

## MASS TORTS AND PRODUCT LIABILITY

### OVERVIEW

For decades our Mass Torts and Product Liability Team has aggressively defended high-stakes mass tort, product liability and multi-district litigation (“MDL”) around the country. We are known for trying high-stakes jury trials to verdict in challenging venues across the country. Our Mass Torts and Product Liability Team has substantial experience representing leading companies from a wide array of industries. Our clients’ business considerations come first, and our team regularly counsels clients on product liability prevention and contractual protection.

We have vast experience handing MDLs and serving as national coordinating counsel (“NCC”) for clients defending themselves against mass torts often involving novel theories. We regularly act in whatever role our client needs, including national coordinating counsel for mass torts and MDLs or lead trial counsel in single-jurisdiction suits throughout the United States. [For more information on our MDL/NCC experience, please see our dedicated team.](#)

BCLP purposefully combined our leading [Class Actions Practice](#) with our Mass Torts and Product Liability Practice to create a fully integrated, nationwide [Class Action and Mass Tort Practice Group](#).

### SECTOR FOCUS

We know our client’s industries and have deep experience defending our clients in critical industries, including manufacturers of pharmaceuticals and medical devices (Merck, Johnson & Johnson), food and agriculture, industrial clients and machinery, chemicals manufacturers (Perkin Elmer), transportation clients from automobiles, trucks, trains, tires, aerial lifts, railroad equipment, aircraft and aviation products, sports (all NHL clubs, NCAA), consumer products, including children products (Evenflo), and many other consumer and industrial products, including aircraft and aerospace, construction and construction materials, power tools, firearms, electronics and recreational products.

Our dedicated sector teams possess nationwide experience in the following areas:

- [Catastrophic Accident](#)
- [Consumer Products](#)
- [Food, Agriculture & Nutrition](#)

- [Pharmaceutical and Medical Devices](#)
- [Toxic Tort](#)

## MEET THE TEAM

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## RELATED PRACTICE AREAS

- Business & Commercial Disputes
- Class Actions

## AREAS OF FOCUS

- Toxic Tort
- Food, Ag and Nutrition
- Pharmaceutical and Medical Devices (Mass Torts)
- Catastrophic Accidents
- Consumer Products

## EXPERIENCE

For more detailed representative experience, please see the sectors outlined above. Here are a few select examples of mass action victories across practice groups and sectors.

- **Defense Verdict in Wrongful Death Lawsuit.** We successfully defended a child seat manufacturer in a wrongful death lawsuit in the U.S. District Court for the District of Nevada. After a two-week jury trial, the jury returned a complete defense verdict.
- **Defense Verdict in Dioxin Exposure Litigation.** We successfully defended a chemical manufacturer in dioxin exposure litigation arising out of its operation of a herbicide plant. We obtained defense verdicts in a jury trial on claims brought by multiple plaintiffs who lived near the facility and in a case brought by more than 100 employees.
- **Defense Verdict in Birth Defect Lawsuit.** We successfully defended as co-counsel a pharmaceutical client as co-lead trial counsel in a personal injury lawsuit involving alleged birth defects related to use of anti-psychotic medication in the U.S. District Court for the Southern District of Illinois. The jury returned a defense verdict.
- **Defense Verdict for Airplane Manufacturer.** We successfully defended an aircraft manufacturer following a 19-month jury trial. The verdict was upheld on appeal by the Sixth Circuit.
- **Defense Verdict for Rail Car Company.** We successfully defended a rail car company in a personal injury lawsuit in Arkansas. The jury returned a complete defense verdict.
- **Directed Verdict and Settlement in Wrongful Death Lawsuit.** We were involved in the successful defense of a pharmaceutical client in a wrongful death case involving the use of a pelvic mesh product as co-lead counsel. The court entered a directed verdict in favor of the client on the failure to warn and punitive damages claim, and the plaintiff then settled the design defect claim.
- **Summary Judgment for Pharmaceutical Manufacturer.** We successfully defended, as co-lead counsel in coordinated proceedings in New Jersey and the U.S. District Court for the Eastern

District of Missouri, litigation involving the NuvaRing® contraceptive ring. The New Jersey court granted summary judgment in favor of the pharmaceutical manufacturer in all seven of the bellwether cases selected for trial.

- **Overtured Arkansas Regulation as Unconstitutional.** We won a major victory for Monsanto in a dispute over the Arkansas State Plant Board’s regulation of Monsanto’s new low-volatility dicamba herbicide. After the board adopted a regulation prohibiting use of the product, we successfully argued that the statute permitting private interest groups to appoint more than half of the members of the plant board was unconstitutional.
- **Dismissals Under Lone Pine Order.** We defended a uranium milling company in a personal injury and wrongful death action against allegations of exposure to radioactive and non-radioactive substances. We persuaded the court to enter a Lone Pine-type order requiring plaintiffs to produce expert affidavits making a prima facie showing of harmful exposure and specific causation. Twenty-five plaintiffs were dismissed after they failed to provide the affidavits. The remaining three plaintiffs submitted affidavits, but their claims were dismissed on summary judgment. The Tenth Circuit affirmed on appeal.
- **National Coordinating Counsel for NCAA.** We serve as National Coordinating Counsel for the NCAA for all of their sports injury litigation nationwide, including concussion litigation and associated MDL proceedings.
- **National Counsel for Combe.** We defended Combe (Just for Men) as national counsel in a consolidated personal injury mass action of more than 4,000 plaintiffs and 5,000 claimants in many different jurisdictions. We negotiated a Master Settlement Agreement, and the parties entered into the JFM Resolution Program, covering the pending cases and claimants in the U.S. District Court for the Southern District of Illinois.
- **National Counsel for Evenflo.** We have served as national counsel for Evenflo Company in defense of multiple lawsuits relating to serious child car seat injuries filed in multiple venues across the country.

## RELATED INSIGHTS

News

Apr 18, 2024

**BCLP partner re-elected to Atlanta Bar Association Litigation Section Board of Directors**

Insights

Oct 02, 2023

**The long term implications of PFAS for real estate in the UK**

Poly- and Perfluoroalkyl substances (“PFAS”) are widely present in soil and groundwater, and the negative human health consequences of this are starting to be understood. There are important implications for anyone with interests in real estate in the UK. This Insight analyses the risks of PFAS in the UK under UK law.

Awards

Jun 08, 2023

**Legal 500 US 2023**

News

Nov 14, 2022

**BCLP announces 2023 partner class**

Awards

Aug 17, 2022

**Missouri Lawyers Media honors two from BCLP with Up & Coming awards**

Events

Jan 21, 2022

**Partner Presents at DRI Product Liability Conference**

Awards

November 4, 2021

**U.S. News - Best Lawyers® 'Best Law Firms' 2022**

Awards

Aug 19, 2021

**The Best Lawyers in America© 2022**

Insights

Apr 15, 2021

**Amberg Authors 'Los Angeles Lawyer' 2020 Ethics Roundup**