

Products Liability & Toxic & Mass Tort

Polsinelli's Products Liability, Toxic Tort & Mass Tort litigators defend corporate defendants in complex, high-exposure litigation that can substantially impact enterprise value, brand reputation and the relevant body of caselaw impacting future litigation. We represent manufacturers, distributors, suppliers, and premises owners nationwide in matters involving alleged product defects, catastrophic injury, and toxic exposure.

Our lawyers bring a disciplined focus on business objectives, delivering litigation strategies designed to manage risk, control cost, avoid surprises, and protect long-term commercial interests. Our practice is nationally recognized by *Chambers USA* and the BTI Litigation Outlook Guide.

National Coordinating Counsel & California Counsel Experience

Polsinelli has a proven track record serving as National Coordinating Counsel, California Counsel, and Midwest Counsel for large, sophisticated clients facing multi-jurisdictional products liability, toxic tort, and mass tort litigation.

In these leadership roles, we develop and implement cutting edge defense strategies, coordinate local and regional counsel, manage discovery and expert strategy at scale, and align litigation decisions with regulatory and business considerations. Our California experience is particularly critical given the state's complex statutory framework and plaintiff-friendly litigation environment.

Early Case Assessment & Strategic Risk Management

Our team engages early in the lifecycle of a case to assess exposure, identify key scientific and technical issues, and shape defensible litigation strategies from the outset. We work closely with our clients' legal, business, technical, scientific, and regulatory teams to ensure strategies reflect operational realities.

Our experience includes defending claims involving:

- Defective design and manufacturing
- Failure to warn
- Premises liability
- Catastrophic personal injury
- Toxic exposure and environmental claims
- Coordinated mass torts and multidistrict litigation (MDL)

Trial-Ready Defense Nationwide

Polsinelli's trial lawyers are experienced in taking cases to verdict in state and federal courts across the United States. Our litigators are supported by dedicated electronic discovery (e-discovery) attorneys and litigation professionals who manage large-scale, data-intensive discovery efficiently and defensibly.

Our trial teams work seamlessly with Polsinelli's certified appellate specialist talent, allowing appellate issues to be identified early and preserved throughout trial. This integrated approach positions our clients for success at every stage of litigation.

Industry-Focused Representation for Corporate Defendants

Drawing on Polsinelli's national platform, our Products Liability & Toxic & Mass Tort attorneys collaborate with lawyers across regulatory, environmental, life sciences, and compliance disciplines to deliver a comprehensive defense.

We represent publicly traded multinational corporations and privately held companies across a wide range of industries, including:

- Chemicals
- Pharmaceuticals
- Medical devices
- Construction
- Industrial equipment
- Electronics
- Asbestos and Talc
- Cosmetics
- Food and consumer products

Strategic Advantage in Mass Tort Litigation

Our extensive and often repeated experience litigating against lead plaintiffs' counsel provides insight into opposing strategies and emerging mass tort trends. We anticipate arguments early, streamline defense approaches, and craft strategies informed by firsthand knowledge of how these cases evolve. We are recognized leaders in the defense bar and understand the need to coalesce the defense around a joint and cohesive strategy to successfully defend these cases.

We are known for our ability to translate complex scientific, technical, and regulatory issues into clear, persuasive narratives for judges and juries, which is a critical advantage in products liability and toxic tort matters.

Efficient Resolution with Business Sensitivity

While always prepared to try cases, we regularly evaluate alternative and creative dispute resolution options to align with our clients' broader business objectives. We invest time in understanding the products we defend — including their design, development, testing, and regulatory history — as well as the people and companies behind them.

Matters

Products Liability

- Served as national coordinating counsel for a multinational cosmetics company operating in more than 100 countries for claims and lawsuits pertaining to its talc products.
- Served as counsel for talc claims and lawsuits arising in the state of California for a multinational cosmetics company operating in more than 100 countries.

- Served as national counsel for biotechnology company — coordinating the defense of more than a dozen product liability lawsuits (seeking insurance coverage) for claims and lawsuits arising from clinical trials of an investigational new drug for intra-ocular eye drops intended to prevent the onset of secondary cataracts.
- Represented as national coordinating/trial counsel and insurance recovery counsel for component part manufacturer pertaining to product liability claims in excess of \$500,000,000 in claimed damages.
- Served as national counsel for various power equipment manufacturers, including makers of transformers and reclosers.
- Represented as national coordinating/trial counsel for the world's largest manufacturer of papermaking machinery in connection with product liability and personal injury claims.
- Served as defense counsel for a pharmaceutical company in mass tort claims from alleged HIV- and HCV-tainted blood products.
- Served as defense counsel for a medical device manufacturer, including manufacturers of orthopedic screws and bipolar grasping forceps.
- Served as defense of catastrophic personal injury claims arising from crane use and crane servicing equipment in 14 states.
- Served as national and regional counsel to numerous on and off-road vehicle manufacturers, defending product defect allegations related to fuel systems, airbags, seatbelts, crashworthiness, brake systems, and electronic stability control systems.
- Served as lead counsel in defense of hospital against claims of malfunctioning equipment — specifically, baby warmers, PCA pumps, oxygen-delivery systems and powered beds.
- Lead counsel in defense of 50 separately filed cases, representing a company that manufactures software to deliver radiation in small fields on brain lesions.
- Defended hospitals and physicians utilizing a particular hernia and knee/hip replacement product for claims of off-label use.
- Served as national counsel to the world's largest do-it-yourself moving and storage company, handling products liability and premises litigation and discovery throughout the country.
- Represented the world's largest home appliance manufacturer relating various claims, including personal injury, water and fire damage.
- Represented as trial counsel of a major consumer and industrial HVAC product and system manufacturer.
- Representation as national counsel of several printed circuit board manufacturers with respect to product liability claims.
- Provided national product liability coordination and defense to a client for all punitive damages claims brought against clients nationwide.

Toxic & Mass Tort

- Successfully defended client through defense verdicts and appeals in repeat litigation accusing the client of conspiracy to suppress medical and scientific information from workers exposed to toxic substances.
- Obtained court's orders dismissing latent disease claims based on challenges to plaintiff's experts. The court barred the plaintiff's experts from testifying and then granted summary judgment because of a failure to prove general and specific causation.
- Obtained a federal court ruling finding provisions of the state environmental act restricting public transportation of waste in interstate commerce were unconstitutional, and the fines imposed against the client were improper.
- Obtained a precedent-setting decision from the State Supreme Court that applied to a 10-year statute of repose to latent disease claims.
- Obtained Federal Appellate Court ruling that state legislature's efforts to amend the 10-year statute of repose to allow for latent disease claims were unconstitutional as an effort to eliminate defendants' constitutionally vested rights to a defense.
- Obtained State Supreme Court ruling under last injurious exposure rule barring toxic tort claims against an employer that was not the last employer of the employee under state's workers' compensation statute.
- Advised property owners and property management companies regarding mold remediation and responding to mold-related claims.
- Successfully defended manufacturer of hardboard siding against moisture intrusion and growth of mold product defect claims by more than one hundred plaintiffs.

- Developed strategies for a client in several hundred silicosis claims to obtain court orders granting summary judgment in every case based on the plaintiff's failure to prove that exposure to the client's product caused the plaintiffs' diseases.
- Participated in clients' national trial teams to assist in developing themes for the defense of cases and to try cases for clients related to alleged chemical exposures.