Shook, Hardy & Bacon L.L.P.

SEPTEMBER 15, 2011

PRODUCT LIABILITY LITIGATION REPORT

CONTENTS

FOURTH CIRCUIT DISMISSES CLAIMS FOR INJURY FROM MELAMINE-TAINTED INFANT FORMULA, CHINA DEEMED AN ADEQUATE ALTERNATIVE FORUM

The Fourth Circuit Court of Appeals has determined that a federal district court properly dismissed, on inconvenient forum grounds, an action brought by Chinese residents alleging injury from melamine-tainted infant formula manufactured in China. ***Tang v. Synutra Int'l Inc.*, No. 10-1487 (4th Cir., decided September 6, 2011)**. The contamination sickened approximately 300,000 infants in China in 2008 and purportedly led to the deaths of six. One of the Chinese manufacturers that produced the tainted formula is a subsidiary of a U.S.-based company, so the parents of some of the afflicted children brought suit against it in a U.S. court.

The appeals court agreed with the district court that China is an available, adequate and more convenient forum to redress the plaintiffs' claims. While noting that Chinese courts and government officials took efforts to discourage citizens from using the judicial system to seek redress, the court also indicated that the manufacturers involved in the scandal agreed to fund a government compensation program. According to both courts, the availability of the compensation fund and the plaintiffs' eligibility to be compensated under that fund support a finding that a remedy is available to them in China. So ruling, the Fourth Circuit determined that the *forum non conveniens* doctrine does not limit adequate alternative remedies to judicial ones.

SECOND CIRCUIT DISMISSES CLAIMS ARISING FROM ATV ACCIDENT IN ENGLAND

The Second Circuit Court of Appeals has dismissed claims against two U.S.-based companies sued for injuries allegedly caused by the defectively designed transmission of an all-terrain vehicle (ATV) involved in an accident that occurred in England. ***Emslie v. Borg-Warner Auto.*, Inc., No. 10-2285 (2d Cir., decided August 25, 2011)**.

As to the company that designed the transmission more than 30 years earlier and sold all of its rights to the design 26 years before the manufacture and sale of the transmission at issue, the court affirmed the grant of its summary judgment motion. According to the court, the company could not be held liable because it did not place the transmission "into the stream of commerce." The court cautioned, however, that liability for design defect could have fallen on the company "if only a short time

SHB offers expert, efficient and innovative representation to clients targeted by class action and complex litigation. We know that the successful resolution of products liability claims requires a comprehensive strategy developed in partnership with our clients.

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had passed following its sale" or if, before the sale, "it had already placed transmissions into the stream of commerce with awareness of its unreasonable design defect," adding, "[t]he considerations that support the imposition of strict liability are highly fact specific."

As to the company that actually made the transmission and had purchased the rights to its design, the court affirmed the lower court's dismissal of claims against it under the *forum non conveniens* doctrine. In this regard, the court observed, "the plaintiffs are residents and citizens of Scotland, the accident occurred in England, the ATV remains in England, both nonparty witnesses to the accident are British residents residing in England, and [the defendant] is subject to suit in the British courts."

SIXTH CIRCUIT AGREES THAT MEDICAL MONITORING IS NOT WARRANTED FOR SMALL RISK OF DISEASE FROM CHEMICAL EXPOSURE

The Sixth Circuit Court of Appeals has dismissed claims for medical monitoring filed by Painesville, Ohio, residents who were purportedly exposed to toxic chemicals, including dioxin, following a train derailment and fire that occurred in 2007 near the town. ***Hirsch v. CSX Transp., Inc.*, No. 09-4548 (6th Cir., decided September 8, 2011)**. While no challenge had been made to the reliability of plaintiffs' expert witnesses, the trial court found their testimony insufficient and granted the defendant's motion for summary judgment.

According to the appeals court, the plaintiffs' chemist "speculated as to the amount and content of the cargo burned"; on this basis, their physicist plotted the dispersion and concentration of the burning chemicals on a map to show which residents were exposed to what levels of dioxin; and their physician then used the map to determine who was exposed to dioxin levels "above what the EPA considers acceptable—levels at which the risk of cancer increases by one case in one million exposed persons." The court compared such a "proverbially small" risk to various risks of dying from motor vehicle accidents (lifetime risk of 1 in 88), lightning (1 in 84,000) or from a fireworks discharge (1 in 386,000).

