

## Partners Notes

### Corporate Lawyer, Acquisition Specialist Join King & Spalding's London Office

King & Spalding has announced that Jonathan Martin, a corporate lawyer with significant experience in corporate finance transactions, mergers and acquisitions, and joint ventures, notably in the energy sector, and Peter J. Bowring, a cross-border project and acquisition finance specialist with extensive international experience in the gas, oil, power and renewables sectors, have joined the firm's London office as a partner and counsel, respectively. Their arrival brings to 27 the total number of lawyers in King & Spalding's London office, including 8 partners.

Mr. Martin joins King & Spalding from Watson, Farley & Williams, where he was a partner in the international corporate group. He represents European and U.S. clients on equity fundraisings, mergers and acquisitions, joint ventures and restructurings, with an emphasis on listings of fast-growing mid-cap companies on the AIM market.

Mr. Bowring joins King & Spalding from Vinson & Elkins' worldwide project finance and development practice group, where he was a senior associate. He has considerable experience representing borrowers and lenders in international cross border finance transactions, including project, acquisition and property finance as well as capital markets transactions in the United Kingdom, Europe, the Americas and Africa.

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King & Spalding has earned a significant victory for client GlaxoSmithKline (GSK) in a products liability case. On January 30, a federal district judge

granted summary judgment in *O'Neal v. SmithKline Beecham d/b/a Glaxo-SmithKline* and dismissed, with prejudice, all claims made by the plaintiff in a case involving the 1997 suicide of a 13 year-old. This is the fourth major win in a series of victories over the past several months regarding suits filed against the drug manufacturer of the antidepressant drug Paxil.

Judge Frank C. Damrell Jr., of the United States District Court for the Eastern District of California, dismissed the case on the grounds that under state law all of the claims required showing

that GSK should have included a warning in Paxil's labeling in 1997 that there was an increased risk of suicidality. The plaintiffs' claims created a direct conflict with the federal labeling requirements for Paxil established by the United States Food & Drug Administration, pre-empting the plaintiffs' tort claims.

Importantly, the court recognized that at the relevant time, in this case 1997, there was no reasonable scientific evidence to support the plaintiffs' proposed warning.

The decision is significant and prece-

dent setting because it is believed to be the first case in which a court has fully considered the legal issue of implied conflict pre-emption and rendered an opinion in a pediatric suicide case brought against an antidepressant manufacturer alleging a failure-to-warn of an increased risk of suicidality.

The King & Spalding team representing GlaxoSmithKline consisted of product liability partners Chilton Davis Varner, Andy Bayman, Todd Davis and Halli Cohn, and FDA/Healthcare partner Mark Brown, along with associates Nicole Taylor and Nathan Guest.

### David Unkovic Joins Cozen O'Connor In Philadelphia

Cozen O'Connor announced that David Unkovic joined the firm's public and project finance practice in Philadelphia on Feb. 19. Mr. Unkovic left his position as managing director and chief compliance officer at PFM Asset Management, which manages approximately \$30 billion in assets for government and non-profit entities.

Prior to joining PFM, Unkovic was a partner in Saul Ewing's public finance department, where he worked closely with Suzanne Mayes, who is now co-chair of the Public and Project Finance practice group at Cozen.

A frequent speaker and author on matters related to public finance and investment law, Mr. Unkovic is a member of the American College of Bond Counsel, the National Association of Bond Lawyers, the National Society of Compliance Professionals and the Pennsylvania Association of Bond Lawyers, where he previously served on the board and as President.

Also active in the American, Pennsylvania and Philadelphia bar associations and their respective foundations, Mr. Unkovic received the Philadelphia Bar Association's Fidelity Award, and the Pennsylvania Bar Foundation's Louis J. Goffman Award, both in recognition of pro bono service.

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