practice areas including product liability, antitrust, and complex commercial litigation. His work has led to dozens of victories and recognition by *Law360* as one of four Rising Stars chosen nationwide in product liability practice. Ed has briefed and argued motions that have resulted in litigation-wide impact in MDLs, and that have led to dismissals based on issues of federal preemption or jurisdiction in numerous individual suits. Ed's briefing has additionally led courts to grant summary judgment, exclude adversaries' key experts, and deny requests to create MDLs. He has also managed large-scale litigation, developed case strategy, deposed key witnesses, and served on trial teams in cases with billions of dollars in dispute.

Beyond litigating in trial courts nationwide, Ed maintains an active appellate practice. He has argued in the First, Seventh, and Ninth Circuits and briefed appeals elsewhere, including the Third, Fourth, and Eleventh Circuits. Ed has also practiced before the United States Supreme Court, including in a recent case where he drafted a *certiorari* petition leading the Court to vacate a ruling of the Ninth Circuit.

Ed obtained his undergraduate and law degrees from Harvard, where he won the Boylston Prize for Elocution. He also earned a master's degree from the University of Cambridge in the UK. He joined Goldman Ismail after completing federal clerkships in a district court and the Second Circuit and practicing with another leading national law firm.

Representative Litigation

In re Zetia (Ezetimibe) Antitrust Litigation

Represent Merck in antitrust litigation in which direct and indirect purchasers claim that Merck's settlement of a Zetia® Hatch-Waxman patent case violated antitrust laws, and in which plaintiffs claim billions of dollars in overcharge damages. Served on trial team when MDL case settled during jury selection.

Gardasil Litigation

Represent Merck in nationwide litigation involving Gardasil, the HPV vaccine. Briefed and argued dispositive motions in key cases, which led to dismissal order based on preemption theory. Developed litigation strategy and deposed witnesses, including plaintiff.

Gadolinium Retention Contrast Dye Litigation

Represent Bayer in nationwide litigation regarding Bayer's Magnevist® contrast dye. Plaintiffs claim that they developed a variety of injuries as a result of retaining gadolinium in their bodies following use of Bayer's gadolinium-based contrast agent Magnevist® and other contrast agents during MRI procedures.

Day-to-day management of litigation in multiple forums. Argued multiple significant motions, including motions to dismiss on grounds of federal preemption and personal jurisdiction. Briefed other major motions, including *Daubert* and summary judgment motions, as well as oppositions to motions to remand. Argued appeals in the First and Ninth Circuits on key jurisdictional issues. Drafted successful *certiorari* petition and secured U.S. Supreme Court order vacating Ninth Circuit ruling. Served on team that briefed successful opposition to MDL consolidation. Deposed witnesses and conducted discovery.

Secured dozens of voluntary dismissals, in addition to court-ordered dismissals, over the course of the litigation.

- *In re Gadolinium-Based Products Liability Litigation* (J.P.M.L.) Defeated plaintiffs' petition to create an MDL before the Judicial Panel on Multidistrict Litigation.
- *Fischer v. Bayer HealthCare Pharmaceuticals Inc.* (D. Ariz.) In bellwether cases, won exclusion of plaintiffs' four general causation experts in an 85-page opinion followed by full summary judgment. Plaintiffs voluntarily dismissed their appeal to the Ninth Circuit.
- *Langara v. Bayer Corp.* (D. Mass, 1st Cir.) Briefed and argued successful motion to dismiss in the District of Massachusetts, as well as subsequent appeal in the U.S. Court of Appeals for the First Circuit.
- *Sabol v. Bayer HealthCare Pharmaceuticals Inc.* (S.D.N.Y.) Argued and won motion to dismiss based on a novel preemption theory resulting in published opinion.
- *McGrath v. Bayer HealthCare Pharmaceuticals Inc.* (E.D.N.Y.) Won motion to dismiss based on a novel preemption theory resulting in a widely cited published opinion.
- *Combs v. Bayer HealthCare Pharmaceuticals Inc.* (N.D. Ohio) Won motion to dismiss on statute of limitations grounds based on plaintiff's statements at FDA conference unearthed through online research.
- *Klein v. Bayer HealthCare Pharmaceuticals Inc.* (D. Nev.) Won motion to dismiss based on a novel preemption theory not previously accepted by any district court in the Ninth Circuit.
- *Goodell v. Bayer HealthCare Pharmaceuticals Inc.* (D. Mass.) Won motion to dismiss based on lack of personal jurisdiction over in-state plaintiff's claims as well as preemption.