Asking whether these plaintiffs were "actually at such an increased risk of disease that they are entitled to a medical monitoring program," the court concluded that they were not because they failed to produce evidence to establish a genuine issue of material fact regarding whether reasonable physicians would prescribe a medical monitoring regime for them. "Viewing the facts of this case together, the Plaintiffs have alleged only a risk that borders on legal insignificance, have failed to produce evidence establishing even this hypothetical risk with any degree of certainty, and have demanded a jury trial based upon their expert's review of this evidence and conclusory statement of the relevant legal standard." According to the court, "a plaintiff cannot survive summary judgment with an expert's bare opinion on the ultimate issue." The physician had simply stated that "a reasonable physician would prescribe for the Plaintiffs and the putative class a monitoring regime."

Shook, Hardy & Bacon Public Policy Attorneys **Mark Behrens** and **Christopher Appel** filed a friend of the court brief to support the defendant on behalf of a number of industry interests including the Chamber of Commerce of the United States of America, National Association of Manufacturers, American Petroleum Institute, American Coatings Association, and American Chemistry Council.

MISSISSIPPI SUPREME COURT REVERSES $7 MILLION JURY AWARD IN LEAD PAINT LITIGATION

The Mississippi Supreme Court has determined, in a plurality decision, that a trial court erred in admitting the testimony of plaintiff's experts and thus granted a paint company's motion for judgment notwithstanding the verdict in a case alleging that a child's cognitive deficiencies were caused by exposure to lead-based paint. ***The Sherwin-Williams Co. v. Gaines*, No. 2009-01866 (Miss., decided September 8, 2011)**. Accordingly, the court reversed a $7 million jury award for the plaintiff.

The court characterized the exposure and proximate cause opinions of plaintiff's experts as unreliable, speculative, self-contradictory, incredible, and circumstantial. By "engaging in a classic logical fallacy: *post hoc ergo propter hoc*," they apparently extrapolated both dose and duration of exposure to lead paint on the basis of a single measured elevated blood lead level. The concurring justices agreed with the result only, finding instead that the plaintiff failed to prove that the defendant made the paint that was used in the house where the child lived.

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AGREEMENT REACHED IN CALIFORNIA PROP. 65 DISPUTE OVER CADMIUM IN JEWELRY

A California court has approved an agreement reached by parties to litigation alleging that companies making and selling jewelry containing cadmium failed to warn consumers under Proposition 65 (Prop. 65) that the products contained a substance known to California to cause cancer. *Ctr. for Envtl. Health v. Aeropostale, Inc.*, No. 10-514803 (Cal. Super Ct., Alameda County, approved September 2, 2011). The agreement requires the companies to pay sums ranging from $35,000 to $75,000, including civil penalties and attorney's fees and costs, as well as to reformulate their products to reduce or eliminate cadmium content and to stop making, selling or importing any product exceeding a cadmium concentration of 0.03 percent by weight (or 300 parts per million). The defendants also agreed to ensure that recalled products be returned from vendors and destroyed.

According to a news source, settlement negotiations began in 2010, and a key source of contention was how to determine whether a piece of jewelry constituted a risk. The companies focused on how much cadmium could be transferred to a person's hand during normal use and then to the stomach, while the plaintiff, the Center for Environmental Health, reportedly contended that the measure of risk should be determined simply by how much cadmium a piece of jewelry contains.

Five states have already adopted laws limiting cadmium in jewelry, but they are specific to products intended for children. The California settlement addresses jewelry intended for anyone. *See Associated Press*, September 6, 2011.

NEW COMPLAINTS FILED AGAINST COMPANIES MAKING FOOTBALL HELMETS, CHILD SAFETY SEATS AND RELAXATION WATER

A personal injury action has been filed on behalf of named and unnamed retired football players from around the nation in a California state court against the National Football League and companies that make football helmets, seeking compensation for concussion-related injuries. *Barnes v. Nat'l Football League*, No. BC468483 (Cal. Super. Ct., filed August 26, 2011). The former players allege that the league failed to warn them of the risks of long-term injury from concussions and failed to protect them with league-mandated equipment. They also allege design and manufacturing defect, failure to warn and negligence against the manufacturers. One named plaintiff is a widow who alleges wrongful death as to all defendants. The plaintiffs request compensatory, special and punitive damages, as well as costs.

