



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.

CAPABILITES

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.

- 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

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Vonnick Le Guillou

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

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RELATED SERVICES

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

Publications

Industrials Regulatory News and Trends

23 September 2022

INDUSTRIALS REGULATORY NEWS AND TRENDS

White House announces new federal money for biotech companies; NTSB and FAA divide responsibility for investigating space accidents.

When are statutory damages so excessive that they violate due process?

22 September 2022

The court acknowledged that the requested statutory penalties – which were more than 61 times the actual damages awarded by the jury – were so excessive that they violated the defendant's due process rights.

A new tech regulatory agency? Key senator calls for more enforcement "teeth"

21 September 2022

Senator Lindsey Graham (R-SC) raised eyebrows around Washington last week when he suggested that he and colleagues are working on creating a "regulatory environment with teeth" to police, and perhaps license, social media companies.

Industrials Regulatory News and Trends

12 September 2022

INDUSTRIALS REGULATORY NEWS AND TRENDS

Application season may begin soon for new semiconductor program; California takes more steps to ensure plastics recycling; EPA waives fuel regulations after industrial accident.

Food and Beverage News and Trends

2 September 2022

FOOD AND BEVERAGE NEWS AND TRENDS

GLOBAL SANCTIONS ALERT

White House announces first federal conference on hunger, nutrition and health since 1969; major review of FDA food programs begins; Canada moves away from open-net pen salmon farming.

Industrials Regulatory News and Trends

25 August 2022

INDUSTRIALS REGULATORY NEWS AND TRENDS

Chemical manufacturers call for federal solutions to shipping problems, head of NHTSA departs, court upholds FCC reallocation of a key spectrum block.

Food and Beverage News and Trends

18 August 2022

GLOBAL SANCTIONS ALERT

USDA proposes standards for organic livestock and poultry; FDA issues guidance on egg rule; Blue Bell mistrial; Black Sea Grain Initiative.

Senate Bill S74A seeks to significantly expand recoverable damages in wrongful death actions in New York

16 August 2022

This amendment is part of a trend in state law to expand the damages available to surviving family members asserting claims for the loss of a loved one.

Food and Beverage News and Trends

5 August 2022

FOOD AND BEVERAGE NEWS AND TRENDS

GLOBAL SANCTIONS ALERT

FDA chief says major review of its food program is under way; Canada enacts supplemental food labelling rules; former Blue Bell CEO's criminal trial begins.

Food and Beverage News and Trends

22 July 2022

FOOD AND BEVERAGE NEWS AND TRENDS

The soaring cost of fertilizer is bringing long-term changes to the global food system.

California's new Extended Producer Responsibility Act is major addition to suite of plastic-focused laws

11 July 2022

SB 4 sets out the country's most ambitious restrictions on single-use plastics and packaging.

Food and Beverage News and Trends

8 July 2022

FOOD AND BEVERAGE NEWS AND TRENDS

FDA finds no issues with genetically modified wheat variety.

EPA's new ultralow PFAS health advisory levels portend regulatory and litigation risks – but do not overextend them

29 June 2022

There is much more to come in PFAS regulation; in the context of liability risk, it is critical to analyze HALs for what they are – and what they are *not*.

FDA Warning Letter focuses on GMP failures at 503B compounding outsourcing facility

23 June 2022

FDA appears to be coming back with a vengeance, as the same Hybrid Pharma facility received a previous Warning Letter in November 2018.

Food and Beverage News and Trends

21 June 2022

FOOD AND BEVERAGE NEWS AND TRENDS

Bill seeks to tighten FDA regulation of GRAS; court rules California pesticide-spraying program is unlawful; Canada seeks comment on labels for foods sold via ecommerce.

California and New York propose banning textiles containing PFAS; California moves to impose significant reporting obligations

13 June 2022

Prudent manufacturers of consumer products will continue to monitor the changing legislative landscape.

