

Hon. Jose L. Linares



The Honorable Jose L. Linares served as Chief Judge of the United States District Court for the District of New Jersey, having been nominated to the bench by President George W. Bush in 2002. Breaking ground as the first Hispanic to serve as Chief of the United States District Court of New Jersey and the first Cuban-born District Court Chief in the United States, Judge Linares champions diversity and inclusion, and has received numerous awards and recognition for changing the face of the federal court. He also led the New Jersey District Court 2017 Sentencing Symposium and the 2018 New Jersey District Court National Opioid Symposium.

Prior to joining the United States District Court, he served as a superior court judge in Essex County, New Jersey.

Judge Linares's experience, acquired over forty years in judicial service and private practice as a trial lawyer, offers clients a unique perspective on litigation and a deep understanding of dispute resolution. Over the course of his career, he has developed the exceptional skills and ability to resolve complex disputes, relying on his extensive experience as both a judge and trial lawyer.

During his 17 years on the New Jersey District Court bench (which together with the District of Delaware handles 90% of all Hatch-Waxman cases in the nation) Judge Linares presided over numerous pharmaceutical and other patent matters including very complicated pharmaceuticals cases such as Endo Pharmaceuticals, Inc. v. Impax Laboratories, Inc., and Altana Pharma AG v. Teva Pharmaceuticals USA, Inc., in which, after presiding over a lengthy trial, he engineered one of the largest Pharmaceutical settlements ever. He is a frequent speaker at patent litigation related programs and seminars.

Mediation and ADR Expertise. Since retiring from the bench, Judge Linares has successfully mediated numerous cases. He has been appointed as a special master in the Lipitor antitrust litigation, a multidistrict litigation. He has mediated a settlement in a stock manipulation case in which investors alleged that they had not received profits from their investments in the billion-dollar company. After being selected by a bankruptcy trustee, he successfully mediated a claim involving intellectual property, stock manipulation, and coverage issues. Judge Linares is mediating a lawsuit in regarding elevated levels of lead in drinking water, as well as mediating an automotive product defect class action.

He served as an adjunct professor at Seton Hall School of Law for over 15 years.

Judge Linares is actively involved in numerous civic and nonprofit activities. He volunteers in youth athletic programs and dedicates time to mentoring students who are interested in pursuing a career in law.

Areas of Expertise:

- ANTITRUST
- CIVIL RIGHTS
- EMPLOYMENT/LABOR
- INSURANCE/REINSURANCE
- MDL
- PATENT
- PHARMACEUTICALS
- PRODUCT LIABILITY
- SECURITIES/FINANCIAL SERVICES

REPRESENTATIVE CASES:

ANTITRUST CASES:

- *In re Hypodermic Products Antitrust Litigation*, No. 05-1602, 2013 WL 12156679 (D.N.J. Apr. 10, 2013)
(settlement in class action suit involving alleged monopoly power in certain markets for certain hypodermic products through defendant manufacturer's exclusionary contracting and bundling pricing scheme).
- *U.S. ex rel. Simpson v. Bayer Corp.*, No. 05-3895
(multiple motions to dismiss and for summary judgment in suit alleging that Bayer engaged in lawful marketing, including off-label marketing and payment of kickbacks, in order to increase the market shares of its prescription drugs).

CLASS ACTION CASES:

- *Luppino v. Mercedes-Benz USA*, 09-5582, 16-3762, aff. 718 Fed.Appx. 143 (3d Cir. 2017)
(denial of consumers' motion for class certification and grant of summary judgment in manufacturer's favor in class action case alleging wheels on certain vehicles are overly susceptible to cracking along the radius of the wheel rim and claiming a right to damages based on breach of warranty and consumer fraud).
- *Gotthelf v. Toyota Motor Sales, USA, Inc.*, No. 11-4429, 2012 WL 1574301 (D.N.J. May 3, 2012), aff. 525 Fed. Appx. 94 (3d Cir. 2013)
(dismissal of putative class action and individual state law claims against Toyota concerning allegations of defective optional factory-installed Prius headlights).

- *Schwartz v. Avis Rent a Car System, LLC*, No. 11-4052, 2016 WL 3457160 (D.N.J. June 21, 2016)
(settlement in class action concerning hidden surcharges for frequent-flier miles).
- *McGuire v. BMW of North America, LLC*, No. 13-7356, 2014 WL 2566132 (D.N.J. June 6, 2014)
(in multi-state class action under the laws of unnamed class members' home states concerning defects in the navigation systems installed in cars, plaintiff consumer lacked standing to assert claims under the laws of the states in which he did not reside or in which he suffered no injury).
- *In re Mercedes-Benz Emissions Litigation*, No. 16-881, 2019 WL 413541 (D.N.J. Feb. 1, 2019)
(putative class action alleging defendants committed violations of the RICO Act, violations of state consumer protection statutes, and fraudulent concealment by unlawfully misleading consumers into purchasing certain "BlueTEC diesel" vehicles by misrepresenting the environmental impact of these vehicles during on-road driving).
- *In re Volkswagen Timing Chain Product Liability Litigation*, No. 16-2765, 2017 WL 1902160 (D.N.J. May 8, 2017)
(putative class action claiming defendants knew or should have known of a defect in the Timing Chain Systems and intentionally and fraudulently concealed the defect from vehicle purchasers and lessees).

