



## 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 defence

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.

- 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

### KEY CONTACTS

#### **Christopher G. Campbell**

Partner  
Atlanta  
T: +1 404 736 7808  
christopher.campbell@dlapiper.com

#### **Kieran O'Brien**

Partner  
Melbourne  
T: +61 3 9274 5912  
kieran.obrien@dlapiper.com

#### **Prof Dr Ludger Giesberts LL.M.**

Partner  
Cologne  
T: +49 221 277 277  
351  
ludger.giesberts@dlapiper.com

#### **Teresa Hitchcock**

Partner  
Sheffield  
T: +44 (0)114 283  
3302  
teresa.hitchcock@dlapiper.com

### RELATED SERVICES

- International Trade, Regulatory and Government Affairs
- Litigation, Arbitration and Investigations

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 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

- Corporate
- Intellectual Property and Technology

## RELATED SECTORS

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

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

#### **ITC Section 337 update: Expect heavy emphasis on public interest in pharma/medical device investigations**

30 Sep 2019

Difficult public interest issues may arise when a potentially life-saving drug or medical device is sought to be excluded.

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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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#### **Explainability: where AI and liability meet**

25 FEB 2019

Makers and users of AI face a new and interesting problem: what is the acceptable tradeoff between explanation and accuracy?

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#### **Top of mind: Litigation**

10 DEC 2018

Our coverage of big compliance, enforcement and litigation issues that businesses are thinking about this quarter.

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## **How blockchain, Internet of Things and smart contracts improve the supply chain**

27 SEP 2018

Incorporating three key technologies into the supply chain can significantly improve profitability while reducing risk.

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## **California Cruelty-Free Cosmetics Act to ban most animal testing for beauty products: key points**

12 SEP 2018

Given the dominance of the California market, cosmetic companies are considering how they will adjust their development processes ahead of the 2020 deadline.

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## **Global Product Liability Guide: announcing our updated online resource**

12 DEC 2017

We are pleased to announce the relaunch of our Global Product Liability Guide, DLA Piper's dedicated online resource devoted to helping manufacturers, importers, suppliers and retailers learn about the product liability risk environment, wherever in the world they do business.

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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 launches its Global Litigation Guide**

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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## **DLA Piper announces launch of Blockchain and Digital Assets practice**

26 FEB 2019

DLA Piper announced today the launch of its Blockchain and Digital Assets practice, which will offer strategic advice on a global basis to address the needs of companies implementing blockchain technology solutions and creating and deploying digital assets.

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## **Kate Brown de Vejar joins DLA Piper as global co-chair of International Arbitration**

22 JAN 2019

DLA Piper announced today that Kate Brown de Vejar has joined the firm's Litigation practice as a partner in Mexico City and New York.

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## **DLA Piper and IKM Advocates secure victory for the Republic of Kenya defeating a US\$2 billion ICSID claim**

24 OCT 2018

In a decisive victory for the Republic of Kenya, DLA Piper and DLA Piper Africa member firm, IKM Advocates, have successfully defeated the claim estimated to be worth US\$2 billion in arbitration proceedings brought by a mining investor, Cortec Mining Kenya Limited. The claim was brought under the bilateral investment treaty (BIT) between the UK and Kenya dated 13 September 1999. The arbitration took place under the auspices of the World Bank's International Centre for Settlement of Investment Disputes (ICSID), with the hearing taking place in Dubai in January 2018. The Tribunal issued its award on 22 October 2018.

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## **DLA Piper hosts inaugural Afghanistan-UK Business Conference**

18 SEP 2018

DLA Piper's London office yesterday hosted the first Afghanistan-UK Business Conference, organised by the Embassy of the Islamic Republic of Afghanistan in London and the International Chamber of Commerce in Afghanistan. The event, aimed at further enhancing

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Afghanistan-UK bilateral business, trade and investment relations, was attended by over 100 participants including public and private sector leaders, potential investors, NGOs and consultants, amongst others.

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### **DLA Piper's GTGA team named Sanctions Law Firm of the year 2018**

27 JUL 2018

DLA Piper's Global Trade and Government Affairs (GTGA) team has been named Sanctions Law Firm of the year, Europe, at this year's WorldECR Awards.

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### **DLA Piper hires financial services and insurance sector team in Belgium**

2 JUL 2018

DLA Piper in Antwerp has today been joined by a team of financial services and insurance sector lawyers from Baker McKenzie.

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### **DLA Piper secures victory for Transatel SA in landmark telecoms dispute**

20 JUN 2018

DLA Piper has secured a victory for the French telecommunications service provider, Transatel SA, in a dispute under telecommunications law before the Federal Network Agency (BNetzA). In this landmark procedure, the BNetzA ordered the German mobile network operator, Telefónica Germany GmbH & Co. OHG, to submit a draft agreement regarding access to regulated wholesale roaming services to Transatel.

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DLA Piper is proud to announce that 62 lawyers have been promoted to its partnership. The promotions are effective as of 1 April 2018 in the United States and 1 May 2018 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 42 different offices throughout 20 countries.

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### **DLA Piper Africa advises Adenia Partners on acquisition of controlling stake in Kanu Equipment Limited**

23 MAR 2018

Kanu has been driving an expansion strategy across Sub-Saharan Africa in recent years and the business now operates in 13 countries, servicing the agriculture, construction and mining industries.

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### **DLA Piper advises Timor-Leste on historic maritime treaty**

6 MAR 2018

DLA Piper has been advising the Government of Timor-Leste, for more than four years, on its historic maritime treaty with the Australian Government, signed today at the United Nations Headquarters in New York, following the successful outcome of a compulsory conciliation process.

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### **Four DLA Piper partners recognised in Jeune Afrique's Top 50 Lawyers in Francophone Africa 2017**

20 FEB 2018

DLA Piper is delighted to congratulate Litigation & Regulatory partners Michael Ostrove and Alexander Brabant, Finance & Projects

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partner Eric Villateau, and Corporate partner Christophe Bachelet, on their inclusion in *Jeune Afrique's* Top 50 Business Lawyers in Francophone Africa 2017 rankings. This year, more DLA Piper lawyers than ever before have been awarded a place on the rankings, with partners scoring individual record rankings for the firm.

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### **Businesses still not fully aware of Data Protection issues**

31 JAN 2018

DLA Piper has released its second Data Privacy Snapshot report, finding that once again, company global privacy programs have gaps in meeting increasingly demanding global privacy principles. Significantly, it appears that many companies are falling short of data protection obligations under the General Data Protection Regulation (GDPR), which will start to apply from 25 May 2018.

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### **Stephen Matthews joins DLA Piper's Litigation practice in New Jersey**

17 JAN 2018

DLA Piper announced today that Stephen Matthews has joined the firm's Litigation practice as a partner in the Short Hills, New Jersey, office.

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