



Responsabilité du fabricant et responsabilité délictuelle

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.

CAPABILITES

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

PERSONNES-RESSOURCES

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SERVICES RELIÉS

- Commerce international, réglementation et affaires

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

gouvernementales

- Litiges, arbitrage et enquêtes
- Droit des sociétés
- Propriété Intellectuelle

SECTEURS RELIÉS

- 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.

ACTUALITÉS

Publications

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.

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.

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.

Top franchise developments of 2019

30 March 2020

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

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?

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.

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.

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?

Top of mind: Litigation

10 DEC 2018

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

Improving class action notice and settlement procedures – new amendments to Rule 23

16 NOV 2018

As a whole, the amendments both modernize and streamline current procedures.

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.

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.

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.

UK: The real risk of cyber attack

1 AUG 2011

ACTUALITÉS

Sangeetha Punniyamoorthy named Chair of the Canadian IPT Group

20 MAY 2020

DLA Piper (Canada) LLP is pleased to announce that Sangeetha Punniyamoorthy has been appointed Chair of the Canadian Intellectual Property and Technology Group.

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.

DLA Piper (Canada) LLP increases rankings in the 2020 *Canadian Legal Lexpert Directory*

24 APR 2020

DLA Piper (Canada) LLP is pleased to announce that we have significantly increased the number of lawyers ranked as leading practitioners in the 2020 edition of the Canadian Legal Lexpert Directory.

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.

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.

DLA Piper (Canada) s.e.n.c.r.l. accueille un nouvel avocat, Raymond Bastedo

2 MAR 2020

DLA Piper (Canada) s.e.n.c.r.l. accueille Raymond Bastedo à titre d'avocat au sein du groupe litiges, arbitrages et enquêtes du bureau de Calgary.

DLA Piper (Canada) LLP accueille trois nouveaux associés

1 JAN 2020

DLA Piper (Canada) s.e.n.c.r.l. accueille trois nouveaux ajouts au partenariat, à compter du 1er janvier 2020.

DLA Piper (Canada) s.e.n.c.r.l. accueille un nouvel avocat Andrew MacGregor

4 DEC 2019

DLA Piper (Canada) s.e.n.c.r.l. accueille Andrew MacGregor à titre d'avocat au sein du groupe litiges, arbitrages et enquêtes du bureau de Calgary.

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.

DLA Piper (Canada) LLP recommended in the 2020 edition of the *Legal 500 Canada*

14 NOV 2019

DLA Piper (Canada) LLP has been recommended across a broad range of practice areas in the latest edition of the *Legal 500 Canada*.

DLA Piper (Canada) s.e.n.c.r.l. accueille Stephen F. Gleave à titre d'associé

7 OCT 2019

DLA Piper (Canada) s.e.n.c.r.l. a le plaisir d'annoncer que Stephen Gleave s'est joint au cabinet à titre d'associé au bureau de Toronto. Stephen a une pratique de litige de droit commercial axée sur le droit de l'emploi.

DLA Piper (Canada) s.e.n.c.r.l. reconnue dans l'édition 2020 de Chambers Canada 2020

20 Sep 2019

DLA Piper (Canada) s.e.n.c.r.l. a le plaisir d'être reconnue comme leader de l'industrie dans l'édition 2020 de *Chambers Canada*.

DLA Piper (Canada) s.e.n.c.r.l. accueille un nouvel avocat, Simon McCleary

9 SEPT 2019

DLA Piper (Canada) s.e.n.c.r.l. accueille Simon McCleary à titre d'avocat au sein du groupe litiges, arbitrages et enquêtes du bureau de Toronto.

DLA Piper (Canada) s.e.n.c.r.l. accueille une nouvelle avocate Brooke Stewart

3 SEP 2019

DLA Piper (Canada) s.e.n.c.r.l. accueille Brooke Stewart à son bureau de Toronto à titre d'avocate au sein du groupe du droit de l'emploi.

DLA Piper (Canada) s.e.n.c.r.l. accueille une nouvelle avocate, Adrienne Wong

3 SEP 2019

DLA Piper (Canada) s.e.n.c.r.l. accueille Adrienne Wong à titre d'avocate au sein du groupe litiges, arbitrages et enquêtes du bureau de Calgary.

Les avocats de DLA Piper (Canada) s.e.n.c.r.l. sont reconnus dans l'édition 2020 de *Best Lawyers in Canada*

21 AUG 2019

DLA Piper (Canada) s.e.n.c.r.l. a le plaisir de voir 70 de ses avocats dans 34 domaines de pratique différents reconnus dans l'édition 2020 du guide *Best Lawyers in Canada*.

