Product Liability & Complex Tort

Positioning you to avoid claims and prevent costly litigation before it happens.

It has become commonplace for all types of products—from vitamins and nutritional supplements, to heavy equipment and machinery—to be the subject of a product liability claim. Manufacturers, distributors, and retailers of products and consumer goods must be prepared to respond to serious product liability claims in state and federal courts. It is equally important to prevent future claims and mitigate risk through product safety and liability counseling.

HOW WE HELP

Attorneys in our Product Liability & Complex Tort practice represent clients in a broad range of individual, multi-plaintiff, and class action lawsuits, in matters involving regulatory agencies and in alternative dispute proceedings. Our litigation and counseling experience allows us to handle complicated cases efficiently and successfully in jury and bench trials and appellate proceedings before state and federal courts, and in international courts. We offer extensive counseling and audits in such areas as facilities and equipment safety, product labeling, manuals and warnings, employee training, disclaimers, advertising, and product recalls—all aimed at lowering the potential for liability. We also advise clients in establishing proper procedures, documentation, and compliance to avoid trouble and prevent costly claims before they happen.

When claims are unavoidable, our experienced attorneys are poised to successfully defend clients in trial courts and appellate venues throughout the US and internationally, and in matters before or involving regulatory agencies such as the Federal Trade Commission (FTC), Food and Drug Administration (FDA), and Consumer Product Safety Commission (CPSC). As a full-service international law firm, we are
well-positioned to defend our clients in multi-state and "copy-cat" litigation, and we frequently alert our clients to cross-jurisdictional trends in the areas of product liability and complex torts.

We represent companies in a variety of industries, including international and domestic manufacturers, distributors and retailers of products, raw materials, and component parts, such as food, beverages and dietary supplements, cosmetics and personal care products, cannabis, medical devices, construction supplies, heavy machinery, chemicals, metals, transportation equipment, pesticides, paints, sports equipment, textiles, and other consumer products.

Our attorneys also represent pharmaceutical, biotechnology and medical device companies, and research organizations, in the development, approval, manufacture, and marketing of products regulated by the FDA. We counsel clients and assist in defending and resolving inspection, compliance, recall, and enforcement actions taken by the FDA and other federal and state agencies.

THE SEYFARTH EXPERIENCE

In addition to our across-the-board inclusive, accessible, and responsive approach, we have applied the firm's advanced delivery resources to maximize efficiencies and streamline communications. Where appropriate, we use product liability process mapping, right-sized and cross-disciplinary staffing, flat and fixed fees, and matter management to protect our clients’ bottom line.

Our attorneys can develop accident and mass tort contingency plans and assist with media and public relations procedures. We also have significant experience handling toxic tort litigation that does not emanate from products, such as environmental toxic torts, groundwater contamination, and similar events.

Members of our group are also part of the firm's interdisciplinary False Advertising and Product Labeling & Warnings team. We know the regulations applicable to food, beverages, dietary supplements, textiles, cosmetics, and other personal care products and how those regulations can be used in litigation relative to state law and other claims. We advise companies on a wide variety of matters to help safeguard their most valuable assets and maintain an advantage over competitors.
Key Contacts

Jay W. Connolly
Partner

Related Practices

False Advertising, Product Labeling & Warnings

Blogs

Consumer Class Action Defense Blog

The Blunt Truth Blog

Workplace Safety and Environmental Law Alert Blog

EXPERIENCE

- Represented an American, USDA Certified Organic national supermarket in defense of 11 putative product labeling class actions centralized by the US Panel for Multidistrict Litigation for pretrial proceedings in the US District Court for the Western District of Texas.

- Represent the leading national trade association for the cosmetic and personal care products industry. Seyfarth is national counsel for our client in talc-ovarian cancer litigation and obtained over 6,000 dismissals in the federal multi-district litigation. We also obtained orders dismissing our client from over a thousand talc-related lawsuits filed in numerous states, including in the Consolidated
California Talcum Powder Litigation, Florida, Illinois, Kentucky, Louisiana, Maryland, Missouri, Ohio, and Texas.

- Engaged as national products counsel by a manufacturer of commercial and residential cooking equipment, in connection with fire loss claims and product liability matters. We have successfully defended product liability claims across the country alleging asbestos exposure, personal injury and wrongful death, and property damage based on fires and explosions.

- Engaged as regional counsel for a leading manufacturer of sporting goods to defend claims alleging concussion injuries brought by claimants injured while playing football.

- Called upon to assist a packaging solutions provider and manufacturer in investigating potential pesticide contamination of food packaging materials it manufactures and ships to various destinations, including the US. Working with company personnel, we retained various experts to assist in the investigation. Based on testing done internationally and in the US, we determined that the results of testing of all samples reflected that the packaging was safe to use, allowing the company to release the large volume of packaging it had retrieved from the field and/or quarantined in its warehouses.

- Represent numerous firm clients regarding the Safe Drinking Water and Toxic Enforcement Act of 1986, known as "Proposition 65." The team provides our clients ongoing compliance advice with regard to Proposition 65's complex regulatory scheme. It also defends them from Proposition 65 Notices of Violation and civil lawsuits—whether brought by public or private enforcers—regarding a wide variety of claimed consumer product, environmental, and occupational exposures to Proposition 65 chemicals identified by the State of California as causing cancer, birth defects, and/or other reproductive harm.

- Prevailed before the Supreme Court of South Korea, overturning a large judgment against a long-standing agricultural products and chemical manufacturer client in a suit brought by class of over 17,000 plaintiffs claiming various adverse health defects from alleged exposure to one of our client's legacy chemical products.

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Influencer Disclosure Update 101, Courtesy of the FTC

SPEAKING ENGAGEMENT  11/21/2019
Tonya Esposito and Renée Appel Invited to Present Quarterly Webinars to Members of the National Retail Federation

LEGAL UPDATE  11/18/2019
Boss Moves in Makeup: A Look at the Future of Cosmetics

LEGAL UPDATE  11/15/2019
US House Representatives from New York Introduce Bill to Define “Natural” Cosmetics

Recognition

RECOGNITION  11/01/2018
Seyfarth Earns Top Rankings - US News: Best Lawyers

RECOGNITION  09/20/2016
BTI Litigation Outlook 2017: Seyfarth earns Multiple Honors from In-house Counsel for Litigation

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