



Heather Counts

Partner

St. Louis
314 552 6551 direct
314 552 7000 fax
hcounts@thompsoncoburn.com

PRACTICES

- Product Liability
- Consumer Products Litigation
- Mass Tort Litigation

INDUSTRIES

- Recreational Products
- Automotive
- Tobacco
- Agriculture & Food

REPRESENTATIVE CLIENTS

- Yamaha Motor Corp., U.S.A.
- Kawasaki Motors Corp.
- R.J. Reynolds Tobacco Co.

EDUCATION

- Washington University School of Law, J.D., 2003, Order of the Coif, Washington University Law Quarterly
- Washington University in St. Louis, M.A., British and American Literature, 2000
- University of Missouri-Columbia, B.A., English, magna cum laude, 1999, Phi Beta Kappa

Heather draws on her extensive litigation experience defending product manufacturers to author *Daubert* and summary judgement briefs that have helped clients successfully avoid trial in federal courts around the country. She has also represented clients at trial and obtained favorable verdicts for product manufacturers facing significant damages.

Heather acts as national counsel for manufacturers facing litigation in state and federal courts. She most recently represented a recreational product manufacturer at trial in federal district court in Miami, where she argued and won a motion for directed verdict regarding the plaintiff's design defect claim. Her *Daubert* briefs also successfully challenge plaintiffs' experts, most recently successfully excluding witnesses in mechanical engineering, human factors, life care planning, and forensic accounting.

Heather also has unique trial experience regarding mass tort and consolidated claims. For instance, in 2013, she was part of a trial team that successfully defended a tobacco manufacturer against product liability and fraud claims in a mass consolidated plaintiff's action in West Virginia, one of the nation's top-ranked "Judicial Hellholes." And, early in her career, she served on the defense trial team for one of the largest civil RICO cases brought by the Department of Justice (*U.S. v. Philip Morris USA*), where she handled issues including warnings, injury causation and compelled commercial speech.

Heather's product liability experience is not limited to the litigation context. She additionally uses her experience to support clients facing issues related to CPSC product recalls or investigations, reaching successful outcomes in those contexts, as well.

Recognitions

- Product Liability Advisory Council - Future Leader, 2019
- Missouri Super Lawyers Rising Star, Products Liability Defense, 2011-2016

EMPLOYMENT

- Thompson Coburn LLP Partner, 2012-Present Associate, 2003-2011 Summer Associate, 2002
- United States Court of Appeals for the Eighth Circuit Student Clerk for the Honorable Thomas MacMillian, 2002
- Turner, Reid, Duncan, Loomer & Patton, P.C. Summer Associate, 2001

- Thompson Coburn, Women's Leadership Academy, 2017

Publications

- "How Sugar Industry Documents May Impact Litigation" *Law360 Product Liability* November 2016