



## Product Liability, Mass Torts and Product Stewardship

Our Product Liability, Mass Torts and Product Stewardship team assists our manufacturing clients on risk, compliance and business management at every stage of the product life cycle. We are positioned to defend claims of any scope, around the globe. We help our clients keep ahead of the game on compliance with product safety legislation, lobbying and engaging if necessary with government legislatures and the public regulatory authorities. We advise on environmentally friendly supply chain management.

We handle crises that involve product recalls, governmental investigations, insurance coverage and environmental concerns. We are mindful of the need to maintain reputations. In the event of claims that may need to go to arbitration or trial, our team includes some of the most highly regarded dispute resolution lawyers in the world, according to respected legal publications, including Chambers and Partners, and Legal 500.

We collaborate with our colleagues around the world to ensure that each client receives sound advice based on a multi-disciplinary and multi-jurisdictional approach.

### CAPABILITIES

#### Product Liability and Mass Torts

- Litigation and defense

DLA Piper is proud to feature a premier team of product liability litigation attorneys whose depth and breadth of knowledge and experience is unmatched. In jurisdictions around the world, our lawyers advise on legal responsibility for product defects, injuries sustained, and damages suffered, and assist in the collation of relevant evidence and the engagement of relevant experts.

Our attorneys are highly experienced at managing the litigation process from beginning to end, including with regards to disclosure of documents, collation of witness evidence, obtaining expert evidence, interim applications, and preparations for trial, as well as through trial and the appeals process.

### KEY CONTACTS

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- Class actions by multiple claimants and mass torts

DLA Piper regularly represents clients in class action and mass tort lawsuits and serves as trial counsel to many of the world's leading corporations. In actions filed on behalf of large groups of claimants, our clients depend on our attorneys to anticipate emerging threats, develop streamlined, effective strategies that respond to the nuances of a particular suit, defeat class certification and/or plaintiff's claims at an early stage, and safeguard their long-term business interests. We have repeatedly brought our diversity of knowledge, talent, and experience to bear successfully defending against consumer claims of all sizes and levels of complexity including emerging forms of collective redress.

- Insurance coverage

DLA Piper advises on the availability and scope of cover (product recall, business interruption, legal costs, etc.), the form of all necessary notifications and any relevant exclusions, and will liaise with insurers/ brokers as appropriate.

## Product Stewardship and Regulatory Compliance

- Product safety

Product safety forms an important part of our practice. Our lawyers have extensive experience in advising on supranational, and national/state legislation; the areas which are most likely to be of concern to manufacturers, distributors and suppliers, including materials restriction regulation, such as the EU REACH and WEEE and RoHS legislation, packaging, waste and product life-cycle management legislation, and national requirements on labelling and containers. We are intimately familiar with the US regulatory landscape as well, and advise often on issues relating to the CPSC, FDA, FTC, and other agencies.

Our lawyers advise clients on regulations and compliance when bringing a product to market, deal with issues when a product is in the marketplace including providing risk assessments and planning corrective actions.

- Product recall and crisis management

In the event of a potential recall situation, we can deploy a Crisis Management team who can act quickly and assess whether or not a recall is necessary and continually review that decision. The team can make any necessary notifications to regulators within strict timescales.

The decision to undertake a product recall, whether on ground of regulatory compliance issues or to pre-empt potential liability claims, is always a difficult one which will be determined by a number of factors. Often a recall will be the option of last resort once all other avenues have been exhausted. Factors which will be taken in to account are: the volume of product on the market place, how easily the product can be recalled, whether or not there is a safety risk and whether any statutory obligations to undertake a recall apply.

We also provide 'Rapid Response', a global crisis management hotline service, which provides 24-hour, 365-day a year access to regulatory legal advice and crises assistance.

We also have a full capability for dealing with a number of public market surveillance authorities in various jurisdictions at the same time.

## EXPERIENCE

- Advising a number of large multinational firms, including a Japanese software and hardware manufacturer and a US-based speciality chemicals manufacturer, on the requirements on the EU REACH Regulations and providing detailed compliance strategies. This legislation, which provides for the registration, evaluation, authorization and restriction of chemicals, affects not only the chemicals sector but also most other significant manufacturing operations.
- Representing a major consumer electronics manufacturer in a US nationwide class action in which the plaintiffs alleged common law claims for fraudulent concealment and breach of express warranty, as well as violations of California's unfair competition law. Before any discovery was conducted, the court granted DLA Piper's motion to dismiss and motion to strike class

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## RELATED SERVICES

- International Trade, Regulatory and Government Affairs
- Litigation, Arbitration and Investigations
- Corporate
- Intellectual Property and Technology

## RELATED SECTORS

- Industrials
- Life Sciences
- Insurance
- Media, Sport and Entertainment

allegations.

