



Saul Wilensky

Retired Partner

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Mr. Wilensky is a seasoned trial lawyer who specializes in the defense of product liability lawsuits relating to design, manufacture and repair of products and services. Through his involvement in a significant number of cases of first impression, he has helped shape product liability law in New York. These cases include:

- *Robinson v. Reed-Prentice Div. of Package Mach. Co.*, 403 N.E.2d 440 (N.Y. 1980), which held that manufacturers cannot be found strictly liable for an injury if a third party consciously bypasses a product's built-in safety features.
- *Billsborrow v. Dow Chemical USA*, 177 A.D.2d 7 (N.Y. App. Div. 1992), in which the court held that an intervening act which is a normal consequence of the defendant's negligence does not constitute a superseding cause insulating the defendant from liability.
- *Liriano v. Hobart*, 700 N.E.2d 303 (N.Y. 1998), which held that manufacturer liability can exist under a failure-to-warn theory where the substantial modification defense would preclude liability under a design defect theory.
- *Godoy v. Abamaster*, 302 A.D.2d 301 (N.Y. 2003), holding that an upstream distributor owes common law indemnity.

Mr. Wilensky currently represents major manufacturers of heavy construction equipment and recreational equipment as well as legal malpractice defendants, regularly trying complex matters throughout New York's state and federal courts. He has handled cases concerning swimming pools, punch presses, commercial food preparation equipment, FELA, automobiles, electrical equipment, printing equipment, commercial and household laundry equipment, aviation, ship design, waste disposal equipment, consumer

appliances, asbestos, hazardous materials, toxic torts, industrial hygiene, legal malpractice and tainted food. Recently Mr. Wilensky became involved in the issues surrounding Dietary Supplements.

As a leading contributing author on product liability and evidentiary law in New York, Mr. Wilensky has published several book chapters on topics such as defending design defect cases and navigating evidence doctrines in the New York courts. He has lectured at DRI, the New York State Bar Association, New York State Trial Lawyers Institute, and Touro College of Osteopathic Medicine. He also was a faculty member of the International Association of Defense Counsel Trial Academy conducted at Stanford University School of Law.

Mr. Wilensky's recent experience includes:

- Defended an employer who was cited for an OSHA violation involving a firewood process machine. Plaintiff, 23 years old, suffered an amputation of his dominant arm three inches below the shoulder.
- Successfully defended a major retailer of Dietary Supplements in a case involving two plaintiffs who underwent liver transplants.
- Summary judgment involving a portable circular saw.
- Summary judgment for a manufacturer of a mobile crane.
- Defense verdict in *Santana v. Seagrave Fire Apparatus Corp.*, 305 A.D.2d 395 (N.Y. App. Div. 2003). Recognized by *National Law Journal* as one of the "Top 10 Defense Verdicts" of the year 2000.
- Presentation: DRI - "The Knowledgeable User Defense."
- Presentation: DRI - "Obligations and Jurisdiction Over Foreign Manufacturers" (discussing *Nicastro* and *Brown* decisions of the U.S. Supreme Court).
- Articles and webinar on Dietary Supplements.

Education

- New York University, LL.M., 1976
- St. John's University School of Law, LL.B., 1966
- Hunter College, B.A., 1963

Bar Admissions

- New York, 1967

Court Admissions

- U.S. District Court for the Southern District of New York

- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. Supreme Court

Professional Affiliations

- New York State Bar Association: Torts, Insurance & Compensation Law Section, secretary, 1999; vice chair, 2000; chair, 2001
- New York State Bar Association: Torts, Insurance & Compensation Law Section, vice chair, Product Liability Committee, 1991-2001
- American Bar Association, member
- Defense Research Institute: area chair (1991-present), Product Liability Steering Committee
- New York State Trial Lawyers Association, member
- International Association of Defense Counsel, co-chair for downstate New York membership
- Touro College of Osteopathic Medicine, guest lecturer
- New York State Trial Lawyers Institute, guest lecturer

Other Distinctions

- Selected as one of the "Premier 500" for 2015 by *Lawyers World*
- Listed in *The Best Lawyers in America* for product liability litigation and personal injury litigation, 2007-2017
- Selected as one of the "Leading Lawyers 500" by *InterContinental Finance Magazine*, 2015
- Noted as a "New York Super Lawyer" for personal injury defense: products, 2006-2017
- Listed in *Legal-International Who's Who of Business Lawyers* in its Product Liability Defense category, 2007
- Named to *New York Magazine's* "Best Lawyers" under its Personal Injury and Products Liability category, 2007
- Rated AV® Preeminent by Martindale-Hubbell®

Practices

- Energy & Environmental
- Litigation
- Product Liability

Industries

- Sports