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Diane P. Sullivan



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Weil, Gotshal & Manges

New York • Trials, Complex Commercial Litigation, Antitrust, Mass Torts

Diane P. Sullivan is a prominent trial lawyer at Weil, Gotshal & Manges, where she focuses on high-stakes class action defense in antitrust, product liability and environmental cases.

She was featured in Benchmark Litigation's 2025 listings as among its Top 100 Trial Lawyers.

In December, Sullivan's \$95 million jury win in a patent infringement case over vaping technology was affirmed by a federal appellate panel. The outcome is potentially worth more than \$1 billion

in go-forward royalties. *Altria Client Services LLC V. R.J. Reynolds Vapor Co.*, 2023-1546 (Fed. Cir., op. filed Dec. 19, 2024).

She said her win at trial for Altria in September 2022 came after a successful cross-examination of R.J. Reynolds' experts. "They had no inventor story," she said of the technology in question. "They just stole it."

During her three-decades-plus career, Sullivan has won defense verdicts for Merck in its Vioxx litigation, for Astra Zeneca over Seroquel and for Johnson & Johnson over talc. Also, there were two class action jury trial wins involving billions of dollars in potential liability for Philip Morris USA.

Current clients include GlaxoSmithKline PLC, Steven Cohen and SAC Capital Advisors LP, Covetrus Inc., The Procter & Gamble Co. and ExxonMobil Corp.

"I have always liked the competition -- it's exciting, it's fun," Sullivan said. "To get out there in the courtroom is exhilarating."

She'll have more chances in upcoming trials for Duke Energy and L'Oréal S.A.

As often happens, Sullivan and her Weil team were retained by Duke, with Sullivan as lead trial counsel, after other lawyers had done much of the preliminary work.

"We often get called when the client realizes the case is going to a jury," she said. "I always enjoy trial work, though of course it's better to have a case from the beginning. You work with witnesses, prep them for depositions. You shape the narrative."

In the current antitrust case, the big power company is accused of monopolizing the wholesale energy market in the southeastern U.S. Last November, a federal appellate panel reversed a lower court and ruled that the case should proceed to trial. *Duke Energy Carolinas LLC v. NTE Carolinas II LLC*, 22-2168 (4th Cir., op. filed Nov. 26, 2024).

"We expect the trial will start next year," Sullivan said in mid-January.

Also, Sullivan will defend cosmetics giant L'Oréal in consolidated class actions concerning its allegedly carcinogenic chemical hair relaxer products. *In re: Hair Relaxer Marketing, Sales Practices, and Products Liability Litigation*, MDL 3060 (N.D. Ill., Oct. 21, 2022).

"The plaintiffs claim the products cause uterine cancer," Sullivan said. "We'll be mounting a defense concerning their scientific evidence and, pre-trial, challenging the reliability of their experts' theory. Can the science support their argument? We don't think so."

That trial is likely to take place later in 2025, Sullivan said. CV-2025-00060 (S. Fe 1st Jud. Dist., filed Jan. 9, 2025).