



## Carl

**Carl J. Pesce**  
Partner

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### MY SERVICES

Asbestos  
Business Litigation  
Energy  
Manufacturing  
Pharmaceutical  
Product Liability

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### 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

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### ADMISSISONS

Missouri  
Illinois  
New York  
The Supreme Court of the United States  
U.S. District Court Eastern District Missouri  
U.S. District Court Western District Missouri  
U.S. District Court Southern District Illinois  
U.S. District Court Central District Illinois  
U.S. District Court Northern District Illinois  
U.S. District Court Eastern District Wisconsin  
U.S. Court of Appeals 7th Circuit  
U.S. Court of Appeals 8th Circuit

## I am a trial lawyer who defends companies in high-stakes product liability and commercial litigation.

### overview

Carl Pesce is a trial lawyer who represents corporations in high-stakes litigation on a regional and national basis. Carl is the chair of Thompson Coburn's Product Liability practice and co-chairs its Tort Litigation practice.

Over the span of 35 years, 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 represents companies in various jurisdictions. With extensive commercial litigation experience, Carl also represents utility companies on a variety of issues in state and federal courts.

Carl defends 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 lawsuits and claims involving motor vehicles, seatbelts, airbags, recreational products (ATVs, motorcycles, personal watercraft), consumer and industrial products-fitness equipment, ladders, lawnmowers, band saws, electric screwdrivers and press brakes to name a few. He has represented companies in pharmaceutical and medical device litigation. Carl also counsels manufacturers and sellers conducting potential recalls and assists clients in both developing an effective recall strategy and working with the appropriate governmental agencies to implement that strategy.

Whatever the product, Carl works collaboratively with clients to deeply understand every aspect of their product design. He aggressively investigates all alleged defects and provides strong, purposeful defense. His winning litigation philosophy is centered on communicating and partnering with clients to achieve their long-term goals efficiently and effectively. He tries cases to verdict in federal and state courts, advocates for clients before state and federal appellate courts, and represents them in mediations and settlements.

### experience

- Circuit Court Judgment and Order granting the defendants' motion to exclude plaintiffs' mechanical engineering expert and motion for summary judgment arising out of a claimed defective tool used by an automotive technician in servicing struts on a motor vehicle. *Brandon Mallette v. Mercedes-Benz USA, LLC and Daimler AG, et. al.* [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. *Kristen Pym and Robert Armstrong v. Ford Motor Company* [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. *Vincent and Kimberlee Kluge v. American Honda Motor Co., Inc.* [Circuit Court of St. Louis County, Missouri]
- 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. *Christopher Gebhardt v. American Honda Motor Co., Inc. and Honda of South Carolina Mfg., Inc.* [Missouri Court of Appeals for the Western District]
- 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. *Robert Peck v. American Honda Motor Co., Inc.* [USDC, Northern District of Illinois]
- 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. *Laclede Gas Company v. St. Charles County* [Eighth Circuit Federal Court of Appeals]
- United States Federal District Court granted the defendants' motion for summary judgment on plaintiff's nationwide class action lawsuit over odometers in Vulcan motorcycles. *Keith Baxter v. Kawasaki Motors Corp., U.S.A. and Kawasaki Heavy Industries, Inc.* [USDC, Northern District of Illinois]
- 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. *St. Charles County v. Laclede Gas Company*
- 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. *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]
- 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. *Moses.com Securities, Inc. v. Comprehensive Software Systems, Inc., et al.* [Eighth Circuit Federal Court of Appeals]
- Defense verdict in a wrongful death action, arising out of claims of a defective personal watercraft design. *Richard K. Folsom, et al. v. Kawasaki Motors Corp., U.S.A., et al.* [USDC, Middle District of Georgia]
- 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. *Lori A. Rollet v. Emerson Electric Co. d/b/a Emerson Tool company, et al.* [Circuit Court of St. Louis County, 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. *Christopher Arnold v. Amada America, Inc.* [USDC, Eastern District of Missouri]

- 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. *Donald Shaffer v. Amada America, Inc.* [Eighth Circuit Federal Court of Appeals]

## affiliations

- American Bar Association
- Bar Association of Metropolitan St. Louis
- Defense Research Institute
- 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)

## recognitions

- The Best Lawyers in America, (by BK Rankings) for Commercial Litigation and Product Liability Litigation, Defendants (2024-2025)

## presentations

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