

PRACTICE

LITIGATION

Products Liability

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OVERVIEW

Our litigators have extensive products liability experience. We have represented numerous Fortune 500 and smaller companies against product liability claims. Examples include defending a national products manufacturer against a series of lawsuits involving alleged allergic reactions to exposure to its products, defending medical and pharmaceutical product companies against product defect claims and defending asbestos claims. Our products liability experience is not just limited to defending claims. We have also prosecuted product liability claims including claims involving a natural gas odorizer and blood clotting products. This variety of representation provides us with valuable insight to sharpen our capacity to assist clients.

EXPERIENCE

- *Lindsey v. DeGroot*, 898 N.E.2d 1251 (Ind. Ct. App. 2009) (Determined Indiana's Right to Farm Act was constitutional and applied to bar the nuisance claim of a neighbor against DeGroot Dairy).
- *The Sierra Club v. Gates*, 499 F. Supp. 2d 1101 (S.D. Ind. 2007) (successfully defended action which sought to enjoin continuing shipments of the product of the hydrolosis of the chemical warfare agent VX from a depot in Indiana to Veolia Environmental Service's incineration facility in Texas)
- *Pound v. Airosol Co., Inc.,* 316 F.Supp.2d 1079 (D. Kan. 2004) and 498 F.3D 1089 (10th Cir. 2007) (obtained summary judgment holding competitor's product, which contained ozone-depleting substances violated the Clean Air Act and establishing a competitor's right in the Tenth Circuit to recover attorney fees in bringing a successful citizen's suit under the Clean Air Act)
- *Raybestos Prods. Co. v. Indiana Dept. Envtl. Mgmt.*, Cause No. 49Dl2-0209-PL-001553

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(Marion County Superior Court—summary judgment July 6, 2004, June 12, 2006 judgment ($11.6 million) & October 30, 2006 ($4.7 million), (obtained a $16 million judgment against the Indiana Department of Environmental Management for reneging on an agreed order for a risk-based PCB cleanup, reversed on appeal)

- *Port Comm'n v. Consolidated Grain & Barge Co.*, 701 N.E.2d 882 (Ind. Ct. App. 1998) (preliminary injunction regarding use of rail and port facilities)
- *Natural Gas Odorizing, Inc. v. Downs*, 685 N.E.2d 155 (Ind. Ct. App. 1997) (duty to warn gas users)
- *Town of Montezuma v. Downs*, 685 N.E.2d 108 (Ind. Ct. App. 1997) (negligence per se claims involving a gas explosion)

[Include significant environmental and insurance coverage cases?]

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