



Steven P. Benenson

Of Counsel

Morristown, NJ

T: (973) 889-4339

E: SPBenenson@pbnlaw.com

For nearly 40 years, Steven Benenson has represented public and private companies in high stakes class action, business, commercial and product liability litigations in trial and appellate courts across the country.

Steve is an experienced and skilled litigator known for his adeptness in grasping novel and complex issues and effectively advocating for his clients in different tribunals. Steve's methodical approach, strategic analysis, and innovative thinking make him well-suited for resolving challenging and high-risk cases.

Steve has substantial experience in the chemical, manufacturing, pharmaceutical and medical device, information technology, social media, and real estate industries defending consumer protection, fraud, conspiracy, business and anti-trust claims. He has successfully briefed and argued appeals in the United States Courts of Appeal and state appellate courts regarding the recognition of novel causes of action, jurisdiction, consolidation and venue, preemption, class certification, and expert witness disqualification. Steve also counsels companies on crisis response, risk management and liability prevention relating to defective products, warnings and recall campaigns, including before the Consumer Product Safety Commission.

Recognitions

No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. For ranking methodologies, please see [here](#).

- *The Best Lawyers in America*® - Commercial Litigation (since 2012); Mass Tort Litigation/Class Actions - Defendants (since 2012)
- *Who's Who Legal* - Commercial Litigation (2022)
- New Jersey Super Lawyers® (2005-2007, 2010-2014, 2016-2021)
- Martindale-Hubbell's Peer Review Ratings - AV® Preeminent™
- National Institute for Trial Advocacy - Certified Master Advocate (2006)

Memberships

- American Bar Association, Tort Trial and Insurance Practice Section, Business Litigation Committee, Vice Chair; Litigation and Trial Practice Committee, Vice Chair; Appellate Advocacy and Products Liability Committees; Litigation Section, Commercial and Business Litigation, Business Torts & Unfair Competition, Class Actions and Derivatives Suits, and Mass Torts Committees.
- Defense Research Institute, Commercial Litigation Committee, Class Action and Complex Commercial SLGs.
- Cornell Law School Curia Society.

News

- 27 Porzio Attorneys Recognized in *The Best Lawyers in America*®; *Best Lawyers: Ones to Watch*®, 8/17/2023
- 24 Porzio Attorneys Recognized in The Best Lawyers ® in America, 2023 Edition, 8/18/2022
- Congratulations To The 23 Porzio Attorneys Recognized In Best Lawyers® In America, 2022, 8/19/2021
- Congratulations to the 24 Porzio Attorneys Recognized in Best Lawyers in America, 2021, 8/24/2020
- Congratulations To The 23 Porzio Attorneys Recognized In Best Lawyers In America, 2020, 8/15/2019
- Porzio Recognized in 17 Practice Areas by U.S. News – Best Lawyers "Best Law Firms" 2019 Rankings, 11/01/2018

Articles

- District Court Dismisses Statewide Consumer Protection Class Action, 1/19/2022
- A Practitioner's Guide to Class Actions, Fall 2021
- District Court Dismisses Nationwide Coffee Labeling Class Action, 10/06/2021
- Third Circuit Affirms Dismissal Of Sprawling Anti-Competitive Conduct Complaint Against Facebook, 10/16/2019
- Ninth Circuit Holds Violation of Illinois Biometric Information Privacy Act Conveys Article III Standing in Class Action, 8/26/2019
- Third Circuit Vacates Cy Pres Settlement in Rule 23(B)(2) Data Privacy Class Action, 8/13/2019
- Illinois Supreme Court Rules Biometric Information Act Does Not Require Actual Injury Inviting Wave of New Class Actions, 2/26/2019
- Emerging Issues in Data Breach and Privacy Regulation Class Actions, 1/17/2019
- NJ Supreme Court Holds Technical Violations of Consumer Protection Regulations Do Not Satisfy TCCWNA's "Aggrieved Consumer" Requirement, 4/18/2018
- Defeating Certification of 'No-Injury' Consumer Protection Class Actions, January 2018

Steven P. Benenson Cont.

