Shook, Hardy & Bacon L.L.P.

SEPTEMBER 10, 2009

PRODUCT LIABILITY LITIGATION REPORT

CONTENTS

1 U.S. Court Dismisses Brazilian Air Disaster Lawsuits

2 Mining Company Ordered to Defend Alien Tort Claims Act Litigation in U.S. Court Files Appeal

2 Chevron Posts Videos Purporting to Show Ecuadoran Judge Has Prejudged Environmental Dispute

3 Ninth Circuit Certifies Question About State Punitive Damages Sharing Statute

3 Federal Magistrate Allows Discovery to Uncover Whether Sufficient Evidence Supported Filing of Drug-Related Claims

4 Minnesota Supreme Court Allows Non-Resident Claims to Proceed Under State's Limitations Period

5 All Things Legislative and Regulatory

8 Legal Literature Review

9 Law Blog Roundup

9 The Final Word

10 Upcoming Conferences and Seminars

U.S. COURT DISMISSES BRAZILIAN AIR DISASTER LAWSUITS

A federal court in Florida has dismissed, on inconvenient forum grounds, a number of lawsuits arising from an airline disaster that occurred in Brazil in 2007, killing nearly 200 passengers, crew members and people on the ground, all but one of whom were Brazilian citizens or residents. *Tazoe v. Tam Linhas Aereas*, No. 07-21941 (U.S. Dist. Ct., S.D. Fla., Miami Div., decided August 24, 2009).

The crash involved an Airbus aircraft, which, for the most part, was designed, manufactured, assembled, and tested in France. Several parts manufacturers were U.S. companies, and some pilot training occurred in Florida. The court noted that the crash led to litigation in Brazil, two Brazilian parliamentary inquiries, two Brazilian criminal investigations that produced multiple criminal indictments, and an investigation by Brazil's counterpart to the U.S. National Transportation Safety Board. The wreckage, cockpit voice recorder and digital flight data recorder were all located in Brazil.

The court analyzed the *forum non conveniens* issues separately for the foreign plaintiffs and the one plaintiff who was a U.S. citizen and concluded as to all that an adequate, alternative forum existed for resolution of the dispute. The manufacturing defendants had agreed, as conditions of dismissal, to consent to service of process in Brazil and a Brazilian civil court's jurisdiction, to toll any statutes of limitations, to make witnesses and documents within their control available to a Brazilian civil court, and to respect any final post-appeal judgment entered by a Brazilian civil court.

Balancing the private and public interest factors to determine whether the presumption favoring the plaintiffs' choice of forum could be overcome, the court found that "[e]ase of access to sources of proof will be far greater in Brazil," a host of non-party witnesses are located in Brazil, and damages evidence is primarily located in Brazil. The court also found that lack of compulsory process and the cost of transporting willing witnesses "also militates in favor of dismissal," and further determined that "the ability to view the location of the accident clearly weighs in favor of dismissal." According to the court, a number of potential witnesses had been indicted in Brazil and "would likely not be willing to voluntarily give testimony in a civil action that relates to any criminal case or charge."

The court was particularly concerned that the defendants would potentially be deprived of relevant liability and damages evidence and witnesses if the case were tried in the United States, noting that they would be unable to implead third parties

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.

For additional information on SHB's Product Liability capabilities, please contact

Gary Long
+1-816-474-6550
glong@shb.com

For additional information on SHB's International Product Liability capabilities, please contact

Greg Fowler
+1-816-474-6550
gfowler@shb.com

or

Simon Castley
+44-207-332-4500
scastley@shb.com

located in Brazil "and would therefore be forced to defend using an 'empty chair.'" This factor, characterized as "both unusually extreme and materially unjust," also convinced the court to dismiss the U.S. citizen's claims, despite the need to accord greater deference to his choice of forum.

