

## Services & Industries

# Product Liability and Torts Litigation

## OVERVIEW

We provide clients with comprehensive and innovative defenses in products liability, class action, alleged sexual abuse and mass tort matters. We achieve the best results for clients because we treat every case as though it will be tried. Our experienced and always trial-ready approach strengthens a client's position, whether the case is presented to a jury or is settled. At the same time, we appreciate and share our clients' concerns about their business needs and respond with creative problem-solving and effective and innovative early dispute resolution alternatives.

We have served as national, regional and trial counsel, and we regularly represent manufacturers, distributors, retailers, property owners, lessors, hospitals, religious organizations and municipalities facing allegations of injury and loss related to products and services, including, among others:

- Agricultural equipment
- Asbestos
- Automobiles, trucks and aircraft
- Boilers and pressure vessels
- Outdoor power equipment and power tools
- Chemicals
- Commercial gases
- Computers
- Food products, alcohol and tobacco
- Fire and safety equipment
- Healthcare, medical devices and pharmaceuticals
- Industrial and construction equipment

- Papermaking equipment
- Specialty chemical products, including adhesives and grouts
- A wide spectrum of consumer products

Clients also turn to Day Pitney for counseling in related areas of practice, including personal injury and general negligence matters. We provide clients with preventive counseling regarding warnings, warranties, and compliance with federal and state statutes concerning consumer product safety and design, and we keep them informed of changes in legislation impacting the workplace.

We are a visible, influential presence in legal and industry groups that deal with emerging products liability law and litigation issues, including the American College of Trial Lawyers, the Product Liability Advisory Council, the American Board of Trial Advocates, the Defense Research Institute, the International Association of Defense Counsel, the National Board of Trial Advocacy, the Federation of Defense & Corporate Counsel, and the American Bar Association Litigation Section and its Automotive, Industrial Equipment, and Environmental and Toxic Tort subcommittees.

## **EXPERIENCE**

Day Pitney lawyers have successfully defended:

- A global bank against claims of alleged injuries from exposure to contaminants in lower Manhattan as a result of the September 11, 2001, attacks.
- A specialty chemicals company in cost recovery and wrongful death lawsuits arising from a ceiling collapse on the Big Dig project in Boston.
- A major energy company against a mass tort claim for personal injury, property damage and other relief involving more than 300 plaintiffs who allegedly resided near one of the company's former manufactured-gas plants.
- A religious organization for nearly two decades in connection with alleged sexual abuse claims occurring 30 to 50 years ago.
- A private university against more than 75 federal claims of alleged sexual abuse occurring at a Haitian school run by an alumnus.
- A major medical center against more than 160 lawsuits involving allegations of child sexual abuse by a former employee including trials to verdict.
- Property damage arising out of the explosion of industrial equipment, which resulted in a jury verdict of \$18.3 million in favor of our clients.
- A European manufacturer against claims of brain damage and seat belt failure.

- A Big Three automobile manufacturer in connection with a claim of product defect, crashworthiness claims and claims of catastrophic injury.
- Significant product liability action involving more than 20 medical and scientific experts, and the novel claim that the consumption of shellfish at a restaurant can trigger a condition called Guillain-Barré syndrome and irreversible paralysis.
- An international manufacturer of papermaking equipment in a workplace injury case.
- A manufacturer against claims in a consolidated trial of 13 asbestos cases, including two death cases.
- A major consumer product manufacturer in a class action pending in the Supreme Court of New York State involving claims of product defect and punitive damages.
- A global security company in several cases involving catastrophic injury and death resulting from a fire that destroyed a college dormitory.
- A major dietary supplement company in a litigation regarding a weight-loss drug.
- A global specialty chemical company in a settlement related to a suit demanding costs incurred by another company for abating contamination at a site.
- A group of chemical and auto companies among approximately 300 companies defending three actions alleging pulmonary injuries and cancer suffered by the owner-operators of a licensed waste disposal facility and by firemen who responded to an explosion at the site.
- An industrial gas manufacturer against various claims from employees stemming from exposure to vinyl chloride monomer and seeking damages for wrongful death, personal injury and medical monitoring.
- A Connecticut water company in property damage cases arising from contamination of aquifers by toxic chemicals.
- A major tool and construction manufacturer against products liability and negligence claims in state and federal courts.
- A tobacco company in a products liability case wherein a plaintiff asserted that the decedent's death was caused by defective cigarettes.
- A personal injury action to a jury verdict wherein a plaintiff made a multimillion-dollar demand for alleged brain injury, which the jury rejected.
- The manufacturer of an aircraft propeller system in a fatal air disaster case tried in the U.S. District Court for the Northern District of Georgia.
- A manufacturer of industrial equipment in a case involving the collapse of a suspended scaffold

that resulted in two deaths.