FDA premarket approval and the use of “FDA Approved” claims

17 May 2022

When do products, facilities, labels, and claims require Formal Premarket Approval, and when do they not?

California Attorney General subpoena – latest development in legal efforts targeting plastics

11 May 2022

The intensified regulatory focus on plastics is gaining traction across the US.

Food and Beverage News and Trends

6 May 2022

HHS moves against menthol in tobacco, Canada seeks to strengthen food system through digital food hub, plus caramels, Kansas, Closer to Zero.

Food and Beverage News and Trends

21 April 2022

FOOD AND BEVERAGE NEWS AND TRENDS

FDA announces new approach to food allergens; oyster recall in Canada and US; bird flu update; and the price of food has never been higher.

California considers restricting secret settlements in cases involving allegedly defective products, harmful environmental conditions

13 April 2022

If signed into law, the bill would impact defendants and defense attorneys in matters involving product liability or environmental claims.

EPA moves to prohibit ongoing uses of chrysotile asbestos

11 April 2022

The proposed rule would prohibit the import, manufacture, processing, distribution and commercial use of chrysotile asbestos in connection with six current uses.

Berroteran v. Superior Court is good news for corporate defendants in California

29 March 2022

The Court, recognizes the practical reality that, absent an agreement, a defendant may strategically choose not to examine its own witness at deposition.

Food and Beverage News and Trends

11 March 2022

FOOD AND BEVERAGE NEWS AND TRENDS

EPA revokes tolerances for chlorpyrifos; Russia-Ukraine crisis and the global food supply; can hydroponic crops ever be organic?

Food and Beverage News and Trends

25 February 2022

FOOD AND BEVERAGE NEWS AND TRENDS

H5N1 avian flu appears on US poultry farms; Mexican avocado ban lifted; Senate confirms Califf as new FDA chief.

Food and Beverage News and Trends

3 February 2022

FOOD AND BEVERAGE NEWS AND TRENDS

California court postpones effective date of Proposition 12 for pork sales; FDA plans new rule for blockchain-based food tracking; 2022's food trends.

Food and Beverage News and Trends

13 January 2022

FOOD AND BEVERAGE NEWS AND TRENDS

Disclosure rule on bioengineered food is now in effect; Senate conducts confirmation hearing for top FDA nominee; new plant-based food packaging fights bacteria.

New California law adds significant restrictions for recycling claims on products and packaging: action steps

6 January 2022

The law affects any product or packaging that fails to meet a California regulator's strict recyclability criteria. Compliance is crucial.

Supporting the health of your health system: 2022

3 January 2022

Helping you tend to healthcare system wellness throughout the business life cycle.

Food and Beverage News and Trends

17 December 2021

FOOD AND BEVERAGE NEWS AND TRENDS

USDA developing climate-friendly standards for food and beverages; nonprofits sue FDA to act against phthalates; plus news on Brazilian beef, bioengineered foods, and a beverage tax.

California Proposition 65: OEHHA modifies its proposed changes to popular short-form warning – key points

16 December 2021

OEHHA is arguably creating just another long-form warning which will effectively be imposed on thousands of products that had been permitted to use short-form warnings.

Takeaways from the new USPS rule prohibiting the mailing of vape products

29 October 2021

The Final Rule clarified that hemp vape products are included within the definition of ENDS, and are thus nonmailable.

Food and Beverage News and Trends

28 October 2021

FOOD AND BEVERAGE NEWS AND TRENDS

FDA announces initiative to improve children's diets; massive study finds using salt substitute is low-cost way to reduce stroke risk; onion recall expands.

Maglioli: Third Circuit hands down first-of-its-kind COVID-19 opinion

25 October 2021

The opinion will likely provide a framework for Circuit Courts of Appeal going forward.

Aybar v. Aybar: New York Court of Appeals finds registering to do business in the state does not mean consent to general jurisdiction

12 October 2021

Consent by registration was the sole issue before the New York Court of Appeals in this case.

