

## David M. Foster

Partner

Washington, D.C.

### Biography

David Foster has deep experience defending clients in high-stakes and high-profile disputes, including class actions. David also serves as global lead for environmental, social, and governance (ESG) disputes for the firm's Litigation, Arbitration, and Employment practice.

David has particularly deep experience representing pharmaceutical companies and other clients in the life sciences sector. For example, he has defended a major international pharmaceutical company in some of the most of high-profile class actions in recent years concerning drug pricing and marketing. He also has represented life sciences clients in price-reporting disputes, commercial litigation, antitrust suits, and investigations by the Department of Justice and state attorneys general.

David also defends clients in cross-border disputes, including human rights lawsuits concerning alleged labor conditions in international supply chains. For example, he has successfully defended multiple putative class actions brought under the Alien Tort Statute and the Trafficking Victims Protection Reauthorization Act (TVPRA).

In 2005, David received Harvard Law School's Victor Brudney Prize for best paper on the topic of corporate governance. Before attending law school, David worked for a consulting firm that specialized in providing expert testimony for antitrust litigation.



### Phone

+1 202 637 5573

### Fax

+1 202 637 5910

### Email

[david.foster@hoganlovells.com](mailto:david.foster@hoganlovells.com)

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### Languages

English  
Spanish

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### Practices

Commercial Litigation  
Litigation Services  
Business and Human Rights

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### Industries

Life Sciences and Health Care  
Financial Institutions  
Consumer

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### Areas of focus

## Representative experience

Representation of pharmaceutical company in multidistrict litigation and other class actions involving claims under RICO, antitrust laws, and state consumer protection statutes.

Representation of major U.S. food company in defense of Alien Tort Statute claims involving alleged labor conditions on cocoa farms in the Ivory Coast, culminating with win in U.S. Supreme Court.

Representation of major technology company in lawsuit asserting violations of TVPRA relating to allegations concerning mining activity in Africa, resulting in dismissal of claims at pleading stage.

Representation of leading food company in defense of TVPRA claims relating to allegations concerning farming activity in Africa, resulting in dismissal of claims at pleading stage.

Representation of lender in lawsuits in which plaintiffs and bankruptcy trustee alleged client was liable for US\$2.3bn in judgments against health care companies, resulting in summary judgment win.

Representation of leading global pharmaceutical company in defense of government investigations at both state and federal level.

Representation of clinical laboratory in suit alleging violations of Lanham Act, anti-kickback statute, and unfair competition laws.

Representation of life sciences companies in pharmaceutical pricing matters, including disputes and investigations relating to Medicaid rebates and the 340B program.

Representation of leading insurance company in multidistrict litigation arising out of alleged bid-rigging by insurance brokers.

Representation of premier media company in defending lawsuit that sought to enjoin airing of television documentary.

Member of team that represented D.C. homeowners in

Pharmaceuticals and Biotechnology

Class Actions and Group Litigation

State Attorneys General

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## Education and admissions

### Education

J.D., Harvard Law School, cum laude, 2005

B.A., Vanderbilt University, summa cum laude, high honors in economics, 2001

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### Bar admissions and qualifications

District of Columbia

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### Court admissions

U.S. Court of Appeals, District of Columbia Circuit

U.S. Court of Appeals, Tenth Circuit

U.S. District Court, District of Columbia

U.S. District Court, Northern District of Illinois

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suits asserting violations of consumer protection statutes against perpetrators of foreclosure rescue scam, resulting in US\$3.3m jury verdict.

## Latest thinking and events

- News
  - Highlights of new SEC rules on climate-related disclosures
- Insights and Analysis
  - Held v. Montana: Implications for pending and future climate change litigation in the U.S.
- Hogan Lovells Events
  - Defending corporate responsibility: understanding the growing ESG class action risk
- News
  - New frontiers and evolving risks in U.S. and U.K. human rights litigation
- News
  - ESG Litigation Guide: An interactive guide providing detailed analysis of international ESG litigation cases *Engage Premium*