

## MULTI-DISTRICT LITIGATION AND NATIONAL COORDINATING COUNSEL

### OVERVIEW

Multidistrict litigation (MDL) and national coordinating counsel (NCC) are important areas for class actions and mass torts, and our team of lawyers across the country are highly experienced in managing these large matters. Our senior class action and mass tort partners regularly lead and coordinate litigation in multiple forums simultaneously: serving as lead trial counsel, working collaboratively with other law firms as part of a nationwide “virtual law firm,” coordinating document review and management, serving as national settlement processing counsel, and counseling clients on ways to limit potential exposure. We have vast experience serving as national coordinating counsel for clients defending themselves against mass torts and multiple class actions filed by individual plaintiffs, in different jurisdictions, involving similar underlying legal theories.

While the client demands vary for each engagement, a successful defense always depends on early, effective management of the litigation process. This includes investigation of the facts, identification and organization of company documents in anticipation of massive discovery requests, and central coordination of witness testimony (both in-house and expert), as well as the cooperation with and retention of appropriate local counsel in particularly dangerous jurisdictions. We have helped create and manage national litigation defense programs for our clients on numerous occasions. We implement document control procedures (supported by our state-of-the-art computer resources), supervise local counsel, establish cost control measures and litigation budgets, coordinate discovery responses, establish expert strategy and trial themes to maintain consistent company positions. As a result of implementing our national counsel programs, our clients have observed improvement in trial results and litigation management while meeting budget demands. We regularly practice before the Judicial Panel on Multidistrict Litigation (JPML) and have extensive MDL and NCC experience, including:

- Serve as national coordinating counsel for the NCAA for their nationwide sports injury and concussion claims across the United States.
- Represent Evenflo in nationwide MDL alleging that Evenflo mislead customers to purchase child booster seats.

- Represent a major agricultural products manufacturer in a nationwide herbicide MDL proceeding.
- Represented municipal bond underwriter and broker in multiple class actions consolidated in MDL proceedings alleging bid-rigging in the municipal derivatives markets.
- Defended multiple class and individual actions for an American agrochemical and agricultural biotechnology corporation in California regarding an alleged international price-fixing cartel, and successfully opposed plaintiffs' effort to consolidate cases within existing MDL proceedings.
- Represented the largest of a group of plaintiff purchasers of polyester staple fiber in multidistrict price-fixing action. After lengthy litigation, the case settled on the eve of trial.
- Represented the country's largest self-move truck rental organization in multidistrict alleged price-fixing cases. Successfully moved to dismiss the claims in the S.D. Florida, and the Eleventh Circuit affirmed that dismissal.
- Represented Saia, Inc. in 52 class actions filed across the nation (many in California), which ultimately were consolidated by the JPML and transferred to an MDL proceeding in Georgia. Succeeded in having all claims dismissed on the pleadings, prior to discovery.
- Represented an American multinational automobile manufacturer in multidistrict product liability class action alleging defect in defendant's passenger vans. Obtained summary judgment against most of named plaintiffs' claims and defeated class certification efforts.
- Served as national counsel for all of the U.S. and Canadian clubs in the National Hockey League in the MDL concussion/CTE litigation, which culminated in the court denying class certification.
- Served as regional counsel and co-national counsel in the defense of more than 1,000 product liability cases for Merck & Co. around the country involving various products. In that role, also served as counsel in an important high-profile Vioxx trial in Madison County, Illinois, that resulted in a defense verdict. BCLP was also part of the team that acted as national counsel for the Vioxx settlement program.
- Served as national counsel for U-Haul International, Inc. in the company's continued defense against product liability claims and other litigation throughout the country. This role involves managing local counsel, interfacing with the client to obtain information necessary to defend the claims, creating and maintaining a consistent approach in discovery responses and motion practice, minimizing duplication of work, and acting as lead counsel in select product liability cases.

- Served as national counsel for Evenflo Company in defense of a litany of lawsuits relating to serious child car seat injuries filed in multiple venues across the country. This engagement involved managing and working with individual local counsel within each jurisdiction and serving as lead trial counsel in select cases.
- Served as national counsel for a non-profit health care organization in defense of charitable care class actions brought in tandem with more than 39 other similarly pleaded class actions across the United States. This experience involved significant coordination among various outside counsel and plaintiff's firms.

### **Complex Settlement Strategy**

Trial experience guides and dictates our philosophy of preparing cases. We feel strongly it plays a major role in getting cases settled for the right amount. Cases are frequently best won long before they get to trial, either by early evaluation, early legal challenges, or posturing the case for early and reasonable settlement. But if settlement is or becomes the desired business strategy, we have decades of experience handling complex settlement negotiation and administration in a wild array of bet-the-company cases, from major pharmaceutical MDLs to complex nationwide class actions.

Preparing and winning bellwether trials oftentimes informs the value of the settlement, but negotiating the terms of the settlement and successfully administering the settlement itself requires significant experience and administrative acumen. Depending on the deal, we are prepared to deploy a multifaceted team, including partners from our leading transactional practice, to ensure complex settlements achieve our clients' business objectives.

## MEET THE TEAM



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## RELATED PRACTICE AREAS

- Class Actions
- Business & Commercial Disputes
- Mass Torts & Product Liability