

PRACTICE AREAS

Product Liability

Our global product liability lawyers provide legal advice to an international roster of clients facing product liability issues, product recalls and related crisis management matters.

Whether the strategy calls for proactive risk management, the vigorous defense of claims or a negotiated settlement, we provide sound advice and creative solutions to clients throughout the supply chain, including advice designed to help minimize legal costs and the risk of reputational damage. As part of our 24/7 incident support service, our global team is always available to provide immediate advice and assistance in the event of a product safety or product liability incident. Our “one-stop shop” means we can manage and coordinate a global response through our network of offices and specialist teams.

As the number and complexity of proceedings is increasing across the world, clients need a legal team that can combine solid legal experience with deep knowledge of sectors in which such claims arise, such as life sciences and healthcare (including pharmaceuticals and medical devices), energy, transport (including automotive, aerospace and recreational vehicles), construction and engineering, consumer products, retail, food and beverage and manufacturing. Our global product liability lawyers have extensive experience providing legal advice across

PRACTICE AREA LEADS



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these sectors.

Many product liability issues can turn into class actions or multi-district litigation spanning several states, regions or countries. Our global team is skilled at seamlessly handling cross-border actions and is equally experienced in defending individual product liability lawsuits, having acted as both local and coordinating counsel. We also represent manufacturers as plaintiffs, particularly relating to products they purchase for use in their own businesses.

TEAM MEMBERS

Ann C. Kowalczyk

Grace Norbert

Frank C. Trellings

OUR EXPERTISE INCLUDES

- Administrative and regulatory representation
- Adverse event reporting, including consumer notices and reports to government and regulatory authorities
- Alternative dispute resolution (ADR)
- Class actions
- Cross-border actions
- Defense of claims
- Dispute resolution and litigation
- Distribution and indemnity agreements
- Food safety and hygiene
- Insurance coverage
- Labeling and regulatory requirements
- Liaising with relevant regulators
- Multi-district litigation (MDLs)
- Occupational health and safety
- Preventative counseling
- Product liability audits
- Product manuals
- Product recalls, including procedures and obligations
- Product testing

- Risk management
- Settlement program strategy and management
- Warranty terms

Our team is able to provide you with the full spectrum of legal services required to deal with this complex and commercially sensitive area.

EXPERIENCE

- America's Food Technologies:
Representing a Chicago-based commercial food product manufacturer and seller. The company has a national sales distribution network. In Spring 2010, the company had purchased certain raw materials from a Minnesota company, which material was then included in product made and distributed by the company. When the FDA discovered that the Minnesota entity's product was contaminated, a national recall was implemented by our client and many other purchasers from the Minnesota entity. Several lawsuits were filed and consolidated in the Northern District of Illinois. As our client was among the top six purchasers affected by the more than 180 purchasers nationwide, we took a lead role. The District Court in the Northern District of Illinois appointed Squared's national liaison counsel for the 180 purchasers and the head of an ad hoc committee of the top six purchasers who sustained the majority

of the financial damages. Through a series of legal maneuvers and multiple conferences with the judge and involved parties, including certain major distributors, our team crafted a global settlement involving the Minnesota entity, its insurers, the 180 purchasers and the majority of the distributors. In the end, our client secured a multimillion-dollar settlement in less than a year (that covered the majority of its loss), while expending a mere fraction of that amount on legal fees.

- Fougera Pharmaceuticals, Inc.:
Handling the defense of an AWP case filed in the State of Louisiana against the client and dozens of other pharmaceutical companies in East Baton Rouge, Louisiana. Our team was able to obtain a favorable settlement.
- International automobile manufacturer:
Advising and representing one of the biggest international automobile manufacturers in a products liability claim raised by a consumer alleging more than €6 million in moral and material damages. The case which started in 2010 went through all levels of the courts and our team successfully ended the case in the final appellate hearing. The decision of the Supreme Court of the Republic of Azerbaijan was entered in favour of our client on all counts. The successful outcome of the case may be a deterring factor for others to raise similar groundless claims against international automobile manufacturers.
- Italian motorcycle manufacturer:
Handling investigations by the US National Highway Traffic Safety Administration (NHTSA). The NHTSA probes were triggered by allegations that some motorcycles sold by the manufacturer had defective

components. There were claims a faulty fuel injection system could cause “tip-out” stalling, and also claims that fuel tank deformation could lead to fuel leaks. NHTSA investigations determine whether a recall should be issued. In this case, the client strongly denied the allegations and defended the safety of its products. Throughout the investigation process, our team represented the client before the NHTSA successfully, as all open investigations were closed without further action, saving our client significant costs.

AWARDS AND ACCOLADES

- Chambers, United States of America: Product Liability Defence, *Chambers and Partners*, 2020