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Shook, Hardy & Bacon

PRODUCT LIABILITY & MASS TORTS Winner

In vanguard of historic tobacco litigation, Shook Hardy defends Philip Morris

PRODUCT LIABILITY & MASS TORTS Winner

by **Larry Lebowitz**
Special to the Review

As lead counsel for long-time client Philip Morris USA Inc., the Florida offices of Shook, Hardy & Bacon remain at the cutting edge of the highest-profile product liability litigation in generations.

In 2006, the Florida Supreme Court decertified the so-called *Engle* class-action lawsuit, nullifying a record \$145 billion award by a Miami-Dade jury and setting off an unprecedented chain of more than 8,000 individual cases in state and federal courts.

Shook Hardy's Florida offices have tried more than 50 of the so-called *Engle* progeny cases so far on behalf of Phillip Morris USA, putting the firm at the forefront of the historic product-liability litigation.

In 2012, lawyers from Shook Hardy's Miami office served as first-chair trial lawyers on behalf

of Philip Morris in seven *Engle* trials.

Miami partner Ken Reilly, who oversees Shook's coordinated defense of Philip Morris, led four individual *Engle* trials in 2012, all of which ended in mistrials.

Newly minted Miami managing partner William Geraghty first-chaired three of the cases, two resulting in defense verdicts and one that resulted in a \$3.5 million award in Highlands County that is on appeal.

"I don't think any of us could have anticipated what would have happened ... all of this litigation," said Geraghty, who has won defense verdicts for Philip Morris USA in six trials, in communities as diverse as Miami, St. Petersburg and Green Cove Springs.

Shook partners from other offices led five other *Engle* trials in 2012; the trial teams were substantially comprised of Shook lawyers, analysts, paralegals and administrative teams from the firm's Florida offices in Miami and Tampa.

The *Engle* cases are uniquely difficult to defend, said Geraghty, who became managing partner of the Miami office in 2012.

The state Supreme Court ruling allows plaintiffs to rely



J. ALBERT DIAZ

Plenty of defense verdicts: Shook Hardy partners William Geraghty, Hassia Diolombi and Ken Reilly.

on findings read to jurors at the start of each trial: cigarettes cause numerous life-threatening diseases, nicotine is addictive, manufacturers negligently placed defective and unreasonably dangerous products on the market, and they concealed or omitted material information about health dangers and addiction. Plaintiffs only have to prove they or their decedent was addicted to cigarettes, and the injury or death was caused by an addiction to cigarettes.

Yet since January 2010, juries have returned verdicts in favor of Shook's clients more often than any other defense or plaintiff's firm involved in the sprawling litigation.

While the tobacco cases have consumed most of the headlines and trial time,

Shook's product-liability practice is actively involved in an array of issues for numerous Fortune 500 firms, including pharmaceutical clients such as Pfizer, GlaxoSmithKline and Bayer, retailer 7-Eleven Inc. and the multinational chemical giant DuPont.

Established in 1889 in Kansas City, Missouri, Shook, Hardy & Bacon has grown to 1,500 employees — with more than 470 attorneys and 200 research analysts and paraprofessionals in 10 offices worldwide.

The Miami office is the firm's second-largest behind the home office in the Midwest.

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