



## D. SCOTT ABERSON

Partner

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### OVERVIEW

Scott Aberson represents businesses in complex commercial disputes primarily in the areas of tort and product liability, consumer fraud, business torts, and breach of contract actions. Scott has successfully represented clients in multiple state and federal courts across the country, and he has significant experience defending and managing high-stakes lawsuits involving multiple parties and large numbers of plaintiffs, particularly in the medical device, pharmaceutical, biotech, and crop science industries.

Scott currently serves as court-appointed defense co-liaison counsel in a consolidated Minnesota state court action that represents one of the largest cases in the history of Minnesota in terms of both number of plaintiffs and alleged damages. The case involves over 65,000 individual U.S. corn growers and various entities that purchased, stored, transported, and exported corn grown in the U.S., along with a class of Minnesota corn growers, who have sued on various tort theories related to the sale of genetically modified corn seed after it had been approved for sale by all U.S. regulatory authorities.

Scott also currently represents a leading medical device manufacturer in numerous federal and state court actions in Minnesota and around the country involving both external and implanted devices, including insulin pumps and pacemakers. Scott was previously part of a team that successfully defended and managed hundreds of lawsuits and claims around the country arising from a voluntary medical device recall.

Scott is particularly skilled at managing large and complex cases. He has significant experience in formulating litigation strategy; leading, managing, and supervising large teams and local counsel in complex litigation matters; first-chairing numerous mediations; serving as local or liaison counsel to clients and nationwide joint defense groups; taking and defending fact and expert witness depositions; oral argument and motion practice; bellwether case selection; and class action litigation. Scott has also been selected for inclusion on the Minnesota Rising Stars list in the area of Personal Injury Defense: Products, as part of the Super Lawyers® multiphase selection process.

### AREAS OF PRACTICE

Litigation

- Business Litigation
- Tort & Product Liability

### BAR ADMISSIONS

Minnesota

U.S. District Court

- Minnesota

### EDUCATION

William Mitchell College of Law  
J.D., *magna cum laude*, 2006

Augustana College  
B.A., *cum laude*, 2002

Major: Government & International Affairs,  
Minor: Chemistry

In addition, Scott devotes significant time to pro bono work, most recently successfully obtaining political asylum for his client and seven family members from the Democratic Republic of Congo. Prior to joining Maslon, Scott clerked for the Honorable Jill Flaskamp Halbrooks of the Minnesota Court of Appeals.

## SELECTED EXPERIENCE

### ***Tort & Product Liability***

- Current counsel to leading medical device manufacturer in lawsuits involving both implanted and external medical devices in multiple state and federal courts across the country (2013-present).
- Represented leading medical device manufacturer in nationwide litigation arising from voluntary product recall (2009-2016).
- *Paulson et al. v. 3M Company*, C2-04-6309 (Washington County District Court, Minnesota). Defeated motion seeking class certification of a 67,000 member putative class claiming chemical exposure via drinking water contamination (2007) and obtained a defense verdict on the merits after a seven-week jury trial (2009).

### ***Business Litigation***

- Current defense co-liaison counsel for leading corn seed developer in Minnesota state court consolidated action involving over 65,000 individual U.S. corn growers and various entities that purchased, stored, transported, and exported corn grown in the U.S., along with a class of Minnesota corn growers alleging tort and consumer fraud claims against client (2015-present).
- *E.I. DuPont de Nemours & Co. v. Medtronic Vascular, Inc.*, N10C-09-058 (Delaware Superior Court, New Castle County). Obtained complete summary judgment dismissal of approximately \$250 million licensing and royalty lawsuit relating to sale of products used in coronary angioplasty procedures. Summary judgment was subsequently affirmed by the Delaware Supreme Court.
- Obtained requested six-figure default judgment for major financial institution after serving as lead counsel in contested two-day evidentiary hearing on damages (2014).
- *In re the Matter of: Michelle Diane Alton Redmond Vlahos*, A13-1076 (Minnesota Court of Appeals). Obtained reversal of district court's denial of motion to dismiss clients for lack of personal jurisdiction (2014).
- *William F. Maguire v. Medtronic, Inc.*, 09-908 (U.S. District Court, Western District of Pennsylvania). Obtained dismissal of ERISA claim in lawsuit brought by former employee of defendant.
- *Twin City Die Castings Co. v. Medtronic, Inc. et al.*, 27-CV-10-2699 (Hennepin County District Court, Minnesota). Represented defendant in breach of contract lawsuit brought by parts manufacturer and obtained favorable early resolution of the case.
- *Harmon, Inc. v. Optima Construction, Inc. et al.*, 2:09-CV-01393 (U.S. District Court, District of Arizona). Defeated defendant's motion for summary judgment and subsequently helped obtain favorable settlement in lawsuit alleging breach of a settlement agreement.

## LEADERSHIP & COMMUNITY

- Minnesota State Bar Association
- Hennepin County Bar Association
- Defense Research Institute
- The Advocates for Human Rights: Pro Bono Attorney Volunteer
- Immigrant Law Center of Minnesota: Pro Bono Attorney Volunteer
- Cru Open: Chair 2011-2012; Committee Member 2013-present
- Augustana College: GOLD Committee, Cabinet Member 2007-2009
- University of St. Thomas School of Law: past Mentor

## **SELECTED HONORS**

- **Recognized on Minnesota Rising Stars list as part of the Super Lawyers® selection process, 2016-2019** (*Minnesota Rising Stars is a designation given to only 2.5 percent of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*)
- **North Star Lawyer**, Minnesota State Bar Association, 2017 (*North Star Lawyer is a designation that recognizes members who provide 50 hours or more of pro bono legal services in a calendar year.*)

## **SELECTED PUBLICATIONS**

- "Be Careful What You Ask For: The FDA's Denials of Citizen Petitions Confirms There Is No Such Thing as a Limited Premarket Approval," 39 *Wm. Mitchell L. Rev.* 1157 (2013)
- "A Fifty State Survey of Medical Monitoring and the Approach the Minnesota Supreme Court Should Take When Confronted with the Issue," 32 *Wm. Mitchell L. Rev.* 1095 (2006)