



Eric L. Probst

Principal

Morristown, NJ

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A business advisor, Eric Probst understands how litigation and business issues keep clients up at night because he has been there too. He has served as national coordinating litigation counsel for a publicly-traded commercial-transportation industry manufacturer and as outside general counsel for a national luxury-item construction company. Knowing how litigation impacts businesses' "bottom lines" and reputations, Eric counsels his clients on the critical decisions to file, defend, or resolve a claim. This results-oriented litigation approach is not "one size fits all" but client-specific. And if litigation is necessary, Eric has the experience to represent clients in complex commercial disputes and catastrophic personal jury cases. He has represented clients in breach of contract cases in federal and state courts, and defended product and pharmaceutical manufacturers against claims of product liability. He draws on his litigation experience to counsel clients on risk associated with contracts, business dealings, and workplace issues. His clients, whether publicly-traded or privately-held, look to Eric as their trusted partner, as do his peers. Eric's reputation has garnered him the respect of other lawyers who trust their clients with Eric as their local counsel.

Eric is co-chair of the firm's Litigation Practice Group, a role in which he leads and manages the work of more than a dozen similarly-minded, practical litigators.

Recognitions

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

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- Recognized in BTI Client Service All-Stars 2020.
A description of the selection process can be found [here](#).
- "AV" rated by Martindale-Hubbell.
A description of the selection process can be found [here](#).
- Recognized on the *New Jersey Super Lawyers* "Rising Stars" List, 2009; *New Jersey Super Lawyers* List, Business Litigation, (2012 - 2022).
A description of the selection process can be found [here](#).

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- Recognized in *Best Lawyers in America*, Mass Tort Litigation/Class Actions - Defendants, (2017 - 2023); Product Liability Litigation - Defendants, 2021-2023.

A description of the selection process can be found [here](#).

Memberships

- ABA, TIPS, Commercial Transportation, Vice Chair - New Jersey, Membership Chair.
- Defense Research Institute, Products Liability, Vice Chair. E-Discovery - Litigation Group.
- New Jersey Defense Association, Products Liability Committee, Chair.
- New Jersey Defense Association, Vice President Central Region.
- New Jersey Supreme Court District X Ethics Committee.
- New Jersey State Bar Association.
- Northeast Spa and Pool Association.
- Nativity Schools, Board of Trustees, Member.
- Board of Trustee, March of Dimes, North Jersey.
- Secretary, Berkeley Heights Youth Soccer Club, Berkeley Heights, New Jersey.

News

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- 24 Porzio Attorneys Recognized in The Best Lawyers® in America, 2023 Edition, 8/18/2022
- 22 Porzio Attorneys Selected for Inclusion on 2022 New Jersey Super Lawyers List, 4/06/2022
- Congratulations To The 23 Porzio Attorneys Recognized In Best Lawyers® In America, 2022, 8/19/2021
- Diane F. Averell and Eric L. Probst Named to 2020 BTI Client Service All-Stars, 12/09/2020
- Porzio's Litigation Practice Profiled by New Jersey Law Journal, 11/15/2016

Articles

- Defending "Serial Litigation": How to Develop and Implement a Plan to Coordinate Legal Strategy and Minimize Legal Spend, April 2022
- Contracts 101: Limitation of Liability Clauses, 11/29/2021
- Spotlight On Human Factors Experts In Product Cases, 10/28/2021
- Defending 'Serial Litigation': How to Coordinate Strategy and Minimize Legal Spend, 4/08/2021
- Making Sense of COVID-19: What Small Business Owners Need to Know, 7/14/2020

