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Product Liability Group Of The Year: Covington

By **Y. Peter Kang**

Law360 (February 26, 2026, 4:03 PM EST) -- Covington & Burling LLP helped Proctor & Gamble prevail in cold medicine multidistrict litigation and won a high-stakes baby formula trial for Mead Johnson in a plaintiff-friendly venue, earning it a spot among the 2025 Law360 Product Liability Groups of the Year.

The success of the Washington, D.C.-based firm's product liability practice is powered by the unity of its roster of talented lawyers, according to Mike Imbroscio, co-chair of Covington's product liability practice group.

"The group is incredibly cohesive, and we work across a number of matters seamlessly; our entire group is homegrown so we have this incredible collegiality and support for each other and leads to the best results for our clients," he said. "It's been a hallmark of our practice group for the past 25 years."

Imbroscio added that one of the distinguishing characteristics of Covington is its ability to work well with co-counsel in joint defense groups.

"We have a reputation for being collegial and reasonable and not having sharp elbows," he said. "So many of these cases now require working across firms and across clients. Our firm culture really helps us be effective in getting the best results, not just for our client, but for all of the clients in the joint defense group."

Covington is more than 100 years old and has more than 1,400 lawyers in 14 offices in the U.S. and around the world. The practice group's recent success can also be attributed to a collaborative, unselfish culture focused on client objectives, according to Andrew Soukup, a partner and co-chair of the firm's class action litigation practice group.

"We're not a place that's filled with a bunch of egos," he said. "Our singular goal is focusing how to partner with our clients to help them achieve their business objectives and recognizing that it's about advancing our clients' interest and not about advancing an individual lawyer's personal fame or glory."

Soukup said one of Covington's strengths is the attorneys' ability to come together to solve their clients' problems during crunch time.

"It's that collaborative spirit that really defines us," he said. "It's our special sauce, and that's why we've been able to have the results that we've had."



One of those big wins was the group's successful defense of an MDL accusing the cold medicine industry of selling products that had phenylephrine as the active ingredient despite allegedly knowing it was ineffective. The U.S. Food and Drug Administration's advisory vote stating that phenylephrine was no longer effective as a decongestant unleashed a flood of suits against more than 20 companies, including Covington client Procter & Gamble, the firm said.

Early on it became very clear that federal preemption of state-law-based claims under the Food, Drug and Cosmetic Act would be crucial to the case, said Soukup, who added that he was honored to be the attorney who successfully argued that affirmative defense in court.

"The result reached by the court really reaffirms that federal law empowers the FDA and not drug manufacturers to determine whether a drug is effective," he said. "And so we're grateful by the result, which just upholds the central role of the FDA in the drug-approval process."

Another big win for Covington was a case accusing Mead Johnson and parent company Reckitt Benckiser of causing infants to suffer necrotizing enterocolitis, an often fatal intestinal injury, due to allegedly unsafe baby formula.

With potential damages of \$6.2 billion, the firm faced a high-stakes trial in plaintiff-friendly St. Louis, but Mead Johnson was able to emerge victorious with a defense verdict in October 2024. Covington noted that the company has a pending appeal of the trial court's March 2025 order for a new trial.

Product liability partner Emily Ullman said the most challenging aspect of the case was persuading a jury that would likely be sympathetic to injuries suffered by a baby.

"That certainly was a challenge," she said. "The child in the case is now 7, and he appeared in court during his mom's testimony, and obviously the jury's heart will go out to a kid like that."

Ullman said when trying such cases, one must be thoughtful and sensitive to the issues they are presenting and how they affect the lives of real people.

"That's an issue in all of our cases, because we do understand we are often representing large companies," she said. "Part of the work that needs to be done is for a jury to understand that there are real people on the defense side as well."

Looking ahead, Soukup said plaintiffs' lawyers are continuing to develop novel legal theories regarding a bevy of new technology and related products.

"We are grateful that our clients are continuing to trust us to handle those cutting-edge cases," he said. "It's a privilege to be on the front lines every day of these challenging cases."

Imbroscio said he is excited by the firm's future prospects.

"We've got a tremendous number of both younger, newer partners, as well as an amazing group of associates that are just fantastic," he said. "And that bodes so well for where this practice will be 10 years, 20 years from now."

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