

No. 17-3030

---

**In the United States Court of Appeals  
for the Seventh Circuit**

---

WENDY DOLIN,  
INDIVIDUALLY AND AS INDEPENDENT EXECUTOR  
OF THE ESTATE OF STEWART DOLIN, DECEASED,  
PLAINTIFF-APPELLEE

*v.*

GLAXOSMITHKLINE LLC,  
DEFENDANT-APPELLANT

---

*ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS (CIV. NO. 12-6403)  
(THE HONORABLE WILLIAM T. HART, J.)*

---

**MOTION FOR LEAVE TO FILE BRIEF AS AMICI CURIAE BY  
CHAMBER OF COMMERCE OF THE UNITED STATES  
OF AMERICA; THE AMERICAN TORT REFORM ASSOCIATION;  
THE PRODUCT LIABILITY ADVISORY COUNCIL, INC.;  
THE NATIONAL ASSOCIATION OF MANUFACTURERS;  
AND THE ILLINOIS CHAMBER OF COMMERCE**

---

KANNON K. SHANMUGAM  
AMY MASON SAHARIA  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street, N.W.  
Washington, DC 20005  
(202) 434-5000  
kshanmugam@wc.com

---

1. Pursuant to Rule 29(a) of the Federal Rules of Appellate Procedure, the Chamber of Commerce of the United States of America (the Chamber), the American Tort Reform Association (ATRA), the Product Liability Advisory Council, Inc. (PLAC), the National Association of Manufacturers (NAM), and the Illinois Chamber of Commerce (Illinois Chamber) respectfully move for leave to file the attached brief as amici curiae in support of defendant-appellant.

2. The Chamber is the largest organization of businesses in the world. It has 300,000 direct members and represents the interests of more than 3 million companies and professional organizations of all sizes, in every industry, and across all regions of the country. One of the Chamber's most important responsibilities is representing its members before the courts, legislatures, and executive branches of the federal government and of the States. The Chamber regularly files briefs as amicus curiae in litigation that touches on issues of vital concern to the Nation's business community.

3. ATRA is a broad-based coalition of businesses, corporations, municipalities, associations, and professional firms that have pooled their resources to promote reform of the civil justice system with the goal of ensuring fairness, balance, and predictability in civil litigation. For more than a decade, ATRA has filed amicus briefs in cases involving important liability issues.

4. PLAC is a nonprofit association with 94 corporate members representing a broad cross-section of American and international products manufacturers. Those companies seek to contribute to the improvement and reform of law in the United States and elsewhere, with an emphasis on the law governing the liability of product manufacturers. PLAC's perspective is derived from the experiences of a corporate voting membership that spans a diverse group of industries in various facets of the manufacturing sector. In addition, several hundred of the leading product liability defense attorneys in the country are sustaining (non-voting) members of PLAC. Since 1983, PLAC has filed over 1,100 briefs as amicus curiae in both federal and state courts, presenting the broad perspective of product manufacturers seeking fairness and balance in the application and development of the law as it affects product liability.

5. NAM is the largest manufacturing association in the United States, representing small and large manufacturers in every industrial sector and in all 50 states. Manufacturing employs more than 12 million men and women, contributes \$2.17 trillion to the U.S. economy annually, has the largest economic impact of any major sector, and accounts for more than three-quarters of all private-sector research and development in the nation. The NAM is

the voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

6. The Illinois Chamber is an association that zealously advocates on behalf of Illinois businesses to achieve a competitive business environment that will enhance job creation, job retention, and sustained economic growth. The Illinois Chamber is often referred to as the unifying voice of the business community in Illinois. The association consists of pharmaceutical manufacturers, other manufacturers, railroads, insurers, retailer and banks, in addition to a host of other industrial and commercial concerns. Just as the Illinois Chamber provides its members with benefits, these businesses, in turn, provide the State of Illinois with jobs, income, profits, and taxes that allow the State of Illinois and its residents to flourish.

7. The Chamber, ATRA, PLAC, NAM, the Illinois Chamber, and their members have a strong interest in this case. Although this case arises in the pharmaceutical context, the Court's resolution of the case could have a widespread, serious impact on product developers in all fields, which have until now relied on their understanding of long-settled principles of tort liability.

8. Amici are uniquely positioned to explain the prevailing rule nationwide for imposing liability on a manufacturer only for harm traceable to the

manufacturer's own product, and to address the significant policy consequences that might arise from expanding that rule by holding a manufacturer responsible for harms inflicted by its competitors' products. Although defendant-appellant addresses some of the policy consequences for the pharmaceutical industry in its brief, amici explain in their brief the policy consequences of expanding that rule across the myriad industries represented by amici's members.

9. Amici have filed amicus briefs in numerous federal- and state-court proceedings in which plaintiffs have advanced the same novel theory of innovator liability that plaintiff advances here. As a result, amici are particularly well situated to explain the prevailing nationwide rule and the rationales courts have embraced for adopting that rule.

10. Pursuant to Federal Rule of Appellate Procedure 29(a)(4)(E), amici state that no party or counsel for a party other than amici, their members, or their counsel authored this brief in whole or in part or made a monetary contribution intended to fund the preparation or submission of this brief.

11. Counsel for amici have conferred with counsel for the parties regarding the relief requested in this motion. Counsel for appellant consent to the filing of amici's brief. Counsel for appellee does not consent to the filing of amici's brief.

12. For the foregoing reasons, amici respectfully request leave to file the attached brief as amici curiae in support of defendant-appellant.

Respectfully submitted,

/s/ Kannon K. Shanmugam

KANNON K. SHANMUGAM

AMY MASON SAHARIA

WILLIAMS & CONNOLLY LLP

*725 Twelfth Street, N.W.*

*Washington, DC 20005*

*(202) 434-5000*

JANUARY 29, 2018

**CERTIFICATE OF SERVICE**

I, Kannon K. Shanmugam, counsel for amici curiae and a member of the Bar of this Court, certify that, on January 29, 2018, a copy of the attached Motion for Leave to File Brief of Amici Curiae was filed with the Clerk and served on the parties through the Court's electronic filing system. I further certify that all parties required to be served have been served.

/s/ Kannon K. Shanmugam  
KANNON K. SHANMUGAM