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**Education**

- J.D., Seton Hall University School of Law (2006)
  - *Magna Cum Laude*
  - Order of the Coif
  - Business Editor, Seton Hall Law Review
- B.A., Trinity College (2003)
  - Graduated With Honors
  - Minor in Legal Studies

## Timothy R. Freeman

### Partner

Tim Freeman focuses his practice in the areas of product liability and catastrophic personal injury. His clients include manufacturers of heavy equipment, automobiles, appliances, and industrial equipment. He regularly provides counsel to clients in high-exposure, complex litigation from the moment a complaint is filed until the final appeal is resolved.

Having handled lawsuits varying in complexity and exposure, Mr. Freeman's experience ranges from the strategic management and defense of mass torts to defense of single-plaintiff product liability cases, often alleging catastrophic injuries. He brings the ability to focus on risk identification and mitigation and the defense of clients in the industries where our experience has been proven — medical devices and pharmaceuticals, automotive, construction and mining equipment, industrial equipment, and consumer products.

Mr. Freeman prioritizes preparing and defending clients in a manner that protects the integrity of products and overall brand value.

Specifically, Mr. Freeman brings familiarity with issues related to equipment design, accident dynamics, occupant kinematics, biomechanics, and injury causation issues. He regularly handles product liability litigation to provide the best result for the client, whether through jury verdict, mediation, or other means of alternative dispute resolution.

Mr. Freeman also possesses a proven track record of developing and implementing resolution strategies in a collaborative manner for mass tort and other forms of multidistrict litigation. This includes providing legal services from inception through to

trial and appeal when necessary when the firm serves as national, regional, or local counsel roles.

While in law school, Mr. Freeman was the Business Editor of the Seton Hall Law Review. After law school, he clerked for the Hon. Donald S. Coburn, Presiding Judge of the Appellate Division of the Superior Court of New Jersey.

#### Bar Admissions

- New Jersey
- New York
- Pennsylvania

#### Court Admissions

- U.S. District Court for the District of New Jersey
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Western District of New York
- U.S. District Court for the Western District of Pennsylvania

#### Experience

- Member of a trial team that achieved a trial victory in a multimillion-dollar contractual dispute regarding indemnification for product liability. First chair of appellate team that achieved an appellate victory that resulted in affirmance of the trial verdict and the award of substantial attorneys' fees to the client.
- Member of the trial team that achieved a defense verdict, which was subsequently upheld by the Supreme Court of Virginia, in a complex product liability lawsuit where the plaintiffs were seeking in excess of \$100 million in damages.
- Member of the trial team that achieved a defense verdict, which was subsequently upheld on appeal, in a products liability lawsuit where the plaintiff was seeking damages in excess of \$10 million.
- Member of the trial team in a products liability action that achieved a settlement on very favorable terms for the client while the jury was deliberating. The plaintiff was seeking more than \$5 million in damages.
- Achieved summary judgment for a major client in a products liability action where the plaintiff was seeking in excess of \$1 million in damages. First chair at oral argument before the Supreme Court of New York, Appellate Division, Second Department, after which the trial court's decision

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to grant summary judgment was affirmed.

- Part of trial team representing a major manufacturing company that defeated a contractual indemnity claim for more than \$3 million with the court also awarding the client reimbursement of attorney fees and expenses associated with the handling of the underlying contractual dispute in litigation that took more than five years to resolve.
- Defended a CEO of a consumer finance company in a matter arising from a contract that allegedly violated New Jersey's usury laws by charging excessive interest, with the plaintiff seeking treble damages and attorney's fees pursuant to the New Jersey Consumer Fraud Act. The Superior Court of New Jersey ultimately dismissed the lawsuit on the grounds that it lacked personal jurisdiction over the defendant.
- Defended the design of a water heater in a matter arising from a fire/explosion at a rental home in New York, reaching a very favorable settlement for the client.
- Part of trial team that achieved a favorable settlement for a client in a product liability action regarding alleged design and warning defects in a water heater that produced hot water that resulted in a scalding death.
- Lead counsel and first chair in a matter where the successful deposition of plaintiff's expert allowed us to negotiate a confidential but favorable settlement for a water heater manufacturer facing tens of millions of dollars in potential liability for a carbon monoxide exposure incident.
- Second chair of trial team in a matter involving alleged design and manufacturing defects in heavy equipment where we achieved a favorable settlement during trial, following successful motions in limine and impactful cross-examination of the plaintiff and his expert witnesses.
- Part of defense team for heavy equipment manufacturer that successfully defended against alleged product defects that led to an individual suffering fatal injuries. The matter ultimately settled on favorable terms.
- Part of defense team that handled all aspects of defense for an organic food company in litigation arising from a workplace injury involving an emulsifying machine. The matter settled on favorable terms following depositions and a motion for summary judgment.
- Part of defense team for a heavy equipment manufacturer in a wrongful death matter arising from a back over incident. Through the use of strategic discovery demands and depositions, we positioned the matter for a favorable settlement during mediation.