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- Restaurant Litigation - Is This A Trend, 6/18/2020
- COVID-19: How To Pivot Your Business And Prepare For The Next 6 Months-A 5-Part Series, 4/20/2020
- New Jersey Executive Order 123 Provides Grace Period for Insurance Premium Payments, 4/16/2020
- Newark Police Issue Summonses To Manufacturers For Violating Governor Murphy's Executive Orders 104, 107, And 108, 4/03/2020
- The Legal Impact of the Coronavirus On Your NJ and NY Business, 3/24/2020
- 5 Tips for Managing Business and Legal Risk for Manufacturers and Supply Chains during the COVID-19 Pandemic, 3/20/2020
- Use Your Most Valuable Tool to Winning Daubert Motions—Your Causation Expert, 8/13/2019
- Claims and Litigation Management - Making The Best of the Attorney-Client Relationship, 3/21/2019
- Security 101: Workplace Safety, 11/13/2018
- New Jersey Supreme Court Uses Daubert Factors To Uphold Trial Court Decision Striking Medical Causation Expert Testimony, 8/15/2018
- Plaintiff's Comparative Fault No Longer a Fact Question to Defeat Summary Judgment in New York, 4/16/2018
- How To Manage And Prepare For Electronic Discovery In Litigation, 3/19/2018
- How To Select A Corporate Representative For A Rule 30(B)(6) and Rule 4:14-2 Depositions in Products Liability Actions, 12/24/2014

Speaking Engagements

- "Summer Civil Practice Update," Union County Bar Association, Civil Practice Committee, Union County Courthouse, Elizabeth, NJ, 6/29/2022
- "The Role of Human Factors Experts in Catastrophic Personal Injury Cases," The Trial Network's "In-house and Outside Counsel: In Sync and In Person," Kiawah Island, South Carolina, November 4-7, 2021.
- Moderator, American Bar Association, Tort Trial Insurance Practice, Commercial Transportation Litigation Committee's XV Megaconference, March 25, 2021.
- "Litigating Trucking Accident Injury Claims: Theories of Liability, Impact of CSA Recordkeeping, and More," Strafford Live Webinar, April 30, 2020.
- "Oh S#@*! (they're) Here Again! Effective Handling of OSHA / PEOSH Inspections, Citations, & Penalties," Porzio Employment Law Forum, October 2019.
- Anatomy of a Rapid Response, ABA, Tort Trial & Insurance Practice Section, Section Conference, New York, NY, May 3, 2019.
- "Litigating Trucking Accident Injury Claims: Theories of Liability, Impact of CSA Recordkeeping and More," Strafford Webinar, April 30, 2019

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- "Claims and Litigation Management - Making The Best of the Attorney-Client Relationship," ABA Megaconference, New Orleans, LA, March 21, 2019.
- "Driving Value and Efficiency While Managing Outside Litigation Teams: A Dual Perspective from an Outside General Counsel," New Jersey Defense Association & Association of Corporate Counsel of New Jersey Joint Products Liability Seminar, Newark, NJ, February 1, 2019.
- "Executives Snapshot of Upcoming Industry Trends and Challenges," NJMEP Transportation, Logistics & Distribution Summit, Edison, NJ, November 8, 2018.
- "Driving Value and Efficiency When Managing Outside Litigation Teams," The Network of Trial Law Firms, New York City, August 3, 2018.
- "Expert Witnesses: Using New Jersey Court Rules to Your Advantage— Admission Hurdles for Expert Testimony," National Business Institute, Newark, NJ, May 23, 2018.
- "Using Industry Standards and Product Reporting as Critical Defenses in Product Liability Actions," DRI Products Liability Conference, Las Vegas, NV, February 10, 2017.
- "Preparing for Electronic Discovery in Litigation," National Business Institute, Newark, NJ, December 7, 2016.
- "Knowing That The 'E' In 'E-Mail' Stands For 'Evidence:' Best Practices For Employers To Manage Electronically Stored Information," Porzio Employment Law Forum, Morristown, NJ, November 15, 2016.
- "Something for Everyone: A Look at Hot Products Topics in the Early 21st Century," New Jersey Defense Association's Products Liability Seminar, September 22, 2016.
- Panelist, "It Could Be the Ballgame – Deposition and Trial Insights and Warnings for Preparing, Taking and Defending Rule 30 (b)(6) Corporate Witnesses," American Bar Association Annual Meeting, San Francisco, CA, August 4, 2016.
- "Personal Injury Trucking Accident Cases: Advanced Investigation and Discovery Practices in the 21st Century," American Conference Institute's 6th Annual Trucking Litigation Summit, Chicago, IL, March 30, 2016.

