

Terry M. Henry | Partner
Mass Torts & Complex Disputes

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Terry Henry concentrates his practice on product liability and general commercial litigation. His practice is focused on the defense of companies that design and manufacture medical devices, pharmaceuticals, chemicals, and home safety products.

- Terry works with a variety of product manufacturers when there are questions about their products.
- Terry serves as national coordinating and trial counsel for drug and medical device companies, coordinating the defense of litigation that challenges the safety and effectiveness of products across multiple jurisdictions.
- He also consults with his clients on product recalls, compliance with industry standards, limiting or controlling risk, and product manufacturing and distribution in highly regulated industries.
- Terry assists clients in developing product literature, review of quality processes, product failure investigations, and crisis management.
- He regularly leads litigation in commercial cases, representing life sciences companies in contract, labeling, and other proceedings in which an understanding of the life sciences industry is essential.

Terry is a noted writer and speaker. Some of his recent publications and presentations include:

- “Opioid Enforcement and Litigation Landscape” speaker, ACI Drug and Medical Device Conference, New York, NY, November 30, 2018.
- “A Ray of Hope for Innovator Liability,” *Drug & Device Law Blog*, April 20, 2018.
- “Why Innovator Liability is the Least Scary Thing About Rafferty,” *Law360*,

April 3, 2018.

- “Understanding a Medical Device Manufacturer’s Broad Duty to Warn”, co-authored with Lauren O’Donnell, Melanie Carter and Naomi Zwillenberg, *Medical Device and Diagnostic Industry*, Regulatory and Compliance, April 13, 2017.
- “Understanding Defense Strategies for 505(b)(2) Drugs,” co-authored with Ann E. Querns, *Law360*, March 24, 2017.
- “Practical Tips for Taking the Deposition of an Adversary’s Expert Witness” presentation at the Women in Products Liability CLE Program, ABA Section of Litigation, November 3, 2016.
- “Protecting the Company; Checklist for When Your Company Gets Sued” presentation to Association of Corporate Counsel of Greater Philadelphia, June 3, 2015.
- “The Use of Social Media in Life Sciences,” White Paper co-authored with Lauren Tulli, January, 2011.
- “Corporate Officers Beware: Recent FDA Guidelines Provide Clarification for Park Prosecutions Against Individual Executives,” co-authored with Lauren A. Tulli, *Impact Times* (Vol.1 No. 4), March 11, 2011.
- “Preemption is Not Dead – A Fresh Look at *Wyeth v. Levine* in Context,” White Paper co-authored with Lauren Tulli and Scott Reid, March 4, 2009.
- “Smoothing the Wrinkles of Off-Label Promotion – Allergan’s Preemptive Strike against the FDA,” White Paper co-authored with Lauren Tulli, November, 2010.

Outside The Firm

Terry is a board member of the Kind Human Foundation, a charitable organization focused on providing those in developing countries access to clean drinking water. He also provides legal assistance to the Philadelphia Outward Bound School and Philly Goat Project, two not-for-profit organizations focused on helping people and improving communities.

Terry previously served as president of the Overbrook Farms Club, a district within the City of Philadelphia listed on the National Registry of Historic Places. He also served as president of the Overbrook Farms Civic Association, a 501(c)(3) community development corporation focused on preserving the historic nature of the neighborhood, encouraging family and community building activities, and maintaining the quality of life. Terry is a recent past president of the Overbrook Presbyterian Church Corporation.

From 1984 to 1992, Terry was a Commissioned Officer (Captain) with the United States Army. He is the recipient of a Bronze Star and Meritorious Service Medal.

Select Engagements

- National litigation counsel for a major branded and generic drug manufacturer for product liability claims related to the use of opioids,

including personal injury and wrongful death claims consolidated in the *In re: National Prescription Opiate Litigation* MDL 2804.

- National litigation counsel for a major generic drug manufacturer for claims related to ranitidine, including claims consolidated in the *In re: Zantac (Ranitidine) Products Liability Litigation* MDL 2924.
- National coordinating counsel for a manufacturer of prosthetic knee replacements in more than one hundred cases alleging negligent design.
- National litigation counsel for two manufacturers of alendronate sodium in two MDLs and two state coordinated proceedings.
- Assisted clients in the following recalls:
 - High-end office furniture manufacturer in the recall of a chair, involving interaction with the CPSC.
 - Motorcycle helmet manufacturer in the recall of a helmet, involving interaction with the NHTSA.
 - A laser manufacturer in the recall of a consumer-use laser, involving interaction with the FDA.
 - A component supplier to construction equipment manufacture in the recall of a component part.
- National coordinating counsel for a distributor of the drug paroxetine in the mass tort cases consolidated in Pennsylvania's First Judicial District, and elsewhere in the United States.
- National coordinating counsel for a manufacturer of a medical device in the "Pain Pump" mass tort cases, which involve allegations related to off-label marketing of a mixed medical-pharmaceutical device.
- Successfully defended opioid manufacturer in an addiction case brought in New York state court.
- Successfully defended a drug company in a wrongful death case in which the plaintiffs claimed that the decedent's death was caused by a drug that the company previously recalled.
- Successfully defended the manufacturer of a breathalyzer in a putative class action lawsuit; securing dismissal at a very early stage of the litigation.
- Successfully defended a drug company in two personal injury cases in which the plaintiffs claimed that their injuries were caused by a drug that the company previously recalled; securing dismissal in both cases.
- Successfully defended a manufacturer of allopurinol in cases related to claims of failure to warn where the plaintiffs alleged that they developed Severe Cutaneous Adverse Reactions ("SCAR") or Stevens–Johnson Syndrome ("SJS"); securing dismissal in all cases.
- Successfully defended the manufacturer of a robotically assisted, minimally invasive surgical system in a case involving claims of design defect.
- Counsel for a medical device manufacturer arising out of claims that a left ventricle assist device (heart pump) failed during a multi-center, FDA-approved clinical trial and allegedly caused the death of a patient.

Admissions

- Pennsylvania
- New Jersey

- Supreme Court of the United States
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Eleventh Circuit
- U.S. District Court - Eastern District of Pennsylvania
- U.S. District Court - New Jersey
- U.S. District Court - Middle District of Pennsylvania

Memberships

- Philadelphia Bar Association
- Defense Research Institute

Education

- Indiana University of PA, BA
- Widener University School of Law, JD, cum laude

Recognitions

- 2012–2019, “Pennsylvania Super Lawyer” in Products Liability, listed in *Super Lawyers*