A South Carolina resident has filed a putative class action in federal court against the company that makes a child safety seat that allegedly does not conform to applicable federal motor vehicle safety standards despite being advertised as such. *Robinson v. Graco Children's Prods., Inc.*, No. 11-02379 (U.S. Dist. Ct., D.S.C., filed September 6, 20110). Seeking to represent a statewide class of purchasers claiming monetary loss, the plaintiff alleges breach of express warranties and fraudulent concealment. She requests compensatory damages and attorney's fees.

A California resident, seeking to represent a nationwide class of consumers, has filed suit against a Florida company that makes and sells a beverage that is supposed to function as a sleep aid, but is purportedly ineffective. *Ferris v. Dream Prods., LLC*, No. 37-2011-00097625 (Cal. Super. Ct., San Diego County, filed September 8, 2011). The product, Dream Water®, is apparently sold in airports, over the Internet and in national retail chains. According to the complaint, it is promoted as a "miraculous water" that "works for anyone who needs to relax, fall asleep or stay asleep" and, "[a]lthough Defendant uses images and language to represent that these claims about its products have been clinically proven and endorsed by medical organizations and professionals, the reality is that Defendant has no such support for its baseless representations." The product purportedly contains melatonin, which the plaintiff contends, can have negative health effects.

Alleging violations of the Consumers Legal Remedies Act and California Business & Professions Code Sections 17200 *et seq.* and 17500 *et seq.*, and breach of express and implied warranty, the plaintiff seeks class certification, damages, restitution, disgorgement, declaratory and injunctive relief, punitive damages, a corrective advertising campaign, attorney's fees, interest, and costs.

FTC Seeks Comment on Product Warranty Rules and Guides

The Federal Trade Commission (FTC) has **requested** public comments on a set of warranty-related rules and guides, which were developed to "assist warrantors and suppliers of consumer products in complying with" the Magnuson-Moss Warranty Act of 1975. The guides involve the agency's interpretations of the law, the disclosure of written warranty terms, pre-sale availability of written warranty terms, informal dispute settlement procedures, and advertising warranties and guarantees. FTC invites comments on whether the guides are still needed, should be changed, conflict with other laws, and have been affected by changing technologies. The deadline for written comments is October 24, 2011. *See Federal Register*, August 23, 2011.

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NHTSA Takes Action on Crash Protection, Nonconforming Motor Vehicles and Seat Belts

The National Highway Traffic Safety Administration (NHTSA) recently issued a **final rule** that will require motor vehicle manufacturers to continue to provide lockable lap belts even when the vehicles are equipped with a child restraint anchorage system (LATCH) because "data indicate that motorists are still using lockable belts to install [child restraint systems] even in seating positions with LATCH." The rule takes effect December 27, 2011; petitions for reconsideration must be filed no later than October 13. The rule amends a motor vehicle safety standard on occupant crash protection by removing the September 1, 2012, sunset on the "lockability" requirement. *See Federal Register*, August 29, 2011.

NHTSA has also issued a **notice** of its decision that certain nonconforming motor vehicles are eligible for importation. According to the agency, the safety features for these vehicles "comply with, or are capable of being altered to comply with, all applicable [Federal Motor Vehicle Safety Standards] based on destructive test data or such other evidence as NHTSA decides to be adequate." *See Federal Register*, August 31, 2011.

The agency has **denied** a petition for rulemaking seeking to "amend the Federal motor vehicle safety standard on seat belt assemblies, to include a requirement that seat belts be releasable without unbuckling." According to NHTSA, "the petitioner did not demonstrate a safety need for such a requirement or show how such a requirement could be implemented without increasing the inadvertent release of seat belts during normal vehicle operation and certain crash scenarios, resulting in increased risk to vehicle occupants." *See Federal Register*, August 29, 2011.

FDA Issues Draft Guidance on Clinical Investigations Oversight

The Food and Drug Administration (FDA) has issued **draft guidance** for industry titled "Oversight of Clinical Investigations: A Risk-Based Approach to Monitoring." To

"enhance human subject protection and the quality of clinical trial data," the guidance is intended "to assist sponsors in developing risk-based monitoring strategies and plans for clinical investigations of human drugs, biologics, medical devices, and combinations thereof." Comments are requested by November 28, 2011. *See Federal Register*, August 29, 2011.

Hair Treatment Company Warned over "Formaldehyde Free" Advertising

The Food and Drug Administration (FDA) has **warned** the company that makes Brazilian Blowout Acai Professional Smoothing Solution® that the product is misbranded because it is advertised as "Formaldehyde Free," while containing the liquid form of the chemical.