MINING COMPANY ORDERED TO DEFEND ALIEN TORT CLAIMS ACT LITIGATION IN U.S. COURT FILES APPEAL

Rio Tinto plc has reportedly appealed a U.S. district court ruling that allowed class action plaintiffs alleging racial discrimination, war crimes and crimes against humanity to pursue their claims in the United States without having to exhaust remedies in Papua New Guinea where the plaintiffs reside and the alleged incidents giving rise to the claims occurred. *Sarei v. Rio Tinto plc*, No. 02-56256 (9th Cir., notice of appeal filed August 28, 2009). Details about the district court's decision appear in the August 13, 2009, issue of this Report. The case, involving mining operations and a civil war on Bougainville Island, has already been before the Ninth Circuit four times.

According to a news source, the plaintiffs have apparently filed a status report indicating their intent to abandon their environmental tort claims, which, the court ruled, required a hearing to determine whether it would be futile to pursue them in Papua New Guinea. The court found that these claims, alleging violations of plaintiffs' rights to health and security, were not matters of universal concern giving rise to jurisdiction under the Alien Tort Claims Act. *See Product Liability Law 360*, August 31, 2009.

CHEVRON POSTS VIDEOS PURPORTING TO SHOW ECUADORAN JUDGE HAS PREJUDGED ENVIRONMENTAL DISPUTE

Chevron Corp. has reportedly posted videos on its Web site and YouTube® purporting to show that an Ecuadoran judge before whom 16-year-old claims of environmental pollution are pending has indicated his intent to find the company liable and issue a $27 billion judgment against it in January 2010 even though he is still accepting evidence in the case. The videos also apparently involve alleged bribes sought by ruling party representatives in return for giving "environmental remediation contracts" to two businessmen after the award is made. The $3 million bribes would allegedly be divided among the judge, "the presidency" and the plaintiffs.

The litigation arose from oil operations in the country conducted by Texaco, which Chevron subsequently acquired. Filed in 1993, the lawsuit was instituted in a U.S. court, but dismissed on Texaco's motion, when the court determined that the Ecuadoran courts provided an adequate, alternative forum. Chevron has apparently been trying to bring the case back to the United States, claiming that the Ecuadoran government has indemnified Texaco, and thus Chevron, through agreements to clean up the environment.

The Ecuadoran judge has reportedly denied saying he would enter a verdict against the company, and a representative of President Rafael Correa has apparently questioned Chevron's role in the videos, saying "Chevron, through its lawyers, is benefiting from a crime of intercepting conversations without authorization, with the aim of damaging Ecuador." The lawyer for the Ecuadoran plaintiffs was quoted as saying, "I believe that it is a forged video and also fabricated to seek to implicate the government in acts against the law." Chevron has reportedly said that it took "reasonable steps" to verify the videos' authenticity. *See Law.com* and *WSJ Law Blog*, September 1, 2009.

NINTH CIRCUIT CERTIFIES QUESTION ABOUT STATE PUNITIVE DAMAGES SHARING STATUTE

The Ninth Circuit Court of Appeals has asked the Oregon Supreme Court to determine whether the state must give its consent to a settlement agreement reached after a jury has awarded a verdict of punitive damages but before the court has entered judgment. ***Patton v. Target Corp.*, No. 08-35177 (9th Cir., decided September 2, 2009)**. At issue is the interpretation and application of a 1995 amendment to a statute that gives the state 60 percent of any punitive damages award. The issue arises in the context of a wrongful discharge claim involving a man who was allegedly demoted and fired from his job because of his National Guard service. The parties reached an agreement after verdict, and it was approved by the court without the state's consent.

At issue is the interpretation and application of a 1995 amendment to a statute that gives the state 60 percent of any punitive damages award.

The statute provides, "Upon the entry of a verdict including an award of punitive damages, the Department of Justice shall become a judgment creditor as to the punitive damages portion of the award to which the Criminal Injuries Compensation Account is entitled …." The court acknowledged legislative history that indicated concern about litigants depriving the state of its share of a punitive damages award in circumstances similar to those presented by this case. Still, without Oregon case law on the question and given some ambiguity in the text, the court found itself compelled to seek the Oregon court's guidance on the issue. According to the court, a party cannot, as a rule, become a "judgment creditor" until a judgment has been entered on a verdict.

