



# PRODUCTS LIABILITY, TOXIC TORT AND MASS TORT

Riker Danzig is recognized in New Jersey and around the country for its products liability and mass tort defense group. We have the proven ability to litigate substantial, novel and complex cases innovatively and efficiently. Our Products Liability practice has been ranked in Tier 1 for New Jersey firms in the *U.S. News and World Report-Best Lawyers* "Best Law Firms" rankings for 2014, 2015 and 2016. See [Awards and Honors Methodology](#).

*No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

Our success in products liability, toxic tort and mass tort practice is often the product of effective coordination with our clients and national and regional counsel. We are experienced and effective in cooperation with clients and coordinating counsel on the investigation of claims, discovery, class discovery, pretrial preparation, trial and appellate work. Our partners work hard to ensure that work is handled at an appropriate and cost-efficient level in conformance with each client's individual needs and procedures.

Our Firm has more than 40 years experience defending major pharmaceutical products liability. We serve as New Jersey counsel for many leading drug and medical device manufacturers, defending wrongful death, personal injury, fraud and consumer fraud claims related to a variety of prescription pharmaceutical products in individual and multi-plaintiff actions. Riker Danzig has been involved in some of the most significant pharmaceutical products liability decisions in New Jersey. As a result, we have extensive experience in the defense of class actions, and have successfully argued class certification issues in several state and federal courts.

Our attorneys handle products liability and toxic torts in both federal and state courts, at the trial and appellate levels. We are experienced in litigation assigned to New Jersey's Multi-County Litigation system and in handling class action litigation in the federal and state courts. Riker Danzig attorneys serve as lead and liaison counsel in some of the largest of the multi-county litigation dockets in New Jersey, coordinating with counsel across the country and federal Multi-District Litigation.

In New Jersey, Multi-County Litigation (known in other jurisdictions as “mass tort” litigation) has become increasingly complex. Riker Danzig is intimately familiar with the theories of fact and law and specific procedures that arise in the context of the Multi-County Litigation system. We often combine our products liability and toxic tort practice with the vast expertise of our environmental practice group to litigate these complex cases effectively. Additionally, Riker Danzig's attorneys and paralegals have experience with the technical and information services that support the necessary aspects of modern mass tort litigation, including filing, storage and presentation of information in electronic formats, and the complexities related to preservation, storage, and production of electronically stored information in discovery.

Our attorneys are frequently asked to speak at continuing education seminars about products liability and mass torts. One of our partners serves on the New Jersey Supreme Court Committee charged with the revision of model civil jury instructions. Riker Danzig also has the considerable benefit of having a retired New Jersey Supreme Court Justice who offers an invaluable resource to our attorneys, including serving to advise in connection with novel, creative and complex legal issues.

## **Representative Cases**

Riker Danzig has a long tradition of representing pharmaceutical companies. We defend manufacturers of a broad variety of prescription and non-prescription medications, medical devices, and other health-related products.

We serve as New Jersey counsel and trial counsel to one of the world's largest medical device, pharmaceutical and consumer product companies in complex multi-product medical device Multi-County Litigation in New Jersey and in federal Multi-District Litigation, coordinated across the United States. Riker Danzig serves as defense liaison counsel and trial counsel in the Multi-County Litigation, and co-counsel in the federal Multi-District Litigation.

The Firm serves as New Jersey counsel and trial counsel to a worldwide surgical care company in medical device litigation involving dozens of individual products liability cases pending separate from the Multi-County Litigation docket.

Riker Danzig serves as counsel to a worldwide medical device company relating to orthopedic surgical products.

The Firm serves as New Jersey counsel to a major cigarette producer in the defense of smoking and health-related cases, and has been involved in those matters at the cutting edge of products liability law. These cases have included putative class actions as well as individual personal injury actions.

Riker Danzig has represented various defendants in mass tort litigation, including litigation involving mesh products, latex gloves, clotting factor products in HIV/hemophilia litigation, FRT plywood, lead paint and utility by-products.

We have been asked to write and file briefs in various other mass tort matters on behalf of *amici curiae*.

We have represented chemical manufacturers in connection with toxic tort claims involving personal injury from exposure to products used in the workplace, as well as consumer claims regarding chemical products. We served as New Jersey counsel to several defendants alleged to have supplied poly vinyl chloride and vinyl chloride in connection with individual actions and a putative class action seeking damages from alleged overexposure to vinyl chloride by employees at a New Jersey plant over the course of several decades.

We represent clients in New Jersey and New York in litigation involving claims of workplace and environmental exposures to asbestos and asbestos-containing products. These typically are personal injury cases involving individuals who claim to have been exposed to respirable asbestos-containing materials directly in daily activities, or as bystanders in the vicinity of individuals utilizing asbestos-containing products, or by virtue of being a co-resident family member to an individual alleged to have been exposed to asbestos-containing materials and who allegedly brought respirable asbestos fibers into the household from an outside or work place source.