According to FDA, "under the conditions of use prescribed in the labeling, [Brazilian Blowout] releases formaldehyde when hair treated with the product is heated with a blow dryer and then with a hot flat iron." FDA analysis apparently found methylene glycol "at levels ranging from 8.7 to 10.4%" in the product. Inhalation at these levels caused reported adverse events, including eye and nervous system disorders, respiratory tract effects, nausea, chest pain and discomfort, vomiting, and rash. FDA demands corrective action and a response within 15 days from receipt of the August 22, 2011, letter and warns that failure to take action "may result in enforcement action without further notice, including, but not limited to, seizure and/or injunction."

CPSC Provisionally Accepts Settlement; Clothing Maker Sold Kids' Outerwear with Drawstrings

The Consumer Product Safety Commission (CPSC) recently **published** details of a provisional settlement with Virginia-based Sunsations, Inc., which has agreed to pay $60,000 in **civil penalties** for failing to report drawstrings in children's sweatshirts. The agency first issued guidance in 1996 warning that hood or neck drawstrings posed a strangulation hazard and recommending that "no children's upper outerwear sizes 2T to 12 be manufactured or sold to consumers with hood and neck drawstrings."

In 1997, this standard was backed by the American Society for Testing and Materials (ASTM) and subsequently reiterated by the CSPC Office of Compliance's director, who in 2006 issued a letter urging manufacturers, importers and retailers to conform to ASTM F1816-97. "The letter states that Staff considers children's upper outerwear with drawstrings at the hood or neck area to be defective and to present a substantial risk of injury to young children under Federal Hazardous Substances Act ('FHSA') section 15(c), 15 U.S.C. 1274(c)," recounts the September 8, 2011, *Federal Register* notice. "The letter also sets forth the reporting requirements of CPSA section 15(b), 15 U.S.C. 2064(b)."

According to CSPC, Sunsations sold sweatshirts that did not comply with CSPC guidelines or ASTM F1816-97 and "failed to comport with the Staff's May 2006 defect notice." CPSC also alleged that the company "had presumed and actual knowledge that the Sweatshirts distributed in commerce posed a strangulation

hazard and presented a substantial risk of injury to children," and that the company failed to inform the commission as required by federal law.

While agreeing to the provisional settlement, Sunsations "denies allegations that it knowingly violated the law"; it will conduct a comprehensive review of its inventory, "irrespective of whether such garments are sized, marketed, or otherwise intended for use by children." The commission has also issued a June 28, 2011, final rule designating "children's upper outerwear in sizes 2T through 12 with neck or hood drawstrings and children's upper outerwear in sizes 2T through 16 with certain waist or bottom drawstrings, as substantial product hazards." *See CPSC Press Release,* September 1, 2011.

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Safety Advocates Complain About Voluntary Window-Covering Standard-Setting Process

Consumer groups reportedly withdrew from a September 1, 2011, meeting with the Window Covering Manufacturers Association (WCMA), citing industry's alleged failure "to *eliminate* the strangulation hazard posed by corded window coverings." Representatives from the Consumer Federation of America (CFA), Consumers Union, Independent Safety Consulting, and Parents for Window Blind Safety have accused WCMA of rejecting their recommendations after a year-long review process and committing to a flawed standard. In particular, the groups charged that "innovative technological solutions" were not adequately incorporated into the draft recommendations, which would evidently still permit long operational cords and "cord joiners" without requiring manufacturers to supply anchors.

"Furthermore, this revision process has not been transparent," opined CFA in a joint September 1 press release. "Research commissioned by the WCMA for the purpose of drafting this standard and other information has not been shared with us… The current draft of the standard, which is anticipated to be final this October, has failed to eliminate strangulation risks posed by accessible cords."

WCMA, however, has reiterated its commitment to working with the Consumer Product Safety Commission (CPSC) and other interested parties to minimize potential risk. "To our great disappointment, at today's WCMA Standards Steering Committee Meeting some of those consumer safety advocates abandoned the review process," stated the association's press release. "WCMA and its member companies remain committed to working with CPSC and others who share in our goal to update the safety standards. Already, great progress has been made."

Meanwhile, CPSC Chair Inez Tenenbaum told reporters she was "greatly" troubled that "the revisions to the standards for roll-up blinds, Roman shades and other window coverings may fall far short of what I expected." Other staff members also apparently expressed concern that industry appeared reluctant to adopt a new device designed to hide or eradicate cords altogether. The commission has set a

two-month deadline for WCMA to produce a standard that would "eliminate the risk of strangulation to young children." *See The New York Times,* September 1, 2011; *BNA Product Safety & Liability Reporter,* September 6, 2011.

