



## FDA PREEMPTION: THE BATTLE FOR SUPREMACY

**Paul Clement** is a partner at Bancroft PLLC. Mr. Clement served as the 43rd Solicitor General of the United States from June 2005 until June 2008. Before his confirmation as Solicitor General, he served as Acting Solicitor General for nearly a year and as Principal Deputy Solicitor General for over three years. He has argued 75 cases before the United States Supreme Court, including *Wyeth v. Levine*, *McConnell v. FEC*, *Tennessee v. Lane*, *Rumsfeld v. Padilla*, *Credit Suisse v. Billing*, *United States v. Booker*, *MGM v. Grokster*, *ABC v. Aereo*, and *Hobby Lobby v. Burwell*. He has argued before the Supreme Court 21 times in just the last three Terms, an unprecedented number for a lawyer in private practice.

**Gerald Masoudi** is a partner at Covington & Burling LLP, and co-chair of the firm's Food and Drug practice group. Before joining Covington in 2009, Mr. Masoudi served as Chief Counsel of the Food and Drug Administration. In that capacity he was responsible for supervising FDA's involvement in civil and criminal litigation and investigations; providing legal review of warning letters, guidances and regulations; and providing advice to the FDA commissioner and senior leadership on matters relating to the products regulated by FDA. Before joining the FDA, Mr. Masoudi served as Deputy Assistant Attorney General for international, policy and appellate matters in the Antitrust Division at the Department of Justice. He also served as Principal Deputy Chief Counsel for the FDA in 2004 and 2005. Before entering government service, Mr. Masoudi had a decade of experience in private practice in the areas of antitrust, telecommunications, patent law and energy.

**Andrew W. Boczkowski** is an Assistant General Counsel at GlaxoSmithKline, where he has practiced as an in-house counsel since 2004. Prior to that he was an associate at Stradley Ronon, and prior to entering private practice, he served as Law Clerk to Hon. Louis C. Bechtel, U.S. District Judge in the Eastern District of Pennsylvania. Mr. Boczkowski received his J.D. from Villanova University School of Law and his B.A. from Canisius College.

**David R. Kott** is a partner at McCarter & English. He limits his practice to litigation, and has extensive jury trial experience in the area of products liability and related areas, including consumer fraud and commercial cases involving products. Mr. Kott has tried over fifty jury trials to verdict. He has also been lead counsel in a number of class actions. He is a member of the New Jersey Civil Justice Institute's Legal Advisory Board.