- Advising a manufacturer of lighting equipment exported to more than 20 jurisdictions in Europe, Asia and beyond, of its product safety, regulatory notification and recall obligations. We represented our client with the public authorities which initiated the proceedings and used the EU RAPEX System. Our timely advice ensured that the manufacturer's all-important reputation remained intact.
- Representing a steel manufacturer on in construction claims and construction product defect cases. Recent matters involve construction claims for payment on major stadiums and arena projects, roof collapses due to snow and other overload conditions and construction injury cases including wrongful death and other serious personal injury claims.
- Working with regulatory authorities and representing and advising a client in relation to the recall of domestic and trade central heating boilers throughout the UK, Italy and Greece. Faulty flues in the boilers could have given rise to carbon monoxide poisoning.
- Advised on the pan-European (20 countries) recall of Peugeot windscreens for a tier 2 manufacturer.
- Worldwide product recall of overheating fax machines and photocopiers giving rise to a fire risk.
- Defending a Hong Kong company in a claim for supplying defective toys which breached EU safety legislation.
- Advising underwriters on coverage and recovery issues under product recall policy in connection with the shipment of defective refrigeration units from mainland China to the UK.
- Acting as co-national counsel for a leading global pharmaceutical companies in the US in the defense of more than 3,000 claims alleging neuropsychiatric and other injuries from the smoking cessation aid.
- Represented one of the world's leading oil companies in gasoline leak toxic tort claims resulting in collective jury verdicts of \$1.65 billion, which were reversed on appeal by the Maryland Court of Appeals.
- Acting as national counsel in the US for a global medical device company in approximately 175 individual lawsuits arising from injuries and damages allegedly caused by the use of the Company's "cold therapy" medical devices (used in the post-surgical setting to deliver therapeutic cold to an injured area).
- Acting as national counsel in the US for a global pharmaceutical and supplement company in concurrent putative nationwide class actions arising from challenges to advertising, allegedly in violation of consumer protection statutes.
- Serving as regional and strategic counsel for a Japan based automobile manufacturer in the US with respect to personal injury lawsuits alleging unwanted acceleration in two of the company's automobile lines.
- Representing a US home builder, in several individual claims alleging home defects, including breach of warranty, and consumer misrepresentation and fraud in its sales and marketing practices.
- Serving as national counsel for a major US motorcycle manufacturer and several automobile and tire manufacturers.

## INSIGHTS

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### Publications

#### **Protecting the attorney-client privilege while under quarantine: Five tips for protecting attorney-client privilege when using online collaboration tools**

22 June 2020

With the increase in remote working comes an increased opportunity for attorney-client privilege issues to surface.

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#### **US CPSC advises consumers certain recall remedies may be unavailable due to COVID-19 – four key takeaways**

15 April 2020

Guidance will evolve as the pandemic develops, and CPSC-regulated firms are encouraged to consider these actions.

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#### **COVID-19: Tort immunity for vaccines and antivirals – lessons from the swine flu of 1976**

8 April 2020

While the common goal is to quickly develop countermeasures to combat COVID-19, it is important to consider the potential legal and reputational risks.

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### **Coronavirus: Supplier due diligence for vetting Chinese medical suppliers for quality, safety, fair pricing and anti-corruption compliance**

6 April 2020

Some key risks, and potential solutions to reduce cross-border operational risks.

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### **Top franchise developments of 2019**

30 March 2020

Two top franchise developments in 2019 stand out from the rest.

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### **Street art raises novel copyright issues – or does it?**

19 December 2019

Is street art less entitled to copyright protection than are traditional art forms?

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### **PFAS: in California, regulators put cleanup levels on hold, but announce major data hunt**

7 MAR 2019

This data hunt will affect thousands of facilities, drinking water systems and private drinking water well owners.

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### **Food safety from farm to fork: FDA publishes proposed rules aiming to ensure the safety and security of the food supply**

24 JAN 2013

The proposed rules lay the foundation of the prevention-based, modern food safety system envisioned in the FSMA and have wide-ranging effects on many industries, including every link in the global food supply chain.

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### **UK: The real risk of cyber attack**

1 AUG 2011

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**NEWS**

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## **DLA Piper advises lenders on the refinancing of the Warnow Tunnel in Germany**

26 February 2021

DLA Piper has advised the lenders on the EUR115 million refinancing of the Warnow Tunnel in Rostock (Germany), also known as the Warnow River Crossing (Warnowquerung).

