

Product Liability

White and Williams has been at the forefront of defending product manufacturers since the inception of products liability law 100 years ago. Our vast institutional knowledge, skill and experience have provided optimal results for regional and national manufacturers in state and federal courts throughout the country. Whether we are retained directly by the manufacturer/designer or in collaboration with their insurance carriers, we understand that products liability cases are high-stakes litigation that strike at the heart of a company. The product we are defending is often the reason the company exists. We learn the product from concept to consumer - how it was conceived, designed, manufactured, made safe and sold.

We work early on and closely with management, in-house counsel and insurance representatives to design and implement a litigation strategy that meets aligns with the client's business objectives. When needed, we employ our vast nationwide network of trial-tested experts and call upon our deep bench of experience to avoid "learning curve" costs. And, whenever possible, we provide litigation prevention strategies to help you avoid lawsuits altogether.

Manufacturer liability is rapidly evolving with the traditional defect and warning claims frequently being supplemented with fraud, misrepresentation, spoliation and punitive damage claims. We have experience handling the unique issues presented by product recalls and understand how these issues impact litigation. We have extensive, successful experience defending these sensational claims within traditional and mass tort litigation throughout the country and returning the focus back to the product where it rightfully belongs.

We take pride in the fact that we have provided these services for start-ups to the global manufacturers. Our long history includes representing national and international manufacturers of motor vehicles, chemicals, heavy construction equipment, industrial machinery, pharmaceuticals and medical devices, aircraft component parts, complex electronic equipment, construction materials, power tools, outdoor power equipment, home appliances, and sporting goods equipment.

Toxic Torts and Environmental

We represent numerous manufacturers and suppliers in litigation involving third-party claims for personal injury, medical monitoring and property damage.

We represent clients as PRPs in government-driven Superfund litigation, and as both plaintiffs and defendants in private cost-recovery cleanup actions.

PRACTICE CONTACTS

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PRACTICE HIGHLIGHTS

- The majority of our representation has been on behalf of self-insured and self-directed companies.
- Because of our experience, our clients do not pay "learning curve" costs, and enjoy the benefit of our nationwide network of trial-tested experts.
- We are experienced in litigation prevention strategies that help our clients avoid litigation whenever possible.



We counsel clients on a wide variety of regulatory and compliance matters that arise in both transactional settings and in day-to-day business operations.

We have had the privilege of litigating — and trying to verdict — some of the most prominent toxic tort and environmental cases over the past thirty years. We consider ourselves trial lawyers, not just litigators. For example, we tried — and won — one of the first medical monitoring trials. We also tried — and won — one of the first stigma property damages trials and have successfully fought class certification in toxic and mass tort litigation for decades.

ASBESTOS LITIGATION

White and Williams is an acknowledged leader in the asbestos personal injury, property damage and medical monitoring litigation. Our firm has been actively involved in the aggressive management of this difficult litigation since the 1970's on behalf of both individual companies and defense groups such as the Asbestos Claims Facility (Wellington Defendants). We have served in the capacity as national counsel, regional counsel, and local counsel for multiple clients with diverse interests. We are at the forefront of the development of "state of the art" medical defense issues such as the medical evidence supporting the association of simian virus 40 polio vaccine (SV40) in the etiology of human mesothelioma.

Historically, we spearheaded the utilization of case management orders in the Eastern District of Pennsylvania and the Philadelphia County Court of Common Pleas systems for asbestos cases. These efforts resulted in "master" pre-trial pleadings and discovery procedures which have led to increased efficiencies and tremendous monetary savings for our clients.

We serve as the coordinator for the defense medical expert preparation of all asbestos personal injury litigation in the Philadelphia area and administer the defense medical cost-sharing program involving over 70 participants.

MEDICAL MONITORING

White and Williams has a proud history of being recognized as one of the leading law firms in the country in the defense of medical monitoring claims. We successfully tried the first medical monitoring claims to go to verdict before a jury (*In re: Paoli RR Yard PCB Litigation*). Our lawyers have written extensively on the subject, including a monograph published by the National Legal Center for the Public Interest. We have lectured on the subject before the American Bar Association, The American Chemistry Counsel and the Defense Research Institute. We have been asked to submit appellate briefs amicus curiae on medical monitoring. Our attorneys are conversant in the medical and scientific principles that underlie medical monitoring claims and have a proven track record of success in attacking plaintiffs' experts in Daubert and Frye hearings, and developing defense medical monitoring experts from the leading medical institutions in America.