- Anti-Injunction Decision Hamstrings Ability to Settle Federal Class Actions, March 2015
- A Second Bite at the Apple? CAFA Jurisdiction After Class Certification Denial, February 2014
- Circumventing Class Action Predominance Through Improper Merits Discovery, September 2012
- How to Conduct a Product Safety Investigation and Campaign, April 2001
- Strategies for Successfully Defending Industry-Wide Product Liability Litigation, 9/17/1999
- Avoiding Complex Arbitration Pitfalls, 11/23/1998

Speaking Engagements

- Panelist, "Class Action and Limits in Federal Judicial Power: Demonstrating Insufficient Case or Controversy, Mootness, and Remedy," Strafford Webinar, July 2022
- "Emerging Issues in Data Breach and Privacy Regulation Class Actions," NYSBA Annual Meeting, New York, NY, January 2019.
- "Strategies for Successfully Defending 'No Injury' Consumer Protection Class Actions," Network of Trial Law Firms' CLE program, "Litigation Management: New Trends and Techniques," Palm Beach, FL, April 2017.
- Moderator/Program Chair, "Managing Class Actions from the Perspective of In-House Counsel," ABA National Class Action Symposium, New Orleans, LA, March 2016.
- "Recent Developments in Title Insurance Class Actions," American Land Title Association, Title Counsel Committee Roundtable, West Palm Beach, FL, October 2013; Chicago, IL, May 2014; Seattle, WA, October 2014; Washington, DC, May 2015.
- "Defending Corporate Veil Piercing Claims," New Jersey Corporate Counsel Association 11th Annual Conference, Whippany, NJ, September 2013.
- "Class Action Blockbuster: Key Developments Affecting the Future of Class Action Litigation," ABA TIPS Annual Meeting, San Francisco, CA, August 2013.
- "Recent Developments in the Enforceability of Arbitration Provisions in Class Actions," American Land Title Association, Title Counsel Committee Roundtable, Washington, DC, May 2013.
- Guest lecturer, Rutgers University Law School, Appellate Advocacy Course, September 2012.
- "Successful Strategies for Managing Class Action Litigation from the Corporate Legal Department Perspective," New Jersey Corporate Counsel Association 7th Annual Conference, Hanover, NJ, September 2009.
- "Managing Tort and Consumer Fraud Liability Risk in an Evolving Litigation Climate," New Jersey Corporate Counsel Association 6th Annual Conference, Whippany, NJ, September 2008.

Steven P. Benenson Cont.

- "Consumer Fraud in New Jersey," New Jersey General Counsel Group's Quarterly Meeting, Basking Ridge, NJ, March 2007.
- "Publication of Research Results: Managing the Complex Issues Facing the Industry," ACI 4th National Conference on Medical Affairs, Chicago, IL, May 2006.
- "Combating Economic Loss Consumer Fraud Claims in the Promotion and Sale of Pharmaceuticals," ACI Off Label Drug & Medical Device Seminar, New York City, NY, April 2006.
- "Navigating Legal Issues in Cyberspace," The New Jersey-Pennsylvania Council of AeA and the Ironbound Business Organization, Newark, NJ, July 2001.
- "Are PPA Claims Suitable For Class Action Treatment?," Mealey's PPA & Ephedra Litigation Conference, Philadelphia, PA, March 2001.
- "Repetitive Stress Injury Litigation: Past, Present and Future," DRI Product Liability Seminar, Chicago, IL, September 2000.
- "The New Federal Y2K Act: What You Need to Know Now!" ABA Sections of Business Law and Litigation and the Center for Continuing Legal Education, Washington, DC, September 1999.
- "Recent Developments in Alternative Dispute Resolution, As Influenced by Litigation Trends," Dartmouth Lawyers Association, 15th Annual Meeting, Hanover, NH, July 1999.
- "Pushing the Envelope: Significant Trends in RSI Cases—The Post Sale Duty to Warn and Medical Causation," DRI Products Liability Seminar, Specialized Litigation Group, San Diego, CA, January 1997.
- "Conducting the Deposition of the Expert Witness," Porzio Associate Training Program (repeated presentations).
- "The Discoverability of Electronic Information in Civil Litigation and Its Relation to Corporate Records Retention Policies," ABA Committee on Corporate Counsel Northeast Regional Workshop, Newark, NJ, Spring 1994.