Practices

- Corporate
- Litigation

Area of Focus

- Class Actions
- Contracts, Governance & General Counsel Services
- Product Liability
- Toxic and Environmental Tort
- Transportation and Motor Carrier Defense

Industries

- Chemical
- Manufacturing
- Transportation

Prior Relevant Experience

- National coordinating litigation counsel for publically-traded commercial transportation industry member. Coordinate nationwide docket of catastrophic bodily injury and wrongful death claims, manage trial counsel, mediate cases, prepare quarterly reserve documents for business units and audit committee, and conduct product liability case presentations for Executive Committee.
- Outside general counsel for national luxury-item construction company and manage nationwide construction defect, breach of contract and consumer fraud docket. Conduct presentations to Board of Directors on “bet-the-company” bodily injury and commercial litigation matters. Handle 70-year archeology of client’s litigation, operations, and insurance history.
- Arbitrate two-week construction defect/breach of contract/consumer fraud case seeking six-figures in construction repair costs and treble damages to less than \$20,000 verdict.
- Arbitrate construction defect/breach of contract/consumer fraud case seeking six-figures in construction repair costs and treble damages to complete defense verdict.
- Arbitrate three-week construction defect/breach of contract/consumer fraud case upon behalf of homeowner and obtain six-figure verdict, including construction repair costs, treble damages, and attorneys’ fees.
- Co-counsel for cable installation company sued in federal court multi-million dollar collective action asserting federal Fair Labor Standard Act violations for alleged failure to pay overtime. Strategically handled mediation and settlement discussions to significantly reduce potential company-ending jury verdict to favorable and manageable settlement.
- Represent manufacturer of solar energy panels in \$10 million federal court breach of contract action and maneuvered litigation to result in consent judgment allowing continued viability of client.
- Lead counsel for engineers in class action dam failure case resulting from 1,000 year storm. Developed and prepared summary judgment strategy and motion resulting in dismissal of class members’ personal injury claims worth high six figures of dollars.
- Represent trucking companies in personal injury and property damage matters. Co-counsel in federal court catastrophic injury case, deposed expert and fact witnesses and prepared summary judgment and Daubert motions to exclude plaintiffs’ liability expert, leading to favorable resolution of matter.
- Co-counsel for major pharmaceutical company defending over 180-state filed personal injury and class action lawsuits. Coordinated and oversaw preparation of pre-trial and trial motions, mediation statements, and case summary documents. Conducted all phases of fact and expert discovery. Responsible for devising and coordinating joint-defense strategy and evaluating cases for trial selection.

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- Trial team member for multi-national pharmaceutical company in bellwether personal injury case in hormone therapy litigation. Responsible for coordinating team assignments, drafting dispositive motions, preparing direct and cross-examinations and client-required case summaries covering factual and legal issues.
- Represented national insurance company in landlord-tenant dispute involving \$2 million claim for damages resulting from lease termination.
- The Honorable John E. Keefe, Superior Court of New Jersey, Appellate Division, Law Clerk, 1994-1995.

Opinions, Decisions and Cases

- Reported Decision: William W. Allen v. V and A Brothers, Inc., 208 N.J. 114 (2011).
- BASF Corp. v. Lyondell Chemical Co., 2010 N.J. Super. Unpub. LEXIS 3106 (N.J. App. Div. 2010).

Bar Admissions

- New Jersey, 1994
- New York, 1995

Court Admissions

- United States District Court, District of New Jersey, 1994
- United States Court of Appeals, Third Circuit, 1996
- United States District Court, Southern District of New York, 2018

Education

- *Seton Hall Law School*
J.D., 1994
cum laude
- *College of the Holy Cross*
B.A., 1991