DLA Piper (Canada) s.e.n.c.r.l. accueille une nouvelle avocate Emma Cosgrave

24 JUN 2019

DLA Piper (Canada) s.e.n.c.r.l. accueille Emma Cosgrave à titre d'avocate au sein du groupe litiges, arbitrages et enquêtes du bureau de Toronto.

DLA Piper (Canada) LLP recognized as a leader in patent laws by IAM Patent 1000

12 JUN 2019

The 2019 edition of *IAM Patent 1000 - The World's Leading Patent Practitioners* has recognized DLA Piper (Canada) LLP and four members of its Intellectual Property and Technology (IPT) Group as leaders in the Canadian patent market.

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.

DLA Piper (Canada) LLP ranked in 2019 *Canadian Legal Lexpert Directory*

3 MAY 2019

DLA Piper (Canada) LLP is pleased to announce that thirty-eight of the firm's lawyers have been recognized as leading practitioners in the 2019 edition of the *Canadian Legal Lexpert Directory*.

Bretton Woods Avocats Canada se joint au bureau de DLA Piper (Canada) s.e.n.c.r.l. à Montréal

1 MAY 2019

DLA Piper (Canada) s.e.n.c.r.l. a le plaisir d'annoncer qu'une entente a été conclue avec Bretton Woods Avocats Canada (« Bretton Woods Canada »). À compter du 1er mai 2019, l'équipe de quatre avocats et d'une stagiaire de Bretton Woods Canada se joindra au bureau de DLA Piper Canada à Montréal. L'équipe apporte un agencement unique de capacité et d'expérience renforçant ainsi le bureau de Montréal et augmentant notre offre de service nationale dans le marché croissant de la conformité aux normes internationales, de la gestion du risqué et des enquêtes visant des sociétés.

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.

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.

DLA Piper (Canada) s.e.n.c.r.l. accueille une nouvelle avocate conseil Katrina Edgerton-McGhan

11 FEB 2019

DLA Piper (Canada) s.e.n.c.r.l. a le plaisir d'accueillir Katrina Edgerton-McGhan à titre d'avocate conseil au sein du groupe litiges, arbitrages et enquêtes du bureau de Calgary.

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.

DLA Piper (Canada) s.e.n.c.r.l. est reconnue par le Legal 500 Canada en 2019

7 DEC 2018

DLA Piper (Canada) s.e.n.c.r.l. a le plaisir d'annoncer que 42 avocats dans 17 domaines de pratique ont été recommandés dans la dernière édition du *Legal 500 Canada*.

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.

DLA Piper Canada s.e.n.c.r.l. reconnue dans l'édition 2019 de *Chambers Canada*

27 SEP 2018

DLA Piper (Canada) s.e.n.c.r.l. est heureuse d'être reconnue en tant que leader de l'industrie dans l'édition 2019 de Chambers Canada. Avec 34 avocats qui se sont distingués dans plus de 20 champs de pratique de droit, il s'agit de la meilleure performance de DLA Piper Canada à ce jour.

Soixante-douze avocats de DLA Piper (Canada) s.e.n.c.r.l. sont reconnus dans l'édition 2019 de Best Lawyers in Canada

22 AUG 2018

DLA Piper (Canada) s.e.n.c.r.l. est heureuse d'avoir augmenté encore une fois ses classements dans l'édition 2019 de *Best Lawyers*, avec près de tiers des avocats du cabinet qui se distinguent à titre de praticiens de premier plan au Canada dans plusieurs domaines de pratique clés.

DLA Piper (Canada) s.e.n.c.r.l. accueille une nouvelle avocate, Ashley Boyes

7 AUG 2018

DLA Piper (Canada) s.e.n.c.r.l. est heureuse d'accueillir Ashley Boyes à titre d'avocate au sein du groupe litiges, arbitrages et enquêtes du bureau de Toronto.

DLA Piper (Canada) s.e.n.c.r.l. accueille un nouvel avocat de litige, Stephen Kroeger

25 JUN 2018

DLA Piper (Canada) s.e.n.c.r.l. est heureuse d'accueillir Stephen Kroeger à titre d'avocat au sein du groupe litiges, arbitrages et enquêtes du bureau d'Edmonton.

DLA Piper (Canada) s.e.n.c.r.l. accueille une nouvelle avocate de litige Michelle Thomar

28 MAY 2018

DLA Piper (Canada) s.e.n.c.r.l. est heureuse d'accueillir Michelle Thomar à titre d'avocate au sein du groupe de litiges, arbitrage et enquêtes du bureau de Toronto.