FEDERAL MAGISTRATE ALLOWS DISCOVERY TO UNCOVER WHETHER SUFFICIENT EVIDENCE SUPPORTED FILING OF DRUG-RELATED CLAIMS

A federal magistrate has ordered plaintiffs in 39 personal injury cases involving a prescription drug to respond to requests for admission aimed at uncovering whether they had a sufficient evidentiary basis to file suit. *In re: Digitek® Prod. Liab. Litig.*, MDL No. 1968 (U.S. Dist. Ct., S.D., W. Va., decided August 26, 2009). If they lacked such evidence, the court could impose sanctions against the plaintiffs or their

lawyers under Rule 11 of the Federal Rules of Civil Procedure. According to the order, "Rule 11 applies to the same extent in mass tort and multidistrict litigation as it does in more conventional disputes." The order is significant because no other court has specifically ruled that Rule 11 applies in the mass-tort context.

The defendants' asked plaintiffs to admit that they did not possess medical or pharmacy records when they filed their complaints and served their fact sheets. The magistrate rejected plaintiffs' argument that defendants cannot seek sanctions under Rule 11 because plaintiff fact sheets constitute discovery responses and Rule 11 does not apply to discovery responses. According to the magistrate, "The defendants are not attempting to discover whether the plaintiffs committed sanctionable conduct in their Plaintiff Fact Sheets. Instead, they are trying to gather information as to whether there were appropriate Rule 11 prefiling investigations."

The magistrate also rejected plaintiffs' claim that the requests violate the policy against engaging in satellite litigation on Rule 11 issues. She noted that discovery on Rule 11 issues should be conducted only in "extraordinary circumstances"—and then found that such circumstances existed. "First, the defendants have voiced serious concerns about whether certain counsel had sufficient evidentiary support to justify initiating suit. Based upon the allegations in the complaints, a prefiling investigation without first obtaining medical and pharmacy records would be reasonable only in an extremely limited set of circumstances. The records would be essential in determining whether the plaintiffs have a colorable claim." Plaintiffs were given 20 days to respond to the requests for admission.

Defendants in the *Digitek*® litigation include Actavis Totowa L.L.C. and Mylan Pharmaceuticals, Inc. Shook, Hardy & Bacon Pharmaceutical & Medical Device Litigation Partner **Harvey Kaplan** represents Mylan.

MINNESOTA SUPREME COURT ALLOWS NON-RESIDENT CLAIMS TO PROCEED UNDER STATE'S LIMITATIONS PERIOD

The ruling means that, in some instances, non-Minnesota plaintiffs with otherwise time-barred claims in their own states can continue to take advantage of Minnesota's lengthier limitations period until August 2010.

The Minnesota Supreme Court has ruled that the state's six-year statute of limitations would continue to apply to cases filed in Minnesota by non-residents whose causes of action accrued before August 1, 2004. *Fleeger v. Wyeth*, No. A08-2124 (Minn., decided September 3, 2009). The ruling means that, in some instances, non-Minnesota plaintiffs with otherwise time-barred claims in their own states can continue to take advantage of Minnesota's lengthier limitations period until August 2010.

In 2007, Rachel Fleeger sued drug manufacturers in a federal court in Minnesota, alleging that she developed breast cancer after taking their hormone therapy medications. She lived in Pennsylvania when she took the medications, and she was diagnosed and treated in Pennsylvania. None of the named defendants was a

Minnesota citizen. The Judicial Panel on Multidistrict Litigation transferred the case to a federal court in Arkansas (the MDL court), with more than 4,000 other cases filed in Minnesota by non-residents. Defendants in *Fleeger* sought to dismiss the claims on the basis of Pennsylvania's two-year statute of limitations, and the MDL court certified to the Minnesota Supreme Court a question of law about the application of its statute of limitations.

Deciding that Fleeger's case was subject to Minnesota's six-year statute of limitations rather than Pennsylvania's two-year limitations period, the court addressed two issues. First, relying on previously decided cases, the court held that, "The common law in Minnesota is clear. When directly faced with the issue, we have considered statutes of limitations to be procedural without exception." As such, Minnesota common law dictated that the law of the forum state—Minnesota, in this case—was applicable to Fleeