



McGuireWoods

PRODUCT LIABILITY & MASS TORT



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McGuireWoods' talented product liability and mass tort litigators have decades of experience successfully defending leading companies in complex, high-stakes litigation. They understand the importance of knowing their clients' products, businesses and objectives and they become technical experts in clients' processes and products and the standards and regulations that apply to them. We also leverage that knowledge to bring the most effective strategies to every challenge, and to provide the risk management advice and training needed to reduce the risk of future claims and put clients in the best position to obtain favorable results when litigation arises.

McGuireWoods handles cases involving automobiles and automotive products, food and beverage products, electronic devices, lithium-ion batteries, medical devices, power tools, outdoor power equipment, recreational products, chemicals, tobacco products, pharmaceuticals, aircraft, trains, building products and other consumer and industrial products. The team also defends cases arising from alleged exposure to toxic substances such as PFAS, asbestos, lead, silica, latex, mold, formaldehyde, benzene, solvents, PCBs, VOCs and other chemicals. We guide clients through recalls, labeling disputes and investigations by the Consumer Product Safety Commission (CPSC), Environmental Protection Agency (EPA), California Air Resources Board (CARB), and other regulatory and law enforcement agencies. In addition, the team advises on comprehensive risk management issues from state, national and global perspectives.

When litigation arises, McGuireWoods lawyers aggressively defend clients' interests and we have tried cases to verdict in dozens of states, including many of the most difficult jurisdictions. Team lawyers defend clients in pattern litigation, multidistrict litigation, complex consolidated cases and consumer class actions. When handling multidistrict litigation or serving as coordinating counsel, we work with a nationwide network of localized resources. The firm also understands the value of alternative dispute resolution in managing financial realities and as a means of mitigating negative publicity. Firm litigators' strength in the courtroom creates leverage in settlement negotiations.



Our attorneys are at the forefront of the most complex, “bet-the-company” product liability and mass tort litigation matters in the nation, serving as:

- lead counsel defending a global aerospace company in a highly publicized federal criminal investigation into the crashes of two jets and subsequent class action involving nearly 200 million class members;
- trial and appellate counsel to international medical device company defending nationwide suits following FDA recall;
- lead counsel defending an American multinational automobile manufacturer in multi-district litigation alleging defects associated with Takata ammonium nitrate airbag inflators;
- lead counsel defending an American retailer of hard-surface flooring in state and federal attorney general investigations and in two multi-district litigations following a “60 Minutes” segment alleging excessive levels of formaldehyde in Chinese manufactured laminate flooring;
- lead counsel defending the private equity owner of a pain clinic chain in nearly 100 significant personal injury claims alleging tainted steroid injections with potential exposure in the nine-figure range;
- lead trial counsel defending numerous “frackquake” lawsuits;
- national coordinating counsel for a Fortune 100 chemical manufacturer in multiple state and federal jurisdictions in suits seeking billions of dollars;
- trial and appellate counsel for a major food manufacturer in 300 related complex, high-dollar nuisance cases; and
- trial and appellate counsel for a Fortune 200 utility in multiple multi-billion nuisance cases alleging air and water contamination due to global warming and fly ash residue, obtaining dismissal of 12 causes of action, water-contamination allegations, and damages claims for medical monitoring, stigma, fear of future injury, and emotional injury

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HOW WE HELP

McGuireWoods' experience handling an array of issues places us in a unique position to counsel manufacturers on proactive measures to reduce the risk of litigation and regulatory exposure. Our litigators have worked on behalf of product manufacturers in many of the United States' most difficult jurisdictions. Although prepared to defend clients before juries and appellate courts, the team works closely with clients to develop strategies to avoid litigation. We serve as trusted advisers in all areas of risk management, including state-of-the-art product design, manufacturing processes, product literature and labeling, standards compliance, product warranties and representations, insurance coverage and recovery, product recalls, claims handling procedures, document management, corporate structure and governance, and communications.

Clients call on McGuireWoods to handle product liability and mass tort counseling and litigation matters, including:

Product Liability Litigation

McGuireWoods' product liability litigators represent clients in a diverse array of product liability matters. The firm partners with clients to defend individual wrongful death and catastrophic injury cases, class actions, mass tort and MDL proceedings, some involving cutting-edge legal issues. At any given time, lawyers are handling cases in all 50 states.


Class and Mass Tort Actions

McGuireWoods has the experience and credibility clients trust with their most sensitive class action and complex litigation matters. For decades, clients have called on firm litigators to handle complicated commercial matters in federal and state courts around the country. With the advent of consumer arbitration agreements, retailers and Fortune 100 companies also turn to McGuireWoods to defend mass arbitration actions pending in third-party tribunals.

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We have defended hundreds of state, national and multidistrict class actions in the automotive, pharmaceutical, retail, food and beverage, and consumer product sectors, and are frequently called upon to speak and write on innovative class action issues for lawyers and judges. The firm's product labeling team includes litigators who defend clients in a variety of industries in product liability, tainted food and deceptive trade practice lawsuits.

Strategic Risk Management

The American legal system is the only one in the world that can put even the largest and most successful companies out of business. Product liability litigation is one of the greatest risks facing all manufacturers and sellers of products in the United States. The companies that most effectively and proactively manage that risk realize a substantial competitive advantage. McGuireWoods lawyers have decades of experience advising leading companies in a variety of industries about how to implement and maintain effective risk management programs customized to achieve their objectives. The team's risk management work ranges from training and advising clients' executives and key personnel, to implementing and leading clients' comprehensive risk management programs and serving as national counsel.

Trials Practice and Roundtable

McGuireWoods has teams of trial lawyers with thousands of hours of experience in state and federal courts across the United States. Our lawyers have stood before juries dozens of times — lawyers who know what it means to represent clients with pride and passion, lawyers who know how to persuade, lawyers who know how to win. McGuireWoods also offers a Trial Team Roundtable, which provides decision-makers with a unique opportunity to benefit from the firm's trial experience. During a dynamic and lively full-day roundtable discussion, McGuireWoods trial lawyers meet with the client's decision-makers to analyze and challenge their assumptions, theories and defenses in the case. Through an interactive experience, the client comes away with creative ideas, themes and proposals for developing an effective trial strategy they may not have previously considered. Armed with these ideas, the client can determine whether to incorporate them into an effective trial strategy.

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Consumer Product Safety Commission

Firm lawyers have more than three decades of experience assisting clients on matters relating to the CPSC, including risk management, Consumer Product Safety Act and Consumer Product Safety Improvement Act compliance, voluntary remedial actions, development of recall and corrective action plans, objections to the CPSC's disclosure of protected information to third parties, CPSC site visits/inspections, post-remedial monitoring, civil and criminal penalty investigations and avoidance, adherence to industry standards, and product literature and labeling issues. McGuireWoods' experienced trial lawyers and class action litigators are well-versed in the practical implications of risk management strategies, and available to aggressively defend product manufacturer, importer, distributor and retailer clients when litigation arises.

Labeling

We advise some of the country's largest retail and consumer product companies on every aspect of a product's packaging — from regulatory issues, including reviewing labels to ensure they comply with relevant laws, to assessing risks for lawsuits and/or regulatory actions, to defending lawsuits. The team represents large retailers as they combat nationwide class action cases contending that labeling was misleading or deceptive. The firm also offers clients access to a 24-hour hotline, so when a time-sensitive safety or labeling inquiry arises, a client can obtain immediate assistance from the team.

Literature Review

One of the greatest tools a company has to reduce its product liability risk is the written word. For manufacturers and sellers of products, a sound risk management program must include reviews of their product manuals and packaging, representations in advertising, web-based content, and corporate communications, from internal memoranda to annual reports. McGuireWoods has decades of experience advising industry leaders about their product literature and corporate communications.

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WHAT OTHERS SAY

**Nationally recognized for
Product Liability & Mass Torts, Product Liability: Automobile, and
Food & Beverages: Regulatory & Litigation;**

Product liability and toxic torts practice recognition in Virginia

— *Chambers USA*

**Nationally recognized in
Product liability, mass tort and class action - defense: automotive/
transport; Product liability, mass tort and class action - defense:
consumer products (including tobacco); Product liability, mass tort
and class action - defense: pharmaceuticals and medical devices;
and Product liability, mass tort and class action - defense: toxic tort**

— *Legal 500 United States*

No. 1 law firm to defend Fortune 500 companies in tort litigation

— *Corporate Counsel* magazine

“Litigation Powerhouse”

— *Law360*

Automotive Practice Group of the Year

— *Law360*

**Multiple partners named
Product Liability Litigation - Defendants and
Mass Tort Litigation/Class Actions - Defendants
“Lawyers of the Year”**

— *Best Lawyers*

CONSUMER PRODUCTS EXPERIENCE

Team lawyers have hands-on legal experience with an array of consumer products, including:



Apparel



Home improvement products



Bicycles



Lawn and garden equipment



Boats



Light fixtures



Coffee makers



Lithium-ion batteries and chargers



Electronics



Nursery products



Elevators



Power tools



Furniture



Smoke alarms



Grills



Toys and games



Hand-held outdoor power equipment
(gasoline-powered, corded electric,
and battery-powered)



Window blinds



REPRESENTATIVE MATTERS

- Representation of an American multinational automobile manufacturer as national counsel in high-exposure product liability actions nationwide for the past three decades. Team lawyers have tried to verdict as first-chair counsel dozens of cases across the country involving allegations of defect in a broad range of vehicle systems. They manage local counsel, supervise discovery, develop defenses and related expert testimony, draft advanced motions, and serve as appellate counsel.
- Representation as national products liability and CPSC counsel to German and U.S. manufacturers of chainsaws and other hand-held power equipment. This 45-year representation has included comprehensive risk management, defense of all U.S. lawsuits involving product defect allegations, and extensive product literature work.
- Representation of one of the “Big Three” automobile manufacturers as national coordinating counsel for post-collision fire litigation.
- Representation as national coordinating counsel of an American multinational delivery services company. McGuireWoods manages the public liability property damage litigation, including more than 700 annual claims with 80 different law firms. The firm’s role has expanded from coordination of discovery across this portfolio to managing the overall coordination of the company’s tort litigation.
- Representation as national counsel in all lead paint litigation brought against an American multinational chemical company for the past 15 years. In this capacity, we serve as lead trial counsel nationwide and have successfully defended approximately 75 cases with a total value exceeding \$100 billion.
- Representation as national coordinating counsel for a fire safety products manufacturer for claims involving smoke alarm, fire extinguisher and carbon monoxide alarm products. The team retains, manages and pays local counsel; communicates case assessments and strategy with in-house counsel; coordinates discovery and pleadings; and prepares and tries cases.
- Representation as lead counsel for an American retailer of hard-surface flooring in MDL litigation that began in California, involving more than 140 class actions alleging excessive levels of formaldehyde in violation of a California regulation. After winning partial summary judgment and dismissal of half of the claims, the parties were able to resolve the claims to the client’s satisfaction. The team also successfully resolved more than 25 individual personal injury cases related to formaldehyde exposure.
- Representation as national product liability counsel to a Japanese manufacturer of optics and reprography products. This representation has included defending the medical devices and warnings in personal injury and wrongful death actions across the United States, including in North Carolina and California. Team lawyers also have traveled to Japan and prepared engineers to serve as corporate designees in litigation.
- Representation as lead counsel for an American retailer of hard-surface flooring in MDL litigation involving more than 40 class actions alleging false marketing and deceptive trade practices. The parties reached a settlement agreement after McGuireWoods won a partial motion to dismiss.
- Representation of an American electronic cigarette company co-founder in an MDL of approximately 3,935 cases pending nationwide, naming 120 defendants.
- Lead counsel for an American chain of variety stores in more than 20 ongoing proposed class actions across the nation accusing the retailer of selling obsolete motor oil not suitable for most modern vehicles, as well as two suits filed by state attorneys general alleging, among other things, misleading labeling and public nuisance related to air emissions. The claims were consolidated into an MDL in Kansas City.
- Won summary judgment for a Swedish multinational tobacco company in a high-profile product liability action before the U.S. District Court for the Eastern District of Pennsylvania brought by the plaintiff — a former Philadelphia Eagles and Philadelphia Phillies strength coach — who alleged that smokeless tobacco products caused the plaintiff’s tonsil cancer.

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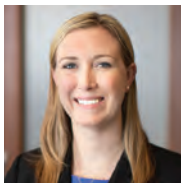
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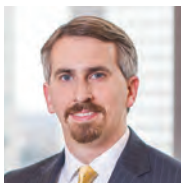
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ABOUT McGUIREWOODS

McGuireWoods has 1,100 lawyers in 21 offices across the United States and other countries. Over its 189-year history, the firm has earned the loyalty of its many longstanding clients with a deep understanding of their businesses and broad skills in complex regulatory and compliance matters, high-stakes disputes and transactional matters. For more than a decade, McGuireWoods has been ranked on BTI Consulting Group's "Client Service 30" list of law firms serving Fortune 1,000 companies — elite firms singled out for client service excellence based on unprompted feedback from corporate counsel. Its full-service public affairs arm, McGuireWoods Consulting LLC, offers infrastructure and economic development, strategic communications and grassroots advocacy, and government relations solutions. For more information, visit www.mcguirewoods.com.

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