GOLDBERGSEGALLA



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Princeton

PRACTICES

Product Liability
Class Action Litigation
Toxic Tort
Asbestos

INDUSTRIES

Life Sciences
Manufacturing
Consumer Products

David S. Osterman

PARTNER

EXPERIENCE

David S. Osterman is a highly experienced and nationally regarded trial lawyer who focuses his practice in defending complex product liability and class action cases. He has tried more than 60 cases to verdict in seven states (New Jersey, New York, Pennsylvania, South Carolina, Arizona, Nevada and California) and the District of Columbia. Respected by his peers, he is a Fellow of the American College of Trial Lawyers and an Advocate of the American Board of Trial Advocates. He is also certified by the New Jersey Supreme Court as a Civil Trial Attorney. Dave has extensive experience defending a wide range of products liability and catastrophic injury cases, including cases involving consumer, pharmaceutical and industrial products, toxic torts, and complex commercial disputes. He has also served as lead counsel in the successful defense of more than 50 class actions in state and federal courts alleging claims of consumer fraud, deceptive trade practices, breach of warranty and product liability.

Dave's practice involves the representation of manufacturers, retailers, and distributors of a wide variety of products including pharmaceutical and medical device products, consumer products, sports and exercise equipment, food products, heavy industrial machinery, outdoor power equipment, home appliances, gas grills, glass products, and flammable fabrics. He also has extensive toxic tort experience, including the successful representation of manufacturers and distributors against personal injury claims related to exposure to products containing asbestos, silica, talc, industrial solvents, diacetyl and MTBE.

EXPERIENCE HIGHLIGHTS

Toxic Tort

Dave's experience includes the largest consolidated asbestos trial in New Jersey history. Among other successes, he has successfully defended class-action litigation brought under state consumer protection statutes, including the New Jersey Consumer Fraud Act and handled a variety of commercial disputes including partnership dissolution disputes, breach of non-compete agreements, and patent, trademark and copyright litigation.

HONORS & AWARDS

- *Chambers USA*, Litigation: Product Liability (New Jersey)
  - Band 3, 2024-26
- AV Preeminent Peer-Review Rating (Martindale-Hubbell)
- *Best Lawyers in America*
  - Product Liability Litigation — Defendants, 2015–27
  - Mass Tort Litigation / Class Action – Defendants, 2024-27
  - Personal Injury Litigation – Defendants, 2024-27
- New Jersey *Super Lawyers*, 2005-26
- BTI Client Service All-Star, 2022
- Fellow of the American College of Trial Lawyers (by invitation only)
  - Chair, New Jersey State Committee, 2015—17; vice-chair of the New Jersey State Committee, 2013–15
- 40 Under 40 Award, *New Jersey Law Journal*, 2003

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BACKGROUND

ADMISSIONS

- New Jersey
- New York
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern and Southern Districts of New York
- U.S. Courts of Appeals for the Second and Third Circuits

EDUCATION

- George Washington University Law School, J.D., 1988
- Lehigh University, B.S., 1985

PROFESSIONAL AFFILIATIONS

- Defense Research Institute
  - Products Liability Subcommittee
  - Trial Practice Subcommittee
  - Commercial Litigation Committee, Class Actions Special Litigation Group: Publications Chair
- New Jersey Supreme Court, District VII Ethics Committee
- Product Liability Advisory Council
- International Association of Defense Counsel
- American Board of Trial Advocates (ABOTA)
- The Association of the Federal Bar of New Jersey
- New Jersey State Bar Association
- Mercer County Bar Association
- American College of Trial Lawyers
  - New Jersey State Committee: Chair, Former Vice Chair
- Business Counsel, Inc.
- *Law360* Products Liability Editorial Board: Former Member
- Propane Gas Defense Association

COMMUNITY INVOLVEMENT

- McCarter Theatre Center: Board of Trustees, 2001–10

PUBLICATIONS & EVENTS

PUBLICATIONS

- "Abuses of CPSC Accident Data," Co-Author, DRI *For The Defense*, April 2020
- "E-discovery and the Defense of a Product," Co-Author, *DRI The Voice*, July 2019
- Quoted in "Goldberg Segalla Elevates Seven NJ Attorneys to Partner," *NJBIZ*, December 20, 2018