MOLD LITIGATION

We represent property owners, landlords and managers of office buildings and housing complexes throughout the Mid-Atlantic region in personal injury claims associated with mold exposure. In addition, we handle coverage disputes, first party property damage claims and subrogation matters on a regional and national basis for a number of major insurers.

We staff our mold cases with aggressive and highly successful trial and appellate lawyers who deliver representation of the highest caliber. Our lawyers bring extensive experience in handling other toxic tort litigation, construction defect litigation, complex commercial litigation and large-scale insurance coverage matters. Our lawyers are well versed in the complex and developing medical and scientific state-of-the-art so vitally important in this area. We work with leading experts and researchers across the country in the disciplines of

immunology, mycotoxicology, industrial hygiene and neuropsychology. Further, we have gained close familiarity with the group of witnesses repeatedly retained by our opponents and routinely prosecute *Daubert* and *Frye*.

REPRESENTATIVE MATTERS

Represented international sporting goods manufacturer defending a youth baseball aluminum bat which allegedly permitted dangerous batted ball speeds. Plaintiff was a 12-year-old male pitcher hit in the chest with a batted ball causing commotio cordis (extremely rare condition whereby heart stops) and subsequent catastrophic brain injury. Settled on the eve of trial after dismissal of all fraud and misrepresentation claims, mediation and mock trial. (Superior Court of New Jersey, Passaic County)

Represented international furniture retailer/manufacturer defending bedroom chest which toppled onto 3-year-old female causing her death. Settled at mediation. (Pennsylvania Court of Common Pleas, Philadelphia County)

Represented international clothing manufacturer defending flammable fabrics claim involving a severely burned 7-year-old boy. Obtained summary judgment on behalf of our client; remaining defendants, including another clothing manufacturer, settled on the eve of trial. (Pennsylvania Court of Common Pleas, Philadelphia County)

Represented national manufacturer of residential and commercial water heaters defending claims of catastrophic property damages. Resolved for nominal amount during the pendency of dispositive motions seeking dismissal of the products liability claim. (Superior Court of New Jersey, Cape May County)

Represented international automobile company in multiple cases involving alleged defective design resulting in vehicle rollovers causing numerous fatalities in a foreign country. Cases settled at mediation following significant motion practice in both the trial court and the Supreme Court of Delaware)

Represented manufacturer defending handgun discharged by 15-year-old male at 8-year-old plaintiff resulting in significant head and brain injuries. Settled on eve of trial. (Pennsylvania Court of Common Pleas, Philadelphia County)

Represented international manufacturer of industrial refrigeration systems defending equipment which allegedly discharged refrigerant and damaged millions of dollars of inventory of stored product. Favorable jury trial verdict and appeal. (Pennsylvania Court of Common Pleas, Philadelphia County)

Represented manufacturer defending cherry picker which allegedly caused electrocution of plaintiff electrician and permanent neurological disabilities. Retained during expert discovery as lead counsel. Settled at mediation. (Pennsylvania Court of Common Pleas, Allegheny County)

Represented manufacturer defending industrial packaging materials which allegedly ruptured causing a 29-year-old female forklift operator to sustain spinal crush injuries rendering her wheelchair-bound. Settled during trial. (Pennsylvania Court of Common Pleas, Westmoreland County)

Represented national manufacturer defending underground propane tank which allegedly leaked causing a home to explode, killing a 32-year-old father of two. Settled during trial. (Pennsylvania Court of Common Pleas, Philadelphia County)

Represented national manufacturer defending baler which was allegedly defectively designed permitting a worker to bypass safety mechanisms which led to catastrophic crush injuries and death. Settled for nominal amount early in discovery. (U.S. District Court for Eastern District of New York)

Represented manufacturer of bottle labeling machine operating in Philadelphia brewery. Defense verdict. (U.S. District Court. for the Eastern District of Pennsylvania)

Obtained dismissal of over 35 lawsuits on behalf of international manufacturer in toxic tort matters involving environmental exposure to asbestos containing products. (Superior Court of Delaware, New Castle County)

CASES & DEALS

Third Circuit Dismisses Defect Suit Against Group of Equipment Manufacturers
5.2.22

White and Williams Secures Affirmation of Summary Judgment Based on Ohio's Causation Standard For Asbestos Cases
7.22.19

White and Williams Secures Affirmation of Partial Summary Judgment with Bare Metal Defense
4.21.17

