

→ Toxic Tort and Product Liability

Sheppard Mullin's Toxic Tort and Product Liability team protects our clients and their business at every stage. We have decades of experience advising clients on risk management and compliance, and defending against class action, mass tort, multidistrict litigation, and individual actions alleging toxic tort and product liability claims. We deliver effective and cost-efficient results because we have the expertise and care about our clients' reputation and future.

Our top priority is to minimize our clients' risk and prevent disputes before they arise. We conduct compliance reviews and provide practical advice on business management, including awaiting pitfalls, compliance work, responding to records requests, product marketing, sales and distribution. Our work includes preparing franchising, licensing, distribution and sales agreements, as well as drafting warranties, warnings and instructions for product use. In addition, we conduct in-house compliance programs to educate and train employees. We update clients on the latest developments in the law and hot areas in the plaintiff's market.

Litigation exposure can be substantially decreased through the prompt recall of challenged products. We structure and oversee such recalls, and interface with state and federal agencies as necessary during the process.

We also counsel and assist clients in regulatory matters involving the manufacture and distribution of drugs, medical devices, food, dietary supplements, and other products before state and federal agencies, including the Food and Drug Administration.

When disputes arise, we assess our clients' exposure and partner with them to craft cost-effective strategies that fit their business and legal goals. We have successfully resolved many actions through aggressive motion practice, including disposing of them before class certification or reaching early and beneficial settlement. Our attorneys are skilled at creating strategies that eliminate or limit toxic tort and product liability cases before trial. We also have a strong track record of winning these cases at trial, when necessary. We have gone head-to-head with the leading plaintiffs' counsel in jurisdictions across the country. We know the law, opposing counsel, and the judges, and we know how to protect our clients from liability.

We have resolved disputes involving a wide range of industries and products, including:

- Automotive
- Aviation
- Batteries
- Construction equipment
- Consumer products
- Electronics
- Environmental controls

- Food and beverage
- Gasoline
- Healthcare
- Industrial equipment
- Medical devices
- Oil and gas
- Pharmaceutical
- Power plant equipment
- Real estate
- Sprinklers
- Tobacco
- Toy
- Tractors
- Turbines
- Windows

Matters

- Defeated on the eve of trial headline-making mass toxic tort action spearheaded by Erin Brockovich. Plaintiffs alleged that nearly 1,000 current and former high school students were injured from exposure to over 140 chemicals from neighboring oil drilling sites and an energy production facility. Client Venoco, Inc. won on summary judgment and continues to operate its oil drilling facility today.
- Represented Samsung SDI America in class action litigation relating to the well known issues with the Note 7 smart phone. Case successfully defended by virtue of successful motion to compel arbitration and dismiss class claims.
- Represented Hehr International in recall action with the National Highway Safety Traffic Administration of its windows manufactured for buses across the United States and Canada, and subsequent product liability action.
- Won defense verdict at trial for Liquid Carbonic/Praxair involving a five-alarm fire and explosion allegedly caused by a leak in the client's control panel.
- Represented oil refiner in a \$64 million jury trial involving claim that gasoline with methyl tertiary butyl ether (MTBE) is a defective product. Also represented oil refiner in more than a dozen related cases pending in a multi-district litigation involving similar issues.
- Represented Philip Morris USA in multiple class actions alleging product liability, unfair competition and consumer disclosure claims.
- Defeated class certification for Milgard Windows of class action seeking recovery for damage to single-family homes and other properties caused by allegedly defective aluminum windows and doors.
- Represented Masco Corporation and Behr Process Corporation in class actions filed in eight states alleging that exterior wood coatings fail to retard mildew growth and ultraviolet light degradation.

- Obtained dismissal of action for international consumer product manufacturer and distributor in action involving personal injuries from allegedly defective batteries.
- Represented battery manufacturer concerning alleged defects in lead acid batteries used in electric scooters, which led to a dispute with the scooter manufacturer, which contended that the defective batteries led to a high rate of return which shuttered its business. We proved that the batteries were not defective and obtained a judgment against plaintiff on all claims and in favor of amounts owed to our client.
- Won dismissal for American Regent / Luitpold Pharmaceuticals in product liability litigation involving allegedly defective pharmaceutical products.
- Represented major plumbing products distributor in product liability case alleging defective showerheads and successfully negotiated with foreign manufacturer to indemnify distributor for all legal fees and other costs.
- Represented Mattel, Inc. in numerous actions alleging injuries to exposure to chemicals during the manufacturing of toys.
- Represented real estate owner in action for sick building syndrome.
- Represented Northrop Grumman Corporation and The Raytheon Company in numerous actions for alleged exposure to chemicals used in manufacturing at facilities.
- Represented large manufacturer of light rail transportation vehicles.
- Represented Bridgestone Corporation in litigation related to the roll-over of Ford Explorer vehicles when Bridgestone tires allegedly tore apart due to excessive heat generated at highway speeds.
- Represented Siemens Corporation and Robert Bosch Corporation in litigation involving allegedly defective automotive parts.
- Represented Independence Tube in litigation involving injuries allegedly caused by products used to fabricate steel.
- Represented Johns Manville Corporation in product liability, breach of fiduciary duty and RICO actions concerning roof insulation.
- Represented defense contractor concerning alleged defects in a fire suppression system for a Navy fighter plane, which led to a dispute involving termination of the subcontractor that caused the defect.
- Represented Kraft Foods in matters involving allegations of foreign substances in food products.
- Represented Ford Motor Company, Chrysler and General Motors in product liability cases ranging from allegations of defective seats, restraints, airbags, crashworthiness, post-collision fuel fed fires, brake failures, roll-overs, and the like.
- Represented Sanofi-Winthrop, Schering-Plough, Baxter Healthcare, and Caremark in matters ranging from alleged adverse reactions, including death (liver necrosis), from the ingestion of prescribed pharmaceuticals, allegedly non-disclosed side effects (bone necrosis from use of nasal inhaler containing cortico-steroid).
- Represented Chrysler in several friction asbestos matters brought by plaintiffs suffering from lung cancer, mesothelioma, allegedly resulting from asbestos exposure.
- Represented Chevron, Tenneco Automotive, Gillette and Heidelberg U.S.A. in various asbestos cases.
- Represented Continental Airlines in litigation against McDonnell Douglas Corporation arising out of the crash of a DC-10 jetliner.

- Represented airlines and airplane manufacturers in litigation arising out of airplane crashes.
- Represented Lockheed Martin in aircraft craft cases involving L-188 aircraft.
- Represented General Dynamics in litigation involving power press accidents and in case involving crash of a Marine YF 4.
- Represented Sundstrand Corporation in air conditioner explosion case and in plastic pipe and valve cases.
- Represented Beacon Oil Co. in toxic cleanup litigation.
- Represented German companies in propane refrigerator death cases and fabric press injury cases.
- Represented Vogt Valve in metal valve failure litigation.
- Represented Southern California Gas Co. in pipeline cases.
- Represented Sullair in litigation involving industrial compressors.