Practices

- Litigation

Area of Focus

- Class Actions
- Life Sciences Litigation
- Product Liability
- Toxic and Environmental Tort

Industries

- Chemical
- Life Sciences
- Manufacturing

Industry Focus Areas

- Medical Device

Relevant Experience

- Authored the New Jersey section of the American Bar Association's "A Practitioner's Guide to Class Actions."
- Lead counsel representing the global leader in the logistics industry in defense of consumer protection class action. Obtained dismissal of the case on the basis of federal preemption under airline deregulation statutes.
- Lead counsel representing multinational supermarket chain and commodity supplier in defense of putative nationwide class action. Obtained dismissal of false advertising and consumer fraud claims.
- Lead Third Circuit Court of Appeals counsel to the largest public social media company in an anti-trust, RICO, fraud and privacy case.
- Lead counsel to a public manufacturer of performance apparel; lead counsel to the largest manufacturer of eyewear; co-counsel to the largest public social media company; and co-counsel to a public self-storage REIT in the defense of consumer protection class actions alleging agreements contained unlawful terms and conditions.
- Lead appellate counsel to a multi-national chemical manufacturer contesting a \$205 million verdict arising out of the interpretation of a "most favored nations" clause in a complex tolling agreement. Obtained a reversal of the judgment and a new trial on damages. The client subsequently settled at a savings of nearly \$100 million.
- Lead counsel to Brownsfield private equity funds in defense of corporate veil piercing claims arising out of the bankruptcy of the largest public private financed redevelopment project in New Jersey's history.
- National counsel to a title insurance company in the defense of a consumer fraud class action alleging overcharges for title insurance and closing costs. Obtained a Fifth Circuit Court of Appeals reversal of a federal district court's certification of a filed rate title insurance class action that ended such litigation in Texas.
- Co-counsel in a nation-wide consumer fraud class action brought against a public distributor of medical products claiming price gouging in the sale of flu vaccine. Defeated plaintiffs' motion to disclose confidential customer lists, limited class-related discovery, and obtained a dismissal of the putative class.
- Co-counsel to a leader in consumer electronics in the defense of consumer fraud class action alleging defects in high definition televisions.

Steven P. Benenson Cont.

- Lead counsel in a year-long complex commercial and environmental arbitration arising out of the world-wide divestiture of a hydraulics business. The dispute involved the parties' respective indemnity obligations and whether contamination claims were subject to insurance coverage. After the arbitration concluded, successfully negotiated a global resolution of the Superfund site claims, and claims involving several international sites.
- National coordinating counsel to a public information service provider in product and enterprise liability, and industry-wide conspiracy claims. Developed the company's strategy for insurance coverage, discovery, experts, motions, trials and appeals. Never lost a case or paid any settlement, and recovered substantially all costs of defense from insurers.
- Co-counsel to a former manufacturer of lead paint in public nuisance, fraud and civil conspiracy claims brought by governmental entities seeking billions in costs for remediation of contaminated buildings and medical monitoring. Member of Supreme Court briefing team that obtained a reversal of the intermediate court's recognition of a public nuisance cause of action.
- Co-counsel and trial team member for public pharmaceutical company in bellwether product liability cases. Devised legal issues strategy, and coordinated discovery, experts, motion practice, trial preparation and court-ordered mediations.
- Lead counsel representing a newspaper, media and commercial printing company in a consumer fraud and breach of contract claim against a multi-national manufacturer of electronic press control equipment. Mediated case to a successful settlement in which client recovered all damages.
- Lead counsel representing a pharmaceutical manufacturer in the defense of a breach of fiduciary duty and fraud case brought by a joint venturer. Devised the overall litigation strategy, and favorably resolved the case at a court-ordered mediation.
- Lead counsel for a chemical manufacturer in contaminated community well water case. Obtained dismissal of all claims. Our client's Superfund site—one of the most heavily solvent contaminated industrial facilities in the country—was adjacent to the affected well. Other defendants paid millions of dollars in settlement to avoid trial.
- Lead counsel to a computer manufacturer in consolidated lawsuits brought by former employees claiming that the corporation intentionally exposed them to carcinogenic substances and conspired to fraudulently conceal occupationally-caused cancers. Devised strategy and obtained summary judgment.
- Counsel to a supplier of train brake accessories in conducting a nation-wide recall and retrofit campaign after a catastrophic derailment. Created and served on a corporate safety committee, supervised independent analytic testing lab, coordinated public relations, managed federal litigation and secured insurance coverage.