- Major chemical companies in the Lore v. Lone Pine toxic tort litigation, in which we served as lead counsel and presented argument to the court on behalf of more than 450 alleged generator defendants that resulted in the dismissal of action. The Lone Pine order has become a standard in toxic tort litigation throughout the United States.

## INSIGHTS

### **"Trends in Talc and PFAS Litigation, and Regulations to Watch in 2024," PLAC 2024 Spring Conference**

April 3-5, 2024

New Jersey Partner Michael Fitzpatrick will be speaking at the PLAC 2024 Spring Conference, which is being held April 3-5 in Nashville, TN.

### **"Alphabet Soup: The Regulation of CBD, CBN, Delta 8, Delta 10, and Other Cannabinoids," DRI Cannabis Law Seminar**

September 9, 2022

On September 7, Day Pitney Litigation Partner James Rotondo and Associate Daniel Pierre will be presenting on a panel titled, "Alphabet Soup: The Regulation of CBD, CBN, Delta 8, Delta 10, and Other Cannabinoids," at the DRI Cannabis Law Seminar in Nashville.

### **Global Attorney-Client Privilege Guide, Lex Mundi**

October 29, 2021

Attorneys Benjamin Haglund, Michael Fitzpatrick and Palak Sharma co-authored the New York and New Jersey sections of *Lex Mundi's* Global Attorney-Client Privilege Guide.

### **Federal Bar Association: The Twenty-Six Words That Created The Internet**

May 19, 2021

On May 19, Partner Jonathan Handler moderated a virtual book talk for the Massachusetts Chapter of the Federal Bar Association with Professor Jeff Kosseff, author of *The Twenty-Six Words That Created the Internet*.

### **Chapter 12: Regulating Cannabis Products, Product Liability Litigation, Current Law, Strategies, and Best Practices, Second Edition**

April 1, 2021

Day Pitney Partner James Rotondo, Counsel Steven Cash, and their former colleague Kaitlin Canty authored the chapter, "Regulating Cannabis Products," in the second edition of *Product Liability Litigation, Current Law, Strategies, and Best Practices*, published by Practising Law Institute.

## NEWS

### **Day Pitney Widely Recognized by Daily Business Review at the Florida Legal Awards**

April 5, 2024

*Day Pitney Press Release*

### **Florida Legal Awards: On The Rise Honorees**

March 18, 2024

Day Pitney Litigation Partner Georgia Thompson was featured in the *Daily Business Review* article on the Florida Legal Awards' On The Rise Honorees.

### **Three Day Pitney Partners Named by Daily Business Review as 2024 Florida Legal Awards Honorees**

February 2, 2024

Day Pitney is proud to announce that three of the firm's South Florida-based partners have been recognized for the Florida Legal Awards from the *Daily Business Review*.

### **Despite Challenges It Presents, Influx of Federal Judges Seen As Positive**

December 15, 2023

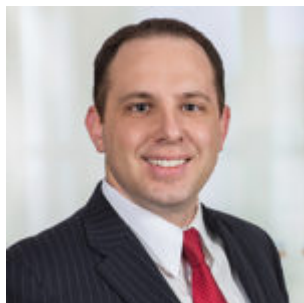
Day Pitney Boston Litigation Partner Jonathan Handler was featured in the *Massachusetts Lawyers Weekly* article, "Despite Challenges It Presents, Influx of Federal Judges Seen As Positive."

### **South Florida Business & Wealth Magazine's Up and Comer Awards**

November 16, 2023

Day Pitney Miami Litigation Partner Georgia A. Thompson was recognized by *South Florida Business & Wealth* magazine with a 2023 Up and Comer Award—Excellence in Leadership (Existing Company).

## CONTACTS



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