

**Ballard Spahr**  
LLP



## Product Liability and Mass Tort

Attorneys Dedicated To  
Defeating Product Liability  
Claims at Every Stage

We know how to win cases—but there is more to great lawyering than securing defense verdicts.

Our industry knowledge and trial experience enable us to help clients avoid litigation in the first place.

We manage litigation in a way that promotes efficiency and allows our clients to focus on their business.

#### CASE MANAGEMENT

We have tested processes in place for managing national networks of local counsel and securing the right expert in any venue. This allows us to manage discovery and trial preparation to increase efficiency and reduce cost.

#### COLLABORATION

Product liability cases are rarely confined to a single legal discipline. Our clients benefit from the seamless integration of our product liability practice with attorneys skilled and experienced in labor and employment, government relations, white collar defense, and intellectual property.

#### ALTERNATIVE DISPUTE RESOLUTION

Outside the courtroom, we have developed ADR programs that enable clients to control individual cases and mass tort actions without public scrutiny and the excessive cost of litigation.

#### PREVENTIVE SERVICES

Through prelitigation counseling, we help companies improve their internal communications and reduce their exposure to risk. We design employee training programs that increase sensitivity to tort risk and help companies develop product operation manuals, service bulletins, and campaign and recall notices.

#### OUR EXPERIENCE

Our attorneys handle significant jury trials in federal and state courts across the country, utilizing every resource to prevail—at every stage of the case.

- Creatively attacking the pleadings to limit or frame the issues
- Challenging expert testimony under *Daubert* or *Frye*
- Successfully decertifying classes on the pleadings, in evidentiary certification hearings, and during and after trial
- Utilizing aggressive *in limine* motion practice and other pretrial methods
- Deploying trial teams with experience in hostile trial venues

#### OUR REPRESENTATIONS

We represent clients ranging from start-ups and growing businesses to the world's largest medical device, pharmaceutical, and manufacturing companies, including:

- AM General LLC
- DuPont
- Honeywell, Inc.
- Kia Motors America, Inc.
- Milacron, Inc.
- Subaru of America, Inc.
- The Goodyear Tire & Rubber Company
- Valero Energy Corp.



## We work closely with clients to develop winning approaches to managing litigation.

### **FOCUS ON DECERTIFICATION**

A full jury trial is sometimes the only way to develop a full record to decertify a class. In *Little v. Kia Motors America, Inc.*, we secured a rare post-trial decertification for Kia. After defeating certification of a national class during the pleading stage, Ballard Spahr lawyers secured a defense verdict at the trial on the plaintiffs' consumer fraud claim. Our lawyers then persuaded the judge to reject in its entirety the plaintiffs' only factual argument linking the class members. By staying relentlessly focused on decertification during and after trial, our lawyers convinced the trial judge that the remaining damages verdict was not commonly shared by the proposed class. The trial court decertified the class, vacated the damages verdict, and ordered claims proceedings.

### **PRETRIAL TENACITY**

When a major petrochemical provider was sued for the alleged wrongful deaths of two refinery workers, it turned to Ballard Spahr. Our lawyers were required to respond to 100 fact and nearly two dozen expert depositions. To defeat spoliation motions, we managed more than 100,000 documents. Our lawyers successfully argued dozens of motions that excluded crucial opinions of the plaintiffs' eight expert witnesses, eliminating the basis for the plaintiffs' punitive damages claims and prevailing against those claims on summary judgment. After a mistrial in early 2010 for which plaintiffs' counsel was sanctioned, the case settled favorably for our client.

### **LEGAL AND BUSINESS FORESIGHT**

Ballard Spahr was lead trial counsel for a global rubber manufacturer in a series of high-risk product liability jury trials. The trials took place in state and federal courts, and our lawyers secured uniformly favorable results, leading to a substantial reduction in the plaintiffs' demands. Ultimately, this allowed us to structure and secure approval for a favorable class settlement. Throughout this litigation, we worked with the client daily, discussing strategies, trial planning, public relations, and long-term goals. At the conclusion of the representation, our client's board of directors passed a special resolution, thanking our lawyers for their "dedication, wise counsel, and professionalism."

# Ballard Spahr LLP

**For more information, please contact:**

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