New California law threatens to dramatically increase pain-and-suffering damages in survival actions

7 October 2021

Considerations in approaching case valuations and risk assessments in survival actions brought in California.

Georgia Supreme Court: Consent by registration a valid way to exercise personal jurisdiction over out-of-state corporations

5 October 2021

The court deduced that a corporation authorized to do business in Georgia must be subject to general personal jurisdiction in the state.

Food and Beverage News and Trends

1 October 2021

FOOD AND BEVERAGE NEWS AND TRENDS

FDA announces winners of food traceability challenge; Pennsylvania rations sale of some popular liquors; not enough vegetables?

FTC's Policy Statement on breach notifications in mobile health apps: a new, broad approach that may face legal challenge

27 September 2021

The Policy Statement highlights the FTC's intention to step up enforcement consistent with these broad new interpretations.

Food and Beverage News and Trends

17 September 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

FDA approves a new blue; senators seek COOL labels; pet food, Pop Tarts, Parnells.

Food and Beverage News and Trends

26 August 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Vegan butter company prevails; California olive oil producers reach agreement on labeling; key part of Kansas ag-gag bill struck down.

Food and Beverage News and Trends

12 August 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

White House says order on USDA labeling rules is coming soon; appeals court rejects challenge to California's Prop 12 and its rules for housing farm animals; no vax, no service.

Food and Beverage News and Trends

23 July 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

FDA reassures public on the safety of PFAS in the food supply; trial of former Blue Bell CEO is postponed.

Food and Beverage News and Trends

28 June 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

FDA leader points to major changes in nation's food system; in many places, cocktails to go are going on.

Food and Beverage News and Trends

11 June 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Supreme Court declines to act on vaping regulations, FDA proposes "common sense reform" for dietary supplements industry, USDA and CDC investigate Salmonella linked to chicken parts.

FDA solicits public comment on adding list of device materials to certain medical device labels

26 May 2021

The proposed change would apply to all medical devices that may be in contact with a patient long term.

Food and Beverage News and Trends

26 May 2021

FOOD AND BEVERAGE NEWS AND TRENDS

FDA discloses post-pandemic plans for routine facility inspections, Alabama eases alcohol delivery rules, WHO issues new sodium standards.

EPA moves to phase out powerful GHG refrigerants under bipartisan mandate

7 May 2021

EPA estimates the HFC phasedown will yield cumulative climate-related economic benefits of \$283.9 billion from 2022 through 2050.

California mulls new standards for post-consumer plastic in thermoforms – proposed penalties may be severe

28 April 2021

Producers would be required to show they are including higher thresholds of post-consumer recycled plastic in thermoform plastic containers manufactured to contain fresh foods.

FDA warning letters: More warnings and closer scrutiny of COVID-19 and vaping products

26 April 2021

A large percentage of warning letters concern adulterated, unapproved or misbranded products related to COVID-19, and e-cigarette companies continue to be in the agency's crosshairs for selling unapproved products.

10 tips for safeguarding privileged communications in a remote work world

13 April 2021

Many of these technologies are so new that they are not yet the subject of case law.

US Supreme Court clarifies scope of specific personal jurisdiction over corporations: *Ford Motor Co. v. Montana Eighth Judicial District*

12 April 2021

The decision resolves confusion in the lower courts.

Preliminary injunction granted in Cal Chamber lawsuit concerning acrylamide Prop 65 warning

1 April 2021

California's Eastern District federal court found that Prop 65's acrylamide warning requirement was likely unconstitutional and preliminarily enjoined new lawsuits alleging failure to warn for acrylamide exposure in food and beverages.

California Air Resources Board proposes cuts to VOC limits in consumer products

17 March 2021

Proposed amendments to consumer products regulations would affect retailers and manufacturers of aerosol air fresheners, hair care products, fragrances and insecticides.

Food and Beverage News and Trends

12 March 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Biden restaurant grants called a lifeline for the industry; plus sugary cereal, cell-cultured seafood and sesame in the news.

