ECKERT SEAMANS

Product Liability

OVERVIEW

The Product Liability Practice Group at Eckert Seamans defends product liability cases in both state and federal courts in nearly every jurisdiction across the country. Our trial lawyers defend class actions, mass torts, complex litigation, multidistrict litigation, and single lawsuits on behalf of manufacturers in all industries, including automotive, pharmaceutical and medical device, industrial and agriculture equipment, and consumer products. We also serve these industries as national trial counsel, national and regional coordinating counsel, and local counsel in product liability litigation. Our clients entrust us with these responsibilities because attorneys in the Eckert Seamans Product Liability Practice Group are trial lawyers, not just litigators. There is a significant difference that comes from having tried hundreds of high-profile product liability cases to verdict. Our trial lawyers have a firm grasp of the technical and scientific principles that apply to your products and the skills and expertise to present a creative and persuasive defense in the courtroom. Through building strong relationships with in-house legal counsel and understanding the client's business, Eckert Seamans attorneys design and implement successful defense strategies, including corporate and expert witness development, and cost-effective discovery.

Eckert Seamans is nationally recognized for coordinating the defense of multidistrict litigation, mass tort litigation, and document management. Our Product Liability Group was selected for inclusion in the Product Liability Law360 100, which showcases the 100 U.S.-based firms with the most product liability partners globally. As national and regional coordinating counsel in mass tort litigation, and in conjunction with the firm's E-Discovery and Information Management Group, our product liability attorneys work closely with their clients to coordinate and manage discovery to ensure efficiency and uniformity across jurisdictions. Eckert Seamans attorneys also have extensive experience in devising and implementing settlement programs in mass tort cases.

Through experience, we recognize that not all cases go to verdict and that the risks to clients are substantial. Eckert Seamans trial lawyers understand that a cohesive pre-trial strategy is necessary to identify trial candidates and develop cost-effective solutions on behalf of the client. We do this by maintaining a sharp focus on your business and understanding your industry. Then, through coordination with both in-house counsel and engineers, our trial lawyers evaluate the risk of litigation, manage those risks, reduce exposure, and control costs. Our attorneys work with our clients to build strategies to protect companies and their brands from future lawsuits and to minimize the negative publicity that often follows.

Of course, the best defense is to prevent litigation through effective risk management. Our trial lawyers also have considerable experience the areas of product risk assessment and prevention. Eckert Seamans attorneys assist our manufacturing clients to minimize and manage their product liability risks through effective risk-management advice, including the preparation of product manuals, warnings, legally-compliant warranties, advertising and other product literature, counseling on improving product safety, advising on product design and distribution, and developing risk prevention and management programs. We advise our clients on the regulations governing their products, compliance with mandatory standards, voluntary standards development, and defect and hazard notification requirements. We also prepare and coordinate nationwide product recalls and assist our clients in negotiating for regulatory agency approval of corrective action programs.

While our Products Liability Group has particular expertise in automotive; pharmaceutical and medical device; and agricultural, construction, mining, and industrial equipment, including outdoor power equipment, as noted in the focus areas tab, Eckert Seamans attorneys also have broad product liability experience defending manufacturers and distributors of a wide range of products, including consumer products such as consumer electronics, household appliances, toys, personal care items, sporting equipment, clothing, and cosmetics; as well food, beverage, and food-processing products; transportation products; lawn and garden equipment; hand and power tools; chemicals; elevators; carpets and wood flooring; and amusement rides.

Eckert Seamans attorneys are frequent authors and speakers on issues relating to product liability litigation, including trial strategy and tactics, the admissibility of expert witness testimony, e-discovery, and accident investigation.

FOCUS AREAS

Automotive Manufacturers & Component Parts Manufacturers

Eckert Seamans product liability attorneys serve as national and regional trial counsel for our clients in the automotive sector, including automotive manufacturers, dealerships, and component parts suppliers. We serve as trial counsel for some of the nation's largest automobile manufacturers and international manufacturers, as well as manufacturers of motorcycles and trucks.

Our experienced trial attorneys have tried to verdict a wide range of personal injury and property damage product liability cases, including cases involving catastrophic loss, crashworthiness, airbag, and idle fire cases. We have represented our clients in state and federal courts throughout the country, and defended our trial successes on appeal. Eckert Seamans attorneys have also successfully resolved disputes on behalf of their automotive clients through arbitrations and mediations.