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## **DLA Piper advises Kölner Pensionskasse and Caritas Pensionskasse on their reorganization**

21 January 2021

DLA Piper hat die Kölner Pensionskasse und die Pensionskasse der Caritas aufsichtsrechtlich gegenüber der Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin), bei der Gestaltung und Umsetzung des Sanierungskonzepts sowie bei dem damit verbundenen formellen Gang in den Status der Liquidation beraten.

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## **DLA Piper advises Wipro Limited on the acquisition of METRO-NOM GmbH and METRO Systems Romania**

4 January 2020

DLA Piper has advised Wipro Limited, a leading global information technology, consulting, and business process services company, on the acquisition of METRO AG's IT units – METRO-NOM GmbH in Germany and METRO Systems Romania S.R.L.

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## **DLA Piper advises Nemetschek on acquisition of DEXMA by subsidiary Spacewell**

18 December 2020

DLA Piper has advised the Nemetschek group, one of the world's leading software providers for the Architecture, Engineering, Construction and Owner-operated (AECO) industry, on the acquisition of 100% of the shares in DEXMA by its subsidiary Spacewell.

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## **DLA Piper advises Stillfront Group on the acquisition of gaming company Sandbox Interactive**

18 December 2020

DLA Piper has advised Stillfront Group AB, a leading free-to-play gaming studios company, on the acquisition of Sandbox Interactive GmbH, a rapidly growing and highly profitable gaming company based in Berlin and developer and publisher of the popular cross-platform free-to-play sandbox MMORPG Albion Online. The sellers are the four co-founders of Sandbox.

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## **DLA Piper wins TMT Finance M&A Global Telecom Deal of the Year**

8 December 2020

DLA Piper is pleased to announce that they have received the TMT Finance M&A Global Telecom Deal of the Year for their representation of T-Mobile and Deutsche Telekom in the T-Mobile-Sprint merger.

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## **'Industry standard' for use of arbitration platforms moves a step closer as pan-firm collaboration receives support**

30 November 2020

Plans to standardise the approach to online case management in international arbitration are a step closer to reality, after a draft protocol received positive feedback from an industry-wide consultation.

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## **DLA Piper advise Liverpool Football Club on sponsorship claim defence**

14 September 2020

DLA Piper has successfully represented The Liverpool Football Club and Athletics Grounds Limited (LFC) in defending a GBP1.13 million claim brought by sports intermediary Winlink Marketing Limited.

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## **DLA Piper arbitration practice recognized as world leading by Global Arbitration Review**

14 July 2020

DLA Piper has been recognized once again as having one of the world's leading international arbitration practices.

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## **Law firms collaborate on industry first to accelerate tech adoption in international arbitration**

2 July 2020

DLA Piper is amongst six international law firms which have developed a Protocol to help deliver a globally consistent approach to the use of online case management platforms in international arbitration.

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## **DLA Piper announces partnership promotions for 2020**

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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## **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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## **DLA Piper appoints Head of Global Government Affairs team**

6 March 2020

DLA Piper announces the strengthening of its Global Government Affairs team with the appointment of Richard Sterneberg who will head up the team in its Brussels office. Richard brings with him over 20 years of experience working in Brussels as a global government affairs expert.

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## **DLA Piper launches its Global Litigation Guide**

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3 December 2019

DLA Piper has launched its 'Global Litigation Guide', which covers aspects of civil litigation in 30 jurisdictions worldwide.

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### **DLA Piper continues to boost CEE region capability with new hires in Poland**

5 September 2019

DLA Piper today announces the appointment of eight new lawyers in its Warsaw office into three key practice areas of Corporate, Finance & Projects (F&P) and Litigation & Regulatory. These hires follow the recent appointment of corporate partners Marek Sawicki and Jakub Marcinkowski from CMS.

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### **DLA Piper announces launch of Artificial Intelligence practice**

14 MAY 2019

DLA Piper announced today the launch of its Artificial Intelligence practice, which will focus on assisting companies as they navigate the legal landscape of emerging and disruptive technologies, while helping them understand the legal and compliance risks arising from the creation and deployment of AI systems.

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### **DLA Piper establishes Litigation Regulatory offering in Dublin with partner hire**

18 APR 2019

DLA Piper today announces the appointment of Caoimhe Clarkin as a Litigation & Regulatory partner in the firm's Dublin office. This is the seventh partner hire for DLA Piper in Dublin this year.

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### **DLA Piper announces partnership promotions for 2019**

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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