



Erik DiMarco

PARTNER

New York

212.453.0771

edimarco@grsm.com

RELATED SERVICES

- Environmental & Toxic Tort
- Commercial Litigation
- Trial Practice
- Environmental Remediation & Superfund (CERCLA/RCRA)
- Product Liability
- Asbestos & Talc
- Chemical Exposure

OFFICES

- New York

OVERVIEW

Erik DiMarco maintains a national litigation practice in toxic tort, product liability, general liability and environmental litigation matters. As national, coordinating and/or supervising counsel, Erik handles litigation for numerous Fortune 500 and privately held corporations in numerous jurisdictions throughout the U.S. His unique experience defending U.S. government contractors and associated military defense operations has enabled him to develop specialized experience and viewpoints towards defending all of his clients, which include premise owners, product manufacturers, suppliers and distributors. Erik manages litigation across the country and has established teams throughout many GRSM offices to protect the interests of his clients.

Erik has extensive experience in handling the defense of complex matters including toxic exposure claims involving asbestos, silica, benzene, mold, latex and chemicals; sick building claims; general liability and premises liability claims, as well as environmental contamination. In his representation of a large real estate investment trust in New York City, Erik defended hundreds of cases involving stair, elevator and burn injuries. Erik also handles general liability elevator and escalator claims. In many cases, he has worked with his corporate clients to develop information as to their historical product lines and subsidiary acquisition, analyzing historical asset and liability transfer agreements and successor liability issues.

Many of Erik's engagements involve the representation of manufacturers of military aircraft and submarines, as well as operators of nuclear training facilities, in the direct defense of claims related to the use of asbestos materials. He specializes in the impact of litigation discovery on national security and federal law compliance considerations. On these matters, he regularly collaborates with U.S. Navy officers as well as specialists in the area of compliance with federal regulations including the International Traffic in Arms Regulations (ITAR), Atomic Energy Act and the Arms Export Control Act.

Prior to joining GRSM, Erik was a partner in a national law firm, leading its Toxic Tort, Environmental & Energy Practice in New York. In 2016, Erik and his partner, Virginia Squitieri, accepted an invitation to join GRSM, bringing along numerous clients as well their team of associates, paralegals and support staff.

REPRESENTATIVE EXPERIENCE

Representative Trials

- Colasanti v. American Biltrite, et al. (2014) – Judge Charles Merrell (Onondaga County)
 - Served as second chair trial counsel in this lung cancer case
 - Outcome: \$0 to client; Jury Verdict for Plaintiff in amount exceeded by other settlements
- Chisholm v. Vanderbilt (2015) – Judge Richard T. Aulisi (Schenectady County)
 - Served as second chair trial counsel in this mesothelioma case
 - Outcome: Jury Verdict for Plaintiff; Client sole defendant; Verdict amount remitted on motion post-verdict; case resolved during post-trial appeal
- Langevin v. Vanderbilt (2018) – Judge Richard T. Aulisi (St. Lawrence County)
 - Served as first chair trial counsel in this mesothelioma case
 - Outcome: Case resolved during voir dire

- Morley v. Aurora Pump (2019) – Judge Scott DelConte (Onondaga County)
 - Served as first chair trial counsel in this mesothelioma case
 - Outcome: Case resolved during voir dire
- Brown v. Troy Belting (2019) – Judge Richard T. Aulisi (Onondaga County)
 - Served as first chair trial counsel in this mesothelioma case
 - Outcome: Case resolved immediately following my opening statement
- Sason v Vanderbilt Minerals (2023) – Judge David Cohen (New York County)
 - Served as co-first chair trial counsel in this mesothelioma case
 - Outcome: Case resolved after my cross-examination of Plaintiff's key fact witness

Representative Experience

- Strategized & structured motion practice leading to dismissal of personal injury action on judicial estoppel grounds despite prior negative inference ruling (Suffolk County – 2024)
- Secured summary judgment utilizing the bulk supplier defense (NYCAL – 2021)
- Attained summary judgment on behalf of industrial talc manufacturer (NYCAL – 2020)
- Obtained the first summary judgment decision on causation in the State of New York on behalf of a cosmetic talc manufacturer (2019)
- Secured decision dismissing all causes of action asserted by plaintiff in a toxic tort case based upon judicial estoppel (S.D.N.Y. – 2017)
- Successfully represented multiple clients in trial of product liability/toxic tort claims in the New York City asbestos litigation and upstate New York asbestos litigation.
- Litigated hundreds of general liability claims through New York City and New York State including, elevator, escalator, and general premises claims.
- Experience representing real estate investment trusts and building owners in multiple facets of litigation throughout New York.
- Particular experience in litigation involving restricted and protected information involved with prime contractors and subcontractors involved in military defense operations.
- Obtained first decision granting summary judgment based upon the government contractor defense before Judge Eduardo Robreno in the Multi-District Asbestos Litigation. (See Boston, et al v. Eastern Refractories Company, et al., August 2010)
- Development of client's successful defense based upon government contractor defense, Feres Doctrine and the Combatant's Activity Exception to the Federal Tort Claims Act.
- Retained to defend litigation for prime contractor operating nuclear training facilities for the U.S. Department of Energy and U.S. Navy.

- Obtained decision quashing subpoena's served on client seeking documents relating to equipment and operations at a nuclear research facility involving the Naval Nuclear Propulsion Program.

PRESENTATIONS

Mr. DiMarco has spoken at numerous industry events on panels involving the day-to-day litigation of cases and in private sessions with clients addressing recommended strategies to employ on individual and global litigation matters.

CREDENTIALS

Admissions

- New York
- Connecticut
- Massachusetts
- U.S. Supreme Court
- U.S. District Court, Southern, Western, Eastern, and Northern Districts of New York
- U.S. District Court, District of Pennsylvania
- U.S. District Court, District of Massachusetts
- U.S. District Court, District of Connecticut
- U.S. District Court, Eastern and Northern Districts of Texas

Memberships

- Defense Research Institute
- New York State Bar Association

Education

- J.D., New England School of Law, 1997
- B.A., Political Science, University of Hartford, 1994

Honors

- *Super Lawyers*® distinction (2013-2024)
- *Super Lawyers*® Rising Star distinction (2011-2012)