Our product liability automotive attorneys specialize in emerging technologies for OEM and tier one and two suppliers. Some of these emerging technologies include advance airbags, smart seatbelts, structural crashworthiness, active driver control systems, and autonomous vehicles.

Additionally, our attorneys have represented numerous automotive component part manufacturers in product liability litigation, including manufacturers of commercial brake systems, airbags, seat belts, and semiconductors used in the automotive industry.

In their roles as national and regional counsel, Eckert Seamans attorneys have extensive experience in discovery and case coordination, and use that experience to develop cost-effective strategies for litigation.

Pharmaceutical & Medical Device Manufacturers

Eckert Seamans product liability attorneys have substantial experience representing pharmaceutical and medical device manufacturers in personal injury and class action litigation in state and federal courts, including multidistrict litigation, in national, regional, and local counsel roles. Experienced attorneys throughout our firm's offices serve as national coordinating counsel, regional counsel, and local counsel, in the defense of mass tort litigation involving pharmaceutical products and medical devices. Among the firm's more significant local counsel roles is that of defense liaison counsel in mass tort litigation in the Philadelphia Court of Common Pleas in litigation totaling over 7,000 individual cases. We work with our clients not only to defend claims, but also to develop strategies to reduce the risk of future lawsuits and to minimize the negative publicity often associated with litigation.

Our clients include the manufacturers of prescription and over the counter medications, including cough and cold medicines, statins, blood products, contraceptives, and contrast agents, as well as medical devices and durable medical goods. Eckert Seamans attorneys have defended their pharmaceutical and medical device clients in personal injury litigation, third-party payor and medical monitoring class actions, and consumer fraud and consumer protection cases, including some of the largest pharmaceutical mass tort cases in history. In these matters, Eckert Seamans attorneys coordinate and prepare pleadings and discovery responses, conduct client interviews, defend and take expert depositions, brief and argue pretrial motions on the sufficiency of expert witness testimony, defend company employees at depositions, and prepare for trial in a consistent and cost-effective manner. We also represent an insurance company in monitoring its insured's pharmaceutical MDL cases.

As part of national teams for our clients, Eckert Seamans attorneys have coordinated the collection, review and production of tens of millions of pages of documents using state-of-the-art technology. They have also prepared pleadings and discovery responses for tens of thousands of cases pending in federal multidistrict litigation courts and state courts.

Additionally, with the recent Supreme Court decision holding that general personal jurisdiction exists only where a corporation is essentially "at home" (its state of incorporation or principal place of business), it is worth noting that we have experienced product liability lawyers based in Delaware, the state of incorporation of many of our firm's clients.

Agricultural, Construction, Mining, & Industrial Equipment Manufacturers

Eckert Seamans' industrial equipment practice encompasses the defense of cases involving agricultural equipment, construction equipment, mining equipment, industrial machinery in manufacturing plants, and industrial and agricultural chemical products. We represent companies throughout the United States that range from Fortune 500 manufacturing companies to small supply houses. Our attorneys across Eckert

Seamans' offices have defended cases involving a wide range of industrial products, such as earth-moving equipment, outdoor power equipment, food processing equipment, plumbing equipment, locomotive and rail equipment, propane tanks/valves, snow throwers, tools, boilers, fluid sealing products, pumps, valves, brakes, marine engines, heat exchangers, spray insulation, and brake linings. Cases involve the traditional defense of personal injury claims, as well as cases involving product performance.

Eckert Seamans attorneys have successfully defended breach of warranty and consumer protection cases involving industrial and consumer products, and successfully defended against product design defect claims and claims for personal injuries allegedly relating to failure to warn. We serve as national and regional coordinating counsel and trial counsel in asbestos litigation matters for many of our manufacturer clients, developing long-term strategies for responding to multiple lawsuits, and our attorneys have cross-examined most of the experts regularly retained by the plaintiff's asbestos bar. We have also handled litigation alleging injuries due to exposures to silica, benzene, formaldehyde, mercury, and beryllium.

We further assist our clients with risk management, relying upon our expertise and knowledge of the client's business to prepare and assess product labels, warnings, instructions, manuals, and product designs. Working with their clients' engineering, marketing, and legal staff, Eckert Seamans attorneys help their clients bring their products to market by creating product literature that will both make the products marketable and avoid litigation in the future.