NEWS

White and Williams Welcomes New Lateral Partner and Counsel in Boston
12.21.23

Best Lawyers® Recognizes 45 White and Williams Lawyers
Firm News, 8.18.23

Four White and Williams Lawyers Recognized as "Lawyer of the Year" by Best Lawyers®
8.18.22

Best Lawyers® Recognizes 40 White And Williams Lawyers
Firm News, 8.18.22

Congratulations 2022 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
7.13.22

Two White and Williams Lawyers Included In City & State PA's Law Power 100
6.28.22

White and Williams Announces 15 Lawyer Promotions
1.3.22

White and Williams Ranked in Top Tiers of "Best Law Firms"
11.5.21

White and Williams Welcomes Ten New Associates
11.4.21

White and Williams Lawyers Recognized as Super Lawyers and Rising Stars
11.1.21

Best Lawyers® Recognizes 38 White and Williams Lawyers
8.19.21

Congratulations 2020 DE, MA, NY and PA Super Lawyers and Rising Stars
11.5.20

White and Williams Earns Tier 1 Rankings from U.S. News "Best Law Firms" 2021
11.5.20

Best Lawyers® Recognizes 43 White and Williams Lawyers
8.20.20

Insurance Lawyers Recognized by JD Supra 2020 Readers' Choice Awards
4.29.20

Rochelle Gumapac Elected DRI State Representative for Delaware
11.5.19

13th Annual Coverage College Hosts Over 400 Insurance Professionals
11.1.19

White and Williams Earns Tier 1 Rankings from U.S. News "Best Law Firms" 2020
11.1.19

Congratulations 2019 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
10.17.19

Best Lawyers® Recognizes 29 White and Williams Lawyers
8.15.19

White and Williams Announces Lawyer Promotions
Six Lawyers Elected to Partnership and Four Associates Promoted to Counsel
1.2.19

White and Williams Earns Tier 1 Rankings from U.S. News "Best Law Firms" 2019
11.1.18

12th Annual Coverage College Features Current Trends and State of the Insurance Claims Industry
10.23.18

Congratulations 2018 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
10.18.18

Best Lawyers Recognizes Twenty White and Williams Lawyers
8.15.18

White and Williams Earns National "Best Law Firm" Rankings from US News
11.1.17

Best Lawyers Recognizes Fifteen White and Williams Lawyers
8.15.17

White and Williams Earns Tier 1 Rankings from U.S. News "Best Law Firms" 2017
11.1.16

Best Lawyers Recognizes Twelve White and Williams Lawyers
8.15.16

White and Williams Announces the Election of Five Lawyers to the Partnership and the Promotion of Five Associates to Counsel
1.14.16

The Ninth Annual Coverage College Features True-to-Life Case Study
10.8.15

White and Williams Lawyers Recognized by *Best Lawyers*
8.17.15

PUBLICATIONS

Product Manufacturers Beware: You May Be Subject to Jurisdiction in Massachusetts
Product Liability Alert, 6.9.23

Third Circuit Dismisses Chapter 11 Filing by Johnson & Johnson Subsidiary Formed to Segregate Talc Liabilities
Insurance Coverage and Bad Faith Alert, 1.30.23

New York Now Requires Defendants To Provide Automatic, Early Disclosure of Insurance Information
Litigation Alert, 1.4.22

How to Patent Safety (Podcast)
Reliability Leader with Adam Bahret, 10.20.21

Medical Device Update: Third Circuit Certifies Questions Concerning Device Manufacturers' Liability Under Pennsylvania Law
Litigation Alert, 7.16.21

Don't Be the Next Boeing: Fixing Tension Between Engineering, Legal
Bloomberg Law, 6.25.21

Legal Use Case 7 Part III: The Analysis
Apex Ridge Reliability, 6.3.21

Legal Use Case 7 Part II: The Prescription
Apex Ridge Reliability, 5.19.21

Are Industry Standards Beside the Point Where Strict Liability is Claimed?

Product Liability Alert, 5.18.21

Legal Use Case 7: A Conversation

Apex Ridge Reliability, 5.11.21

Making Safer Robotic Devices

The Journal of Robotics, Artificial Intelligence & Law, Volume 4, No. 4 | July – August 2021

Products Liability Law Slow to React to Growing Demand for Commercial Drone Use

The Legal Intelligencer, 3.17.21

Massachusetts Supreme Judicial Court Strikes a Deathblow to Substantial Factor Causation in Most Cases; Is Asbestos Litigation Next?

