



## Diana Katz Gerstel

### Partner

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Diana Katz Gerstel defends pharmaceutical and medical device manufacturers in state and federal courts across the country.

Diana's substantial trial experience includes defending clients in the pelvic mesh and hernia mesh litigations. She has extensive experience in every aspect of expert work, from identifying and recruiting defense experts to developing reports and preparing for and defending experts at their depositions, as well as preparing experts for trial. In addition to having developed a stable of urological and gynecological experts, Diana has developed numerous experts in other medical specialties, including neurology, neurosurgery, colorectal surgery, and orthopedics.

Also experienced in professional liability litigation, Diana has defended law firms and lawyers against claims of professional malpractice.

Before entering private practice, Diana served as a law clerk to The Honorable Robert J. Brennan, J.S.C. of the Superior Court of New Jersey, Morris County, who she credits with having encouraged her to pursue business litigation defense.

A stalwart champion of equity, diversity, and inclusion, Diana gives back to her community by providing pro bono legal services to victims of domestic violence through Partners for Women & Justice and Rachel Coalition. She has successfully tried multiple domestic violence cases, obtaining Final Restraining Orders after trial, and she finds deeply rewarding the opportunity to have an immediate, positive impact on clients' lives.

Originally from a small town in New Hampshire, Diana spent a decade living in New York City before happily adapting to suburban life in New Jersey with her husband and three children, although she still roots for New England sports teams.

### **Education**

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- Benjamin N. Cardozo School of Law, Yeshiva University (J.D., 2007); Cardozo Arts & Entertainment Law Journal, Articles Editor
- Columbia University Graduate School of the Arts (M.F.A., Writing, 1999)
- Smith College (B.A., 1994)

### **State Admissions**

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- New Jersey, 2007
- New York, 2008

### **Federal Admissions**

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- United States District Court, District of New Jersey
- United States District Court, Northern District of New York
- United States District Court, Eastern District of New York
- United States District Court, Southern District of New York

### **Service Areas**

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- Health & Life Sciences
- Life Sciences Litigation
- Mass Tort & Product Liability
- Class Action Litigation
- Business Litigation

### **Industries Represented**

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- Pharmaceutical & Medicine
- Medical Devices
- Legal Services (Law Firms)

## Experience

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- Manages every stage of case workup in the pelvic mesh and hernia mesh litigations, then the second-largest mass tort in U.S. history, including surgeon and other fact witness depositions, plaintiff depositions, and all aspects of discovery
- Develops and prepares experts in the pelvic mesh litigation, including recruiting and onboarding experts, developing reports, preparing for and defending expert depositions, opposition to Rule 702 motions, and preparing for trial testimony
- Routinely prepares company witnesses for depositions and defense of those witnesses at their depositions
- Obtained summary judgment dismissals in pelvic mesh lawsuits on statute of limitations and other grounds
- Represented a pharmaceutical client in defense of antitrust claims brought against multiple defendants in New Jersey state court
- Defended law firms against professional malpractice claims, including defense of clients at their depositions, taking plaintiff and fact witness depositions, and leading every aspect of case discovery
- Successfully obtained Final Restraining Orders at trial on behalf of multiple victims of domestic violence and led every aspect of discovery and case development

## Publications & Events

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### PUBLICATIONS

- “Getting to Know You: How Facebook Will Change Products Liability Litigation,” *New Jersey State Bar Association Newsletter, Products Liability and Toxic Tort section*, 2010
- “Harvest of Knowledge: Why the Public Policy Behind Copyright Law Requires Legislation Endorsing Digital Media Collections as Privileged Revisions,” *Cardozo Arts & Entertainment Law Journal*, 2006, named one of the most important articles of 2006 on computers, technology and the law by *Rutgers Computer & Technology Law Journal*

### SPEAKING ENGAGEMENTS

- “Ethical Issues for In-House Counsel: Top 10 Tips from Recent Caselaw,” Tucker Ellis 2024 In-House Counsel Summit, Cleveland, Ohio (October 2024)
- Moderator, “The Impact of Mental Health Issues on Pro Bono Representations,” 6th Annual Pro Bono Institute, Association of the Federal Bar of New Jersey (December 2023)
- “The New Jersey Supreme Court’s Hrymoc/McGinnis Opinion,” In-House Counsel CLE Day, Morristown, New Jersey, (November 2023)
- “Post-Sale Duties: Best Practices & Strategies to Prevent & Defend Product Liability Litigation,” CLE Webinar, The Knowledge Group (January 2018)
- “Working in New Jersey,” Cardozo Law School Alumni and Student Panel and Networking Reception (October 2013)

### **Honors**

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- The Best Lawyers in America® (2025)
- New Jersey Super Lawyers Rising Stars® (2017)

See *Awards and Honors methodologies*. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

### **In the Community**

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- Partners for Women & Justice, Pro Bono Volunteer
- New Jersey Defense Association
- Defense Research Institute
- Association of the Federal Bar of New Jersey
- New Jersey State Bar Association
- Millburn Soccer Club, Millburn, New Jersey
  - » Board of Directors