



# Jillian Thornton Flax

## Member

## Philadelphia

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### Practice Areas

- Commercial Litigation
- Litigation
- Products Liability

### Education

- Harvard Law School, J.D., 2008
- University of Pittsburgh, B.S., *summa cum laude*, 2005

### Bar Admissions

- Pennsylvania

### Court Admissions

- U.S. District Court -- Eastern District of Pennsylvania

### Affiliations

Legal Clinic for the Disabled board member

Pennsylvania Bar Association Commission on Women in the Profession

Products Liability Advisory Counsel "Future Leaders"

### Awards & Honors

- JD Supra's Readers' Choice Award Top Authors Medical Device Industry 2017
- BillyPenn.com "Who's Next in the Law: 18 young leaders making a difference in Philly's legal community"

Jillian is an experienced litigator who focuses her practice on products liability prevention and defense and commercial litigation matters. She successfully represents clients in the home safety product, medical device, transportation safety product, consumer goods, and retail industries. She serves as national coordinating and trial counsel for a consumer safety product manufacturer and roadside safety product manufacturer in products liability matters throughout the United States. Jillian has significant experience litigating cases in the federal and state courts throughout the United States, where she has achieved results ranging from full defense verdicts to summary judgment dismissals on behalf of her clients.

In addition, Jillian has represented private companies, public companies, and individuals, including banks, insurance companies, and health services providers, in complex commercial litigation cases involving breach of contract, breach of fiduciary duty, and professional malpractice. She has defended clients in shareholder derivative actions, partnership disputes, securities litigation cases, arbitrations, and class action suits.

Based on Jillian's trial skills, she was selected to serve as an assistant district attorney as part of the Cozen O'Connor Partners Program. In this role, Jillian worked as prosecutor in the Philadelphia District Attorney's Office, effectively handling hundreds of criminal trials and preliminary hearings.

Jillian devotes a substantial amount of time toward pro bono cases. She recently represented a juvenile defendant previously sentenced to life without the possibility of parole in obtaining a new, constitutional sentence. Jillian currently serves as a board member of the Legal Clinic for the Disabled, a nonprofit organization that provides free legal services to low-income, persons with disabilities in the Philadelphia region.

Jillian earned her law degree from Harvard Law School and her undergraduate degree, *summa cum laude*, from the University of Pittsburgh.

## Experience

Secured voluntary dismissal of a case in which our client, a company that makes and sells fire extinguishers, faced design defect, manufacturing defect, and implied warranty of merchantability claims. We secured this dismissal after initial discovery, avoiding the need to file a dispositive motion or submit expert discovery.

Obtained summary judgment in state trial court on behalf of a manufacturer of consumer safety products facing wrongful death claims arising out of two deaths in a residential fire. We then defended this victory on appeal, with the Supreme Court of Alabama affirming the result.

Obtained summary judgment for a product manufacturer whose product was alleged to have proximately caused five deaths. The court held that the plaintiffs failed to establish a product defect and/or that the alleged product defect was the proximate cause of the plaintiffs' deaths.

Secured a unanimous jury verdict for a manufacturer of consumer safety products in Illinois state court against a plaintiff seeking compensatory and punitive damages. The case raised unique rescue

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doctrine issues of first impression in the jurisdiction.

Represented a product manufacturer in an appeal in which the Supreme Court of Alabama affirmed a jury verdict for the client in a published decision. In an issue of first impression for the Court, it held that judgment as a matter of law should have been entered because the appellants failed to prove a safer alternative design.

Obtained a defense jury verdict for a manufacturer of a safety product against multi-million dollar wrongful death claims arising out of the death of a four-year-old child in a case tried in a state court in Alabama.

Secured a favorable summary judgment decision in state trial court on behalf of a prison health services provider against claims of successor liability following the purchase of another company's assets.

Successfully defended an appeal before the Pennsylvania Superior Court on behalf of health services provider. In affirming the summary judgment dismissal, the Court agreed that the client's asset purchase did not constitute de facto merger for purposes of successor liability.