Home Depot U.S.A., Inc. v. Lafarge North America Inc.

Represent defendant in an antitrust lawsuit in which the largest direct purchaser of drywall alleges a nationwide conspiracy to fix prices in the drywall industry. Briefed motion for summary judgment before MDL court, as well as multiple interlocutory appeals to the Third Circuit.

IVC Filter Litigation

Served on trial team in product liability case against IVC filter manufacturer in case set for a jury trial in the Pennsylvania Court of Common Pleas. The case settled days before jury selection.

Ozinga Bros. Inc. v. Holcim (US) Inc.

Served as a lead counsel defending major building materials manufacturer in Sherman Act and Robinson-Patman Act suit brought by customer. Formulated countersuit, briefed dispositive motions, and contributed to settlement strategy.

In Re: Testosterone Replacement Therapy Products Liability Litigation

Represented AbbVie in MDL bellwether trial where the plaintiff claimed AndroGel caused his deep vein thrombosis. The jury returned a complete defense verdict for AbbVie in June 2018.

Represented AbbVie in cases where plaintiffs opted out of MDL settlement program, including deposing witnesses, developing case strategy, and leading briefing efforts for dispositive and other significant motions.

Hanson v. United States

Briefed and argued *habeas corpus* appeal in the Seventh Circuit as court-appointed counsel for petitioner. Appeal raised multiple complex issues of federal law, including whether Supreme Court opinion created new rights that entitled defendant to a resentencing.

Private Practice

Partner, Goldman Ismail Tomaselli Brennan & Baum LLP

Associate, Goldman Ismail Tomaselli Brennan & Baum LLP

Associate, Mayer Brown LLP

Education

Harvard Law School (J.D.)

- John M. Olin Fellowship in Law and Economics

University of Cambridge (M. Phil., Political Thought and Intellectual History)

Harvard College (A.B., Government, *cum laude*)

- Boylston Prize for Elocution
- Philo Sherman Bennett Prize for senior thesis

Judicial Clerkship

Honorable Rosemary S. Pooler, United States
Court of Appeals for the Second Circuit

Honorable John T. Copenhaver, Jr., United States
District Court for the Southern District of West
Virginia

Publications

Jennifer Greenblatt, Edward Dumoulin, [Personal Jurisdiction: Clinical Trial Contacts after BMS](#), ABA Section of Litigation

Of Note

Selected by *Law360* as a Rising Star in Product
Liability (2023)

Member, International Association of Defense
Counsel (IADC)

Selected by *Super Lawyers* as an Illinois Rising Star
(2019-2024)

News

[Goldman Ismail Partners Named to Benchmark's
40 & Under Hot List](#)

[Edward Dumoulin Named a Law360 Rising Star](#)

[Goldman Ismail Elects Michael Casner and Edward
Dumoulin to Partnership](#)

[Bayer Wins Daubert Ruling Excluding Plaintiffs'
Expert Witnesses in the Gadolinium Retention
Contrast Dye Litigation](#)

[Goldman Ismail Defeats Plaintiffs' Attempt to
Form MDL in Gadolinium Retention Contrast Dye
Litigation](#)

[Goldman Ismail Secures Complete Defense Jury
Verdict in AndroGel Bellwether Trial](#)

Bar & Court Admission

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| State of Illinois | District of Columbia |
| U.S. Supreme Court | U.S. District Court for the Northern District of Illinois |
| U.S. Court of Appeals for the Seventh Circuit | U.S. Court of Appeals for the Ninth Circuit |