### **Memberships and Affiliations**

- Lawyers for Civil Justice, Fellow, 2021-present
- New Jersey Defense Association, 2018-present
  - Vice President, Northeast Region, 2021-present
- Defense Research Institute (DRI), 2015-present

### **Professional Honors**

- Ones to Watch, Best Lawyers in America, 2022
- Young Lawyer of the Year Award, New Jersey Defense Association, 2021
- Raymond Del Tufo Constitutional Law Award, Seton Hall University, 2006 (highest Constitutional Law GPA in graduating class)

### Presentations and Publications

- [“When To Object During Opening And Closing Statements,”](#) Law 360, September 2022
- [“Product Liability Vs. Consumer Fraud: What’s The Difference?,”](#) Law 360, July 2022
- “Proposed Amendment to Federal Rule of Evidence 702,” [New Jersey Defense Association 56th annual convention](#), June 2022
- [“Duck Boat Case Highlights Post-Sale Duty-To-Warn Hurdles,”](#) Law360, August 2021
- “Defending a Visibility Case Against a Manufacturer of Heavy Equipment,” Association of Equipment Manufacturers’ virtual Product Liability Seminar, August 2021
- [“Perception & Expert Biases: Analyzing Testimony & Critiquing Opinions,”](#) New Jersey Defense Association 55th annual convention, June 2021
- [“Simple vs. Detailed: Inherent Tension in Warning Design,”](#) Industry Today, May 2021
- [“NY Courts Get The Balance Right On Optional Safety Features,”](#) Law360, January 2021
- [“NJ’s Appellate Division Addresses the ‘Technical Feasibility’ Requirement in Design Defect Claims,”](#) New Jersey Law Journal, December 2020
- [“How to Avoid Liability When a Dealer or Distributor Fails to Instruct Consumers Properly,”](#) DRI’s For the Defense, November 2020
- [“ New Rule 4:25-8 Provides Needed Clarity on Procedure for Motions in Limine,”](#) New Jersey Law Journal, October 2020
- [“The Use and Abuse of Accident Data by the CPSC and NEISS,”](#) New Jersey Defense Association’s 54th Annual Convention, August 2020
- [“Key Defense Approaches To ‘Other Similar Incident’ Evidence,”](#) Law360, June 2020
- “Beware the Middleman: How to Avoid Liability When a Distributor or Dealer Fails to Instruct the Consumer Properly,” DRI Product Liability Conference, February 2020
- [“How The Wayback Machine Can Strengthen Your Case,”](#) Law360, September 2019
- “Jersey Strong: Strengthening Our Standards for Expert Admissibility,” [New Jersey Defense Association Products Liability Seminar](#), February 2019
- “The Time Is Right For New Jersey To Adopt Daubert,” Law360, April 2018
- “Using Industry Standards and Product Reporting as Critical Defenses,” DRI Product Liability Conference, February 2017
- “Wrapping Your Head Around NJ Workers’ Comp Jurisdiction,” Law 360, July 2015
- “NJ Supreme Court Clarifies Expert Testimony Rule,” Law 360, March 2015

- “6th Circuit’s CPSC Inaction Ruling May Help Manufacturers,” Law 360, March 2014
- “Compensatory or Punitive Damages? Tarr v. Ciasulli Blurs the Distinction,” 36 Seton Hall L. Rev. 1285, 2006