Judicial Conference Adopts National Policy on Sealing Whole Civil Case Files

The Judicial Conference of the United States has reportedly adopted a new policy that "encourages federal courts to limit those instances in which they seal entire civil case files." According to a September 13, 2011, conference press release, the policy states, "an entire civil case file should only be sealed when … sealing … is required by statute or rule or justified by a showing of extraordinary circumstances and the absence of narrower feasible and effective alternatives such as sealing discrete documents or redacting information, so that sealing an entire case file is a last resort."

The policy also calls for sealing orders to contain findings justifying the action and for seals to be lifted when the reason for doing so has ended.

The policy also calls for sealing orders to contain findings justifying the action and for seals to be lifted when the reason for doing so has ended. The Judicial Conference also apparently endorsed modifications to the judiciary's case management/electronic case files system that would include a mechanism to "remind judges to review cases under seal annually." In other action, the conference reportedly increased certain federal court fees, including those required in appeals and district courts. PACER (Public Access to Court Electronic Records) system fees will increase from $.08 to $.10 per page.

LEGAL LITERATURE REVIEW

Mark Behrens, "Pennsylvania Moves Forward with Considering Asbestos Trust Recoveries When Calculating Tort System Awards," *Mealey's Litigation Reports: Asbestos*, September 7, 2011

Authored by Shook, Hardy & Bacon Public Policy Partner **Mark Behrens**, this article discusses the interface between the asbestos bankruptcy trust and civil tort systems in the context of a case currently pending in Pennsylvania. In *Reed v. Honeywell International, Inc.*, Nos. 3022 EDA 2010, 3023 EDA 2010 (Pa. Super. Ct.), the plaintiff asks on appeal "whether a trial court properly concluded that equity enables a court to deduct bankruptcy trust recoveries from an asbestos plaintiff's tort system recovery when the claims arise from the same alleged injury." According to Behrens, the trial court's ruling "represents a positive step in the right direction."

Roderick Hills Jr., "Preemption Doctrine in the Roberts Court: Constitutional Dual Federalism by Another Name?," *NYU School of Law, Public Law Research Paper*, August 2011

This article by New York University School of Law Professor Roderick Hills Jr. focuses on six years of preemption rulings by the U.S. Supreme Court under the leadership of Chief Justice John Roberts. Hills argues that these decisions "suggest a pattern of deferring to state laws in 'regulatory' contexts while presumptively preempting

them in 'commercial' contexts." He characterizes this pattern as "a traditional script of dual federalism—that is, carving out separate spheres for state and federal governments and enforcing norms of mutual non-interference between these spheres." Regarding state tort law, Hills suggests that the Court's reluctance to find preemption and thus protect rights to tort remedies "can be seen as promoting the devolution of deeply divisive questions of private entitlement to subnational government." He further explains, "Presumptions against preemption, on this account, stand in for private liberties that the Court itself will not directly enforce but instead will devolve to subnational governments for debate in venues that permit more diverse values to be free from the views of a national majority."

Christopher Whytock & Cassandra Burke Robertson, "Forum Non Conveniens and the Enforcement of Foreign Judgments," *Columbia Law Review*, 2011

Law Professors Christopher Whytock and Cassandra Burke Robertson discuss what happens when a U.S. defendant wins a motion to dismiss on inconvenient forum grounds and then experiences "forum shopper's remorse" when another country's judiciary awards massive damages in favor of its citizen plaintiffs. Generally speaking, the defendant will defend an enforcement action in a U.S. court by contending that "the foreign judiciary suffers from inadequacies that should preclude enforcement of a judgment obtained there by the plaintiff—an argument seemingly at odds with the earlier forum non conveniens argument that the same foreign judiciary was adequate and more appropriate."

Observing that the result of such inconsistencies can be a transnational access-to-justice gap, the professors suggest that when judging the adequacy of a foreign judicial system, U.S. courts should consider whether "the alternative forum is adequate both to hear the case and to allow enforcement of the resulting judgment." They argue that "[c]ollapsing the analysis into a single inquiry should minimize incentives for strategic gamesmanship while giving both sides an incentive to fully air concerns regarding the alternative forum."