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- Faculty Member, Civil Trial Advocacy Summer Institute, American College of Trial Lawyers and N.J. Institute for Continuing Legal Education, July 2016
- Co-Author, "Understanding the Attorney-Client Privilege: A Practical Overview and Associated Ethical Rules," *Preparing for and Trying the Civil Lawsuit, 2d Ed.*, 2016 Rev., New York State Bar Association
- Presenter, "Litigation Techniques," Northeast Corporate Counsel, Atlantic City, NJ, April 20, 2015
- Featured in "New Jersey Powerhouse: Goldberg Segalla LLP," June 24, 2014
- Featured in "And The Defense Wins," Defense Research Institute, May 28, 2014
- Co-Author, "Rough Justice' Is Not Justice," *Law360*, November 6, 2013
- Author, "Reliable Evidence Required to Show Class Ascertainability," *Law360*, September 16, 2013
- Quoted in "Consumer Fraud Attorney Fees Not Recoverable Without Loss," *New Jersey Law Journal*, September 13, 2013
- Co-Author, "Implementation of Hazard Communication 2012: Are Your Clients Adequately Prepared?" *Toxic Torts*, Defense Research Institute, August 30, 2013
- "Seller Beware: Dealership's Failure to Disclose That Used Car Was a 'Loaner' Leads to Treble Damages and Attorney's Fee Award," *The Defender*, National Association of Dealer Counsel, April 2013
- Quoted in "Social Media Transforms Employment Law Trials," *SHRM Online: Legal Issues*, September 20, 2012
- Quoted in "Surviving a Product Recall," *Bed Times*, February 2012
- "Multidistrict Litigation: What Is It, and What Can You Do About It?" DRI *For the Defense*, December 2010
- Co-Author, "Lung Disease from Microwave Popcorn Flavoring? Searching for Kernels of Truth in the Litigation 'Maize,'" For the Defense, Defense Research Institute, November, 2008
- Co-Editor, Trial Handbook of New Jersey, 4th Edition
- Co-Author, Chapter on "Electronic Evidence," DRI Defense Manual, 2006 Edition
- Co-Author, "In Laidlaw's Wake: Impact of Recent New Jersey Supreme Court Decisions on Employer Liability and Insurance Coverage in Civil Suits for Employees Injured by Industrial Machinery," September, 2003
- Co-Author, "The CPSC Duty to Report: Triggered by Pre-Acquisition Due Diligence" December, 2002
- Author, "Liability of Premises Owners for Asbestos-Related Claims of Employees of Contractors," Harris Martin Columns, October, 2001
- Co-Author, "Liability of Property Owners for Asbestos Exposure," Harris Martin, October, 2000

PRESENTATIONS

- "Candle Litigation Risk and Experience," Client Presentation, June 24, 2025
- "Third-Party Litigation Funding," Client Presentation, June 11, 2025
- Faculty Member, Civil Trial Advocacy Summer Institute, American College of Trial Lawyers and N.J. Institute for Continuing Legal Education, July 2020
- Presenter, "Defending Traumatic Brain Injuries," CLE Course, December 11, 2019
- Presenter, "Defending Product Liability Claims: For Appliance Manufacturers," Charlotte, NC, November 15, 2017
- Co-Presenter, "Strategies for Containing Liability Cases and What You Need to Know About Jury Behavior to Do So," Catastrophic Injury Joint Seminar, Chicago, IL; New

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York, NY, November 7, 2017

- Co-Presenter, "Defending Product Liability Claims: For Appliance Manufacturers," Charlotte, NC, November 2, 2017
- Co-Presenter, "Defending Construction Accident Cases," Handling a Construction Accident Case, New Jersey Association for Justice, Edison, NJ, February 25, 2017
- Presenter, "From Single Claims to Class Actions: Coordination for Dealing With Repetitive Claims," Fighting Fire With Fire, Chicago, June 22, 2016
- Presenter, "Legal and Insurance Coverage Implications of Nanotechnology," IRUA's Reinsurance Emerging Risks Seminar, New York, March 9, 2016
- Presenter, "Standing issues in no injury class actions," DRI Class Actions Teleconference, June, 2011
- Presenter, "Misery Loves Company: Seeking Companionship for Liability Purposes," Defense Research Institute, Fire and Casualty Seminar, November, 2010
- Presenter, "Litigation Implications on Impact of Recent Amendments to Flammable Fabrics Act," Defense Research Institute, Fire & Casualty Seminar, November, 2005
- Presenter, "Impact of Proposed Changes to Mattress Flammability Regulations," ASTM Annual Meeting, October, 2003
- Presenter, "Recent Developments in Flammable Fabrics Litigation," Defense Research Institute, Fire & Casualty Litigation Seminar, September, 2002
- Presenter, "Figures Lie and Liars Figure: The Abuse and Creative Use of CPSC Accident Data," Defense Research Institute, Product Liability Conference, February, 2002
- Presenter, "A Practical Guide to Federal Court Rules and Procedures in New Jersey," National Business Institute, 2001
- Presenter, "Discoverability of Electronic Data," New Orleans, October, 2000
- Presenter, "Federal Practice in New Jersey," National Business Institute, July, 2000
- Presenter, "Trial Advocacy in New Jersey," National Business Institute, July, 1999

WEBINARS

- "Managing Product Liability Risks for Connected Devices," (Co-Presenter), GS Webinar Series, May 6, 2020