Riker Danzig's clients include alleged suppliers of asbestos-containing materials, as well as companies who are alleged to have had contributed to asbestos exposures by virtue of asbestos-contained materials being located on premises owned or operated by the client, or by virtue of having allegedly had a role in policy and protocol relating to asbestos and safety issues. Our clients range from moderately-sized to Fortune 500 companies.

We served as New Jersey counsel for a major tire manufacturer in connection with a class action brought in New Jersey seeking damages under New Jersey's Consumer Fraud Act relating to alleged defects in tire products coordinated with federal Multi-District Litigation. The Firm continues to serve as counsel to multiple companies in defense of Consumer Fraud and TCCWNA putative class action litigation.

We have represented the interests of a national utility corporation in mass toxic tort litigation involving its formerly owned manufactured gas plant sites where some surrounding residents are claiming, under various theories of law, a right to monetary recovery for alleged property damage and personal injury as a result of alleged exposure to by-products of the gas manufacturing process conducted on those sites over fifty years ago. We have also represented utilities in products liability and negligence actions involving explosions and fires, as well as in commercial disputes relating to energy production equipment. We obtained a substantial settlement on behalf of a local utility in a lawsuit seeking \$200 million in damages from a manufacturer of defective components for the loss of use of two nuclear power stations and the cost of replacement power.

We represented one of the country's largest owners of commercial real estate in a lawsuit seeking to recover hundreds of millions of dollars of costs involved in abating asbestos building products in some 60 building complexes throughout the United States.

The Firm has served as New Jersey counsel to a firearms manufacturer in litigation brought by New Jersey governmental entities seeking damages in the form of increased expenses due to firearm violence within cities.

We have represented manufacturers of industrial products in connection with workplace and non-workplace personal injury matters relating to machinery and devices, including products such as press machines, injection molding machines, blast cleaning machines, meat processors, multi-piece wheel rims, tractor-trailer trucks, asphalt anti-icing additives and pool chemicals.

The Firm represented a manufacturer of components of the device used in the 1993 World Trade Center bombing. The Port Authority of New York and New Jersey had sued numerous companies for damages resulting from the 1993 World Trade Center bombing, alleging that our client's products used to make the bomb could have been made less dangerous. These claims were dismissed.

We have defended clients in connection with automobile negligence cases involving their sales personnel and their product transport drivers.

The Firm served as New Jersey counsel for a major pharmaceutical manufacturer in Bendectin litigation, and as national coordinating counsel for that same corporation in suits brought by foreign nationals in federal and state courts in the United States. We have effectively drawn upon this institutional experience and successfully adapted to the changing dynamics and challenges that modern complex and mass litigation present.

### **Governmental Affairs Practice**

Our products liability practice is also complimented by Riker Danzig's governmental affairs practice in which the Firm represents clients in legislative matters, as well as the complexities of dealing with administrative agencies. Because of the Firm's extensive first-hand experience in government, we can realistically apprise clients of the prospects of obtaining their objectives, and can offer imaginative and workable solutions to a variety of their problems. We have provided governmental affairs services over the past several years to a variety of clients, including AT&T, Pharmaceutical Research and Manufacturers of America, Alliance of Automobile Manufacturers, General Electric, Bayer Corporation and First Energy/JCP&L.

We are experienced in investigating the dynamics behind particular bills, and in developing legislative strategies to advance our clients' interests. In addition, we are often called upon to lobby our clients' interests and secure

legislative sponsorship and passage of bills, some of which we draft for those clients. We testify before committees and assist clients in preparing testimony. We have worked both independently and in concert with appropriate coalitions in support of or in opposition to legislation. We played a lead role in securing passage of landmark legislation reforming products liability law in New Jersey which has been considered a prototype by industry in other states. We have also had a significant role in crafting aspects of New Jersey's recent health insurance and property and casualty insurance reform laws.

[Click here to learn more about our Governmental Affairs Practice.](#)

## **Alternative Dispute Resolution**

Increasingly, suits are being settled through alternative dispute resolution. The Firm regularly represents claimants and respondents in all manner of arbitration proceedings. This practice compliments our products liability, toxic tort and mass tort practice. The breadth of our practice allows us to offer unique services to those seeking alternative methods of resolving disputes. In providing these services, our attorneys bring expertise in matters pertaining to employment, intellectual property, family law, commercial law, construction, environmental matters, utilities, health care, trust and estates, insurance, business, real estate and personal injuries. The attorneys in our ADR group regularly serve as arbitrators, mediators, and negotiators. They also provide services in managing complex cases, including serving as special masters and discovery masters.

[Click here to learn more about our Alternative Dispute Resolution Practice.](#)