LAW BLOG ROUNDUP

Bluetooth Decision Acknowledged Problems with "Kicker" Provisions in Settlement Agreements

"In short, the 'kicker' provision in any class action settlement reflects the class attorneys putting their own interests ahead of their putative clients at their putative clients' expense." *PointofLaw.com* Editor Ted Frank, blogging about the Ninth Circuit's *Bluetooth* ruling, reversing a settlement agreement because the fee award included, among other matters, a "kicker" that required any reduction in the fee request ordered by the court to go to the defendant rather than the class. Please see the **August 28, 2011, issue** of this *Report* for further details about the *Bluetooth* ruling. According to Frank, plaintiffs' counsel establish a separate structure for their fee awards to support claims that "this is better for the class because 'the defendant is

paying the fee instead of the class.'" In reality, states Frank, all the money comes from the same place, and "the class is unambiguously worse off if any reversion goes to the defendant instead of to the class."

PointofLaw.com, September 12, 2011.

Asbestos: Just When You Think It's Gone Away

"Asbestos litigation may seem like a blast from the mass tort past, but it continues to be the key breadwinner for many a plaintiff attorney's family. … Today in Congress, a House Judiciary Committee heard testimony on alleged fraud and abuse in the asbestos compensation system." *WSJ* Reporter Dionne Searcey, writing about congressional consideration of asbestos trust transparency issues. Apparently, with asbestos settlements kept under wraps and trusts not required to make public their payouts, "it's difficult to verify whether claimants are getting overpaid."

WSJ Law Blog, September 9, 2011.

THE FINAL WORD

Mississippi Voters Face Referendum on Defining "Person" to Include Fertilized Egg

The Mississippi Supreme Court has reportedly rejected a challenge to a ballot initiative that would allow state voters to amend their constitution by defining a "person" to include "all human beings from the moment of fertilization, cloning or the functional equivalent thereof" and declare them protected under the state's Bill of Rights. The groups that unsuccessfully challenged the proposal contend that they have legal options if the referendum is approved; they warn that it could have unintended consequences that reach beyond reproductive health rights, including property and inheritance law. It is also likely that the protections, if ultimately adopted and applied, would affect product liability law in the state. *See IBTimes*, September 13, 2011.

UPCOMING CONFERENCES AND SEMINARS

Consumer Product Safety Commission, Bethesda, Maryland – September 26-27, 2011 – "North American Consumer Product Safety Summit." Product safety leaders from Canada, Mexico and the United States will discuss their ideas for enhanced consumer product safety cooperation and trilateral initiatives. They will also develop an agenda for future engagement. The summit will include public sessions.

The Masters Conference, Washington, D.C. – October 3-5, 2011 – "Masters Conference 2011." Shook, Hardy & Bacon Tort Partner Amor Esteban will join other thought leaders to serve as a moderator and speaker during this event which will focus on "Security, Privacy and Compliance within Corporate Litigation." Esteban will address "Update on International Privacy and Discovery."

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Georgetown Law CLE, Arlington, Virginia – November 17-18, 2011 – "Advanced eDiscovery Institute." Shook, Hardy & Bacon Tort Partner Amor Esteban joins a distinguished faculty to serve on a panel addressing "Corporate Approaches to Electronic Information Management: How to Manage Data and Prepare for Litigation in an Increasingly Mobile World."

Practicing Law Institute, San Francisco, California – December 2, 2011 – "Electronic Discovery Guidance 2011: What Corporate and Outside Counsel Need to Know." Shook, Hardy & Bacon Tort Partner Amor Esteban will participate in this CLE event as moderator and speaker on a panel discussing "Litigation Begins: Early Case Assessment and the Rule 26(f) Conference." ■

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Shook, Hardy & Bacon is widely recognized as a premier litigation firm in the United States and abroad. For more than a century, the firm has defended clients in some of the most substantial national and international product liability and mass tort litigations.

Shook attorneys have unparalleled experience in organizing defense strategies, developing defense themes and trying high-profile cases. The firm is enormously proud of its track record for achieving favorable results for clients under the most contentious circumstances in both federal and state courts.

The firm's clients include many large multinational companies in the tobacco, pharmaceutical, medical device, automotive, chemical, food and beverage, oil and gas, telecommunications, agricultural, and retail industries.

With 93 percent of our more than 500 lawyers focused on litigation, Shook has the highest concentration of litigation attorneys among those firms listed on the *AmLaw* ***100,*** *The American Lawyer's* list of the largest firms in the United States (by revenue).