



## Carl Pesce

Partner

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### PRACTICES

- Products Liability
- Personal Injury Litigation
- Pharmaceutical and Medical Device Litigation
- Asbestos
- Business Litigation

### EDUCATION

- Hofstra University School of Law, J.D., 1989, Hofstra Labor Law Journal, Editor-in-Chief, 1988-1989
- State University of New York at Stony Brook, B.A., Liberal Arts, 1986

### ADMISSIONS

- Illinois
- Missouri
- New York
- Illinois USDC, Central District
- Illinois USDC, Northern District
- Illinois USDC, Southern District
- Missouri USDC, Eastern District
- Missouri USDC, Western District
- US Ct Appeals, 7th Circuit (Covers IL, IN, WI)
- US Ct Appeals, 8th Circuit (Covers AR, IA, MN, MO, NE, ND, SD)
- US Supreme Ct
- Wisconsin USDC, Eastern District

Carl has represented corporations in high-stakes litigation on a regional and national basis for more than 30 years.

He chairs Thompson Coburn's Product Liability Practice and co-chairs its Tort Litigation Practice Group. Carl has served as lead counsel on numerous product cases involving a variety of vehicles, watercrafts, power tools and other consumer products. As class action counsel, he has represented companies in various jurisdictions. Carl also has extensive commercial litigation experience, including representing utility companies on a variety of issues in state and federal courts.

Carl has defended numerous manufacturers facing product liability claims, including class actions, over alleged product defects. He frequently works with engineering, medical and other technical experts in different fields to develop effective company defenses, and has handled claims involving recreational products (ATVs, motorcycles, personal watercraft), automotive, seatbelts, fitness equipment, ladders, band saws, electric screwdrivers and press brakes. He has represented companies in pharmaceutical and medical device litigation.

Whatever the product, Carl works collaboratively with the client to understand every aspect of product design, aggressively investigate alleged defects and provide a strong, purposeful defense. Carl has also counseled manufacturers and sellers about conducting potential recalls and assisted clients in both developing an effective recall strategy and working with the appropriate governmental agencies to implement that strategy.

Carl's litigation philosophy includes communicating and partnering with the client to achieve the client's long-term goals efficiently and effectively. He has tried cases to verdict in federal and state courts, advocated for clients before state and federal appellate courts and represented them in mediations and settlements.

### Presentations

- Co-Presenter of "Frenemies: Manufacturers and Dealers: Partnering for Successful Defense of a Product Liability Claim" DRI Product Liability Conference in Nashville, Tennessee August 2021

### Recognitions

## REPRESENTATIVE CLIENTS

- Amada North America, Inc.
- American Honda Motor Co., Inc.
- American Water Works Company, Inc.
- Archimica Group Holdings, B.V.
- Charter Communications
- Commercial Metals Company
- Kawasaki Heavy Industries, Ltd.
- Kawasaki Motors Corp. U.S.A.
- Illinois-American Water Company
- Laclede Gas Company
- Suzuki Motor USA, LLC
- Missouri-American Water Company
- Spire Inc.
- TK Holdings, Inc.
- Yamaha Motor Company, Ltd.
- Yamaha Motor Corporation, U.S.A.

## EMPLOYMENT

- Thompson Coburn LLP Partner, 1998-Present Associate, 1989-1997
- Justice James A. Gowan, New York State Supreme Court Judicial Intern, Summer 1987

## AFFILIATIONS

- American Bar Association (ABA)
- Bar Association of Metropolitan St. Louis
- Defense Research Institute (DRI)
- Federation of Defense & Corporate Counsel
- The Missouri Bar
- Illinois State Bar Association
- New York Bar Association
- Japanese Chamber of Commerce and Industry of Chicago
- Product Liability Advisory Council, Inc. (PLAC)

- Listed in The Best Lawyers in America, (by BL Rankings) for Commercial Litigation and Product Liability Litigation - Defendants, 2024