California Prop 65: OEHHA proposes changing popular short-form warning

3 February 2021

Businesses selling products in California that utilize short-form Proposition 65 warnings may have to be re-label yet again or risk enforcement actions.

Food and Beverage News and Trends

1 March 2021

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Winter storm devastates Texas agriculture.

Defensible deletion: The proof is in the planning

5 February 2021

A framework for making defensible deletion an attainable goal.

Supporting the health of your health system

4 January 2021

Helping you tend to healthcare system wellness throughout the business life cycle.

Food and Beverage News and Trends

15 December 2020

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

Industry urges vaccine prioritization for food workers; FDA will publicize outbreak investigations weekly; sesame, salmon, soymilk.

FDA seeks feedback on industry best practices for medical device cybersecurity communications

9 December 2020

The agency emphasizes the evolving responsibility of medical device manufacturers to promptly, clearly communicate cybersecurity issues to patients and healthcare providers.

CMS, OIG finalize Stark and AKS overhaul – paving the way for value-based care

25 November 2020

We highlight some of the most important ways in which HHS followed through on its ideas from 2019, as well as the instances where they pivoted in reaction to public comments.

Food and Beverage News and Trends

16 November 2020

FOOD AND BEVERAGE NEWS AND TRENDS

FDA ordered to study risks of GM salmon, health experts urge strict limit on alcohol consumption, plus "lite," listeria, labels.

The US Hemp Production Handbook

4 November 2020

A concise, high-level overview for businesses that are currently or are considering operating in this growing market.

Vaping and COVID-19: Plausibility and causality

26 October 2020

In a courtroom, assertions must be analyzed in the context of tort law.

Food and Beverage News and Trends

23 October 2020

FOOD AND BEVERAGE NEWS AND TRENDS

USDA sued over bioengineered-food rules; as jurisdictions address the pandemic, some developments for restaurants and bars; plus plant-based burgers, cell-based meat, "natural" applesauce.

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.

California Proposition 65 lists two chemicals, PFOA and PFOS, found in a number of consumer products

12 DEC 2018

Given Prop 65's active and litigious enforcers, companies doing business in California that suspect their products may cause an exposure to PFOA/PFOS should consider compliance options now.

California's Prop 65 regulator moves to counteract court ruling, exclude Prop 65 cancer warnings for coffee

21 JUN 2018

If the regulation is adopted, coffee will not require a cancer warning label after all.

California court's narrow Prop 65 coffee ruling should not be misinterpreted

9 APR 2018

A careful understanding of the narrow basis of the ruling is important for coffee consumers and for all manner of product-based companies doing business in California.

New glyphosate decision forces Prop 65 to reckon with federally accepted science

7 MAR 2018

This outcome will likely put wind in the sails of industry groups and individual companies challenging the science behind other Prop 65 listings.

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.

Law à la Mode

1 MAY 2012

[LAW À LA MODE](#)

Law à la Mode

1 DEC 2011

[LAW À LA MODE](#)

UK: The real risk of cyber attack

1 AUG 2011

Events

Upcoming

Product Liability Symposium

October 26, 2022 | 2:00 — 5:15 pm ET
Webinar

NEWS

DLA Piper lawyers and practices ranked in latest edition of *The Legal 500*

15 June 2022

DLA Piper announced today that the firm received 52 firm rankings and 273 lawyers were featured in *The Legal 500 United States 2022* guide.

DLA Piper lawyers and practices ranked in latest edition of *The Legal 500*

17 June 2021

DLA Piper announced today that the firm received 42 individual lawyer rankings and 49 firm rankings in *The Legal 500 United States 2021* guide.

Product liability team led by Jayme Long joins DLA Piper in Los Angeles

17 March 2021

DLA Piper announced today that Jayme Long has joined the firm's Litigation and Regulatory practice as a partner based in Los Angeles.