Product Liability Alert, 3.9.21

Massachusetts Supreme Judicial Court Dismisses Medical Device Suit

Product Liability Alert, 2.1.21

Can You Really Be Liable For a Product You Didn't Make? In New Jersey, the Answer is Yes

Product Liability Alert, 11.17.20

COVID-19 Supply Chain Disruption Now and Later

Industry Today, 4.13.20

Supply Chain Disruption – Before the Breach and How Best to Protect

Commercial Litigation Alert, 4.3.20

White and Williams LLP Secures Affirmation of Denial to Change Trial Settings Based on Plaintiffs' Failure to Meet the Texas Causation Standard for Asbestos Cases

Product Liability Alert, 4.1.20

Unfair Shares: PA Supreme Court Mandates *Per Capita* Allocation Among Liable Product Defendants and Settled Parties

Product Liability Alert, 2.25.20

Dead Men Do Tell Tales: Pennsylvania Permits Decedent Depositions to Sink Summary Judgment

Product Liability Alert, 1.14.20

The Last One Standing Stands Tall: NJ Asbestos Trial Defendants Can Use Settled Defendants' Testimony to Prove Cross-Claims

Product Liability Alert, 1.14.20

US Supreme Court Denies Certiorari in Appeal by Gun Manufacturer, Remington, in Case Brought by Families of Sandy Hook Massacre Victims

Product Liability Alert, 11.13.19

New Jersey Jury Unanimously Finds Johnson & Johnson Not Liable in Latest Talcum Powder-Based Mesothelioma Litigation

Toxic Torts and Environmental Alert, 3.29.19

Massachusetts Court Holds Statute of Repose Bars Certain Asbestos-Related Construction Claims
Claims Arising Out of a Deficiency or Negligence in the Design, Planning, Construction and General Administration of Improvements to Real Property Among Those Affected
Product Liability Alert, 3.1.19

PA Supreme Court Declines to Consider Constitutional Challenge to Statutory Damages Cap Applicable to Commonwealth Agencies
Litigation Alert, 10.25.18

PA Supreme Court Dramatically Changes Scope of Qualified Immunity for Government Entities for Torts Related to "Operation of a Motor Vehicle"
Litigation Alert, 9.6.18

Supreme Court of Pennsylvania to Evaluate Seminal *Roverano* Decision
Litigation Alert, 8.20.18

\$37 Million Verdict in Talc Mesothelioma Lawsuit Underscores Potential Exposure for Talc Manufacturers and Retailers
Product Liability Alert, 4.9.18

Social Media in Litigation: The Increasing Impact and Evolving Standards for Discoverability and Admissibility
Litigation Alert, 3.28.18

Superior Court of Pennsylvania Rejects Pre-*Tincher* Product Liability Jury Instruction and Grants *Tincher* Defendant a New Trial
Product Liability Alert, 3.12.18

Superior Court of Pennsylvania Reverses *Tincher* and Rules that *Azzarello* Jury Instructions Fail to Conform to Applicable Law
Product Liability Alert, 2.21.18

Pennsylvania's Fair Share Act: Reshaping Apportionment in Strict Liability Cases
Litigation Alert, 1.9.18

Philadelphia Court Rejects Expert Methodology for Detecting Asbestos
Product Liability Alert, 10.5.17

Pennsylvania Superior Court Affirms Verdict Against Honda Motors Despite *Tincher*
Product Liability Alert, 4.25.17

Delaware Strengthens Jurisdictional Defenses for Foreign Corporations Registered to Do Business in Delaware
Product Liability Alert, 4.26.16

Delaware Supreme Court Affirms Huge Loophole in Collateral Source Rule, Leading to Drastic Reduction in Tort Damages
Healthcare Alert, 6.26.15

EVENTS

Medicare Compliance in Asbestos Litigation
Perrin Conferences Mid-Atlantic Asbestos Litigation Conference (Wilmington, DE), 7.17.19

125th
ANNIVERSARY



White and
Williams LLP

Product Liability

Ethics/Professional Development

Perrin Conferences Mid-Atlantic Asbestos Litigation Conference (Wilmington, DE), 7.17.19

Update on Jurisdictional Issues

The Mid-Atlantic Asbestos Litigation Conference (Wilmington, DE), 6.15.17

The Importance of ADR

The Mid-Atlantic Asbestos Litigation Conference (Wilmington, DE), 6.15.17