## Experience

- ***Kristen Pym and Robert Armstrong v. Ford Motor Company***  
**[Circuit Court of St. Louis County, Missouri]**  
Defense verdict following a two-week trial on manufacturing defect claims alleging a vehicle's exhaust system allowed carbon monoxide to enter the passenger compartment resulting in elevated carboxyhemoglobin and claimed significant and debilitating long-term neurological deficits.
- ***Vincent and Kimberlee Kluge v. American Honda Motor Co., Inc.***  
**[Circuit Court of St. Louis County, Missouri]**  
Defense verdict on design defect claims alleging that the occupant safety system (airbag, seat belt, and front crash sensors) failed to operate systematically in an automobile crash, resulting in Plaintiff sustaining a permanent quadriplegic injury. Plaintiffs asked the jury for \$30 million. Case and verdict were reported on by *Missouri Lawyers Media*: "Vehicle manufacturer not at fault for man's neck injury," *Missouri Lawyers Media*, July 13, 2023. *Missouri Lawyers Media* ranked this defense verdict as the No. 3 defense win in Missouri for 2023.
- ***Christopher Gebhardt v. American Honda Motor Co., Inc. and Honda of South Carolina Mfg., Inc.***  
**[Missouri Court of Appeals for the Western District]**  
Missouri Court of Appeals affirmed the trial court's order granting the defendants' motion to exclude plaintiff's mechanical engineering expert and motion for summary judgment arising out of a claimed defective ATV design.
- ***Robert Peck v. American Honda Motor Co., Inc.***  
**[USDC, Northern District of Illinois]**  
United States Federal District Court granted defendant's motion to exclude plaintiff's mechanical engineering expert and motion for summary judgment arising out of a claimed defective ATV design.
- ***Laclede Gas Company v. St. Charles County***  
**[Eighth Circuit Federal Court of Appeals]**  
Eighth Circuit Federal Court of Appeals affirmed the District Court's denial of defendant's motion to dismiss a Section 1983 constitutional action arising out of, among other things, defendant's continued demands for plaintiff to move its facilities at plaintiff's expense.
- ***Keith Baxter v. Kawasaki Motors Corp., U.S.A. and Kawasaki Heavy Industries, Inc.***  
**[USDC, Northern District of Illinois]**  
United States Federal District Court granted the defendants' motion for summary judgment on plaintiff's nationwide class action lawsuit over odometers in Vulcan motorcycles.
- ***St. Charles County v. Laclede Gas Company***  
Missouri Supreme Court 2011 and 2013; Listed by Missouri Lawyers Weekly on July 8, 2013 as one of the Missouri Supreme Court's Major

Opinions for the first half of 2013; successfully defending Laclede's property rights concerning continued demands by plaintiff to move Laclede's facilities at Laclede's expenses.

- ***The Estate of Richard M. Metcalfe II, et al. v. Yamaha Motor Corporation, U.S.A., et al.***  
**[Superior Court of San Diego County, Central District]**  
Defense verdict in a wrongful death action arising out of claims of a defective personal watercraft design; claimed economic damages by plaintiffs exceeded \$200 million.
- ***Moses.com Securities, Inc. v. Comprehensive Software Systems, Inc., et al.***  
**[Eighth Circuit Federal Court of Appeals]**  
Eighth Circuit Federal Court of Appeals affirmed, among other things, District Court's dismissal of claims against defendants Southwest Securities and David Glatstein alleging conspiracy, fraudulent misrepresentation, fraudulent omission, negligent misrepresentation, negligence, and promissory estoppel.
- ***Richard K. Folsom, et al. v. Kawasaki Motors Corp., U.S.A., et al.***  
**[USDC, Middle District of Georgia]**  
Defense verdict in a wrongful death action, arising out of claims of a defective personal watercraft design.
- ***Lori A. Rollet v. Emerson Electric Co. d/b/a Emerson Tool company, et al.***  
**[Circuit Court of St. Louis County, Missouri]**  
Defense verdict arising out whether defendant was liable under the theory of respondent superior when one its employee was involved in an automobile accident on his way to a physical being paid for by his employer, the defendant.
- ***Christopher Arnold v. Amada America, Inc.***  
**[USDC, Eastern District of Missouri]**  
United States Federal District Court granted defendant's motion to exclude plaintiff's mechanical engineering expert and motion for summary judgment arising out of claims of a defective press brake design.
- ***Donald Shaffer v. Amada America, Inc.***  
**[Eighth Circuit Federal Court of Appeals]**  
Eighth Circuit Federal Court of Appeals affirmed District Court's granting defendant's motion to exclude plaintiff's mechanical engineering expert and motion for summary judgment arising out of claims of a defective press brake design.