



Medmarc Risk Management Webinar Series

Webinar Summary

Navigating Risks for Foreign Manufacturers Whose Products are Distributed in the U.S.

Presenters: [Kathleen Warin](#) and [Daniel Tranen](#) | Partners Wilson Elser

In this on-demand webinar recorded live on April 23, 2025, Kathleen Warin and Daniel Tranen (Cochairs of Wilson Elser's national Life Sciences and Product Liability and Prevention & Government Compliance practices) dive into the critical relationship between foreign manufacturers and U.S. distributors and how those dynamics impact key legal issues like jurisdiction, defense obligations, and discovery in product liability cases. Kathleen and Dan address challenges such as obtaining jurisdiction over foreign manufacturers, managing discovery complexities, and navigating international laws that complicate evidence gathering. They also cover the importance of well-structured agreements, including indemnification clauses, risk-sharing, and clearly defined roles related to design, regulatory compliance, and labeling. This presentation provides valuable insights into how these agreements can help manage litigation risks and ensure each party understands their responsibilities in the event of a lawsuit.

Full On-demand Recording

On-demand Chapters:

- [00:00](#) – Introduction of the Presenters
- [01:44](#) – Presentation Overview
- [05:10](#) – How is the Foreign Manufacturer Getting Its Products to the U.S. Market?
- [07:07](#) – Jurisdiction and Liability Exposure in U.S. Courts
- [10:05](#) – Stream of Commerce Theory
- [12:52](#) – Recent SCOTUS Decisions on Personal Jurisdiction
- [17:36](#) – Does The Interaction With the U.S. Regulators Establish Jurisdiction Over Foreign Manufacturers?
- [23:20](#) – Who is Interacting With the FDA?
- [25:33](#) – Jurisdiction Through "Alter Ego" Arguments
- [32:29](#) – Jurisdiction Through Agency Arguments
- [35:44](#) – Strategies to Avoid Being Subject to Widespread Jurisdiction in U.S. Courts
- [39:51](#) – Distribution Agreements (Key Components)
- [41:38](#) – U.S. Discovery of Foreign Manufacturers
- [45:01](#) – Practical Considerations to Resisting Discovery of Foreign Manufacturers
- [46:20](#) – The Plaintiff Has a U.S. Judgment Against You: Now What?
- [52:53](#) – Questions



Kathleen H. Warin
Partner | Wilson Elser

Kathleen Warin is a litigator specializing in the defense of complex civil litigation. She is experienced in handling high-profile product liability cases in state and federal courts nationwide, including mass torts in consolidated and multidistrict litigation (MDL).

Kathleen has successfully defended cases to verdict in civil jury trials in numerous jurisdictions. In addition, she has successfully handled appeals in various federal and state courts. She has extensive experience defending physicians and health care entities, including hospitals, in professional liability litigation. Kathleen has also represented a securities broker-dealer self-regulatory organization in pattern litigation.

Kathleen is the regional managing partner for the firm's Washington, D.C. office. She is cochair of the firm's national Product Liability, Prevention & Government Compliance Practice and the Life Sciences Practice.

Daniel E. Tranen
Partner | Wilson Elser

Daniel Tranen is the regional managing partner of Wilson Elser's St. Louis, Missouri, office. Daniel is an accomplished litigator who has handled matters and tried cases across the litigation spectrum and throughout the United States in his more than 25-year law practice. Daniel is licensed in the state and federal courts of Missouri, Illinois, Georgia and Massachusetts, and has previously lived and practiced law in each of these jurisdictions. Daniel currently serves as a cochair of the firm's national Life Sciences and Product Liability, Prevention & Government Compliance practices.

Daniel is a recurrent speaker for the ABA, DRI, CLM and CPCU and for individual insurers and their policyholders. He writes and speaks about the defense of life sciences companies, insurers in insurance coverage disputes and a variety of other topics in the various practice areas in which he serves Wilson Elser's clients. Daniel also provides risk management and employment practices advice to life sciences companies and other employers, insurers and professionals. Daniel frequently writes and speaks on issues of attorney risk management and the strategic practice of law. He is a co-editor of Wilson Elser's coverage and professional liability newsletters, Coverage Matters and Professionally Speaking. Daniel serves on the board of "Spread Ari's Light," a foundation that raises funds for services for children with pediatric cancer.