PATENT/PHARMACEUTICALS/LIFE SCIENCES CASES:

Handled more than 50 patent cases in the past sixteen years—many involving high-stakes disputes between generic and branded drug companies.

- *Endo Pharmaceuticals, Inc. v. Impax Laboratories, Inc.*, No. 16-2526, 2016 WL 6246773 (D.N.J. 25, 2016)
(allegations of breach of contract, patent infringement, and unjust enrichment with regard to defendant's sale of the generic version of plaintiff's original prescription pain-reliever; largest pharmaceutical settlement in history).
- *Altana Pharma AG v. Teva Pharmaceuticals USA, Inc.*, 532 F.Supp.2d 666 (D.N.J. 2007), aff. 566 F.3d 999 (3d Cir. 2009)
(denial of plaintiff's motion for preliminary injunction in patent infringement case for failure to show irreparable harm).

SECURITIES CASES:

Presided over numerous major bankruptcy appeals, class actions, multidistrict litigations, and securities fraud cases.

- *DeBenedictis v. Merrill Lynch & Co, Inc.*, 06-1867, aff. 492 F.3d 209 (3d. Cir. 2007)
(dismissal, as time-barred, of plaintiff shareholder's securities class action claims that defendant encouraged him to buy certain classes of funds, which carried higher fees and were outperformed by other funds).

- *LLDVF, L.P. v. Dinicola*, No. 09-1280, 2010 WL 3210613 (D.N.J. Aug. 12, 2010)
(dismissal of the class action complaint of plaintiff shareholders, who bought stock in Linens 'N' Things right before it filed for bankruptcy protection, for failure to clearly identify the loss claimed and allege how the loss was caused by defendants' alleged misstatements and omissions).
- *Bauer v. Prudential Financial, Inc.*, Nos. 90-1120, 09-1771, 2010 WL 2710443
(D.N.J. June 29, 2010) (whether defendants issued stock in Prudential to plaintiff shareholders without disclosing the losses that Prudential had sustained in the 2008 economic collapse).
- *Rahman v. Kid Brands, Inc.*, No. 11-1624, 2012 WL 762311 (D.N.J. Mar. 8, 2012)
(investors' class action dismissed for failure to state a claim regarding the defendants' alleged artificial inflation of stock value by downplaying U.S. Customs violations and government investigations).
- *Sapir v. Averbach*, No. 14-7331, 2016 WL 554851 (D.N.J. Feb. 10, 2016)
(dismissed complaint that defendant pharmaceutical company hid problems being experienced with its Phase 3 studies for a particular drug dismissed for failure to satisfy the heightened pleading requirements under the Private Securities Litigation Reform Act).
- *Debiasa v. Donnelly*, No. 16-552, 2016 WL 4620370 (D.N.J. Sept. 6, 2016)
(denial of motion to dismiss plaintiffs' complaint alleging defendant Bitcoin's violation of the New Jersey Uniform Fraudulent Transfer Act).
- *Bauer v. Eagle Pharmaceuticals, Inc.*, No. 16-3091, 2017 WL 2213147 (D.N.J. May 19, 2017)
(plaintiff shareholders' class action complaint alleging that defendant pharmaceutical company hid the fact that the FDA's approval of its product was not imminent dismissed for failure to meet heightened pleading standards of a securities fraud claim).
- *Patel v. Zoompass Holdings Inc.*, No. 17-3831, 2019 WL 316014 (D.N.J. Jan. 24, 2019)
(plaintiff shareholders' class action complaint alleging that defendant tech company surreptitiously paid promoters to artificially inflate the value of its stock dismissed for failure to establish the defendant's involvement with or financing the promotional campaign).

Education:

- J.D., Temple University Beasley School of Law, 1978
- B.A., New Jersey City University, 1975

AWARDS:

- Fellow of the American Bar Association
- New Jersey State Bar Distinguished Judicial Service Award
- James J. McLaughlin Professionalism Award presented by the New Jersey State Bar Association
- Hispanic Bar Association Trailblazer Award
- Trailblazer Award from the Rutgers School of Law – Newark Association of Latin American Law Students
- Essex County Bar Association Civil Trial Attorney Achievement Award
- Seton Hall Law School Latino Students Role Model Award
- National Hispanic Bar Association Lifetime Achievement Award
- Hispanic Chamber of Commerce Lifetime Achievement Award

BAR ADMISSION:

- New Jersey