Opinions

- *Martin v. DHL Express (USA), Inc.*, 2022 WL 214047 (D.N.J. 2022)
- *Brodsky v. Aldi*, 2021 WL 4439304 (N.D. Ill. 2021)
- *Shulman, d/b/a Advances Magazine v. Facebook. et als.*, 2018 WL 3344236 (D.N.J. 2018)
- *Friest v. Luxottica Group, S.p.A.*, 2016 WL 7668453 (D.N.J. 2016)

Steven P. Benenson Cont.

- *Chassen v. Fidelity Nat'l Financial, Inc. et. als.*, 2016 WL 4698256 (3rd Cir. 2016)
- *Castro v. Sovran Self Storage, Inc.*, 114 F. Supp. 3d 204 (D.N.J. 2015)
- *Paulus, Sokolowski & Sartor, LLC v. Darden et. als.*, 2015 WL 6456124 (N.J. App. Div. 2015)
- *Ahmad v. Old Republic Nat'l Title Ins. Co.*, 2012 U.S. App. LEXIS 16901 (5th Cir. 2012)
- *BASF Corp. v. Lyondell Chemical Co.*, 2010 N.J. Super. Unpub. LEXIS 3106 (N.J. App. Div. 2010)
- *McCalley v. Samsung Elecs. Am., Inc.*, 2008 U.S. Dist. Lexis 28076 (D.N.J. 2008)
- *In re Lead Paint Litigation*, 191 N.J. 405 (N.J. Sup. Ct. 2007)
- *West Morris Pediatrics v. Henry Schein, Inc.*, 385 N.J. Super. 581 (Law Div. 2004)
- *McDonald v. Lederle Laboratories*, 341 N.J. Super 369 (N.J. App. Div. 2001)
- *Reiff v. Convergent Technologies*, 957 F. Supp. 573 (D.N.J. 1997)
- *Dennis v. Pertec Computer Corp.*, 927 F. Supp. 156 (D.N.J. 1996), *aff'd*, 135 F.3d 764 (3rd Cir. 1997)
- *Houghtaling v. Unisys Corp.*, 955 F. Supp. 309 (D.N.J. 1996)
- *Hartman v. AT&T Corp.*, 971 F. Supp. 952 (D.Md. 1996)

Bar Admissions

- New Jersey, 1984
- District of Columbia, 1997
- New York, 2015

Court Admissions

- United States District Court, District of New Jersey, 1984
- United States Court of Appeals, Third Circuit, 1992
- United States Court of Appeals, Fifth Circuit, 2011
- United States District Court, Eastern District of Wisconsin, 2016
- United States Court of Appeals, Seventh Circuit, 2021
- United States District Court, Eastern District of New York, 2023
- United States District Court, Southern District of New York, 2023

Education

- *Cornell Law School*
J.D., 1984
- *Dartmouth College*
B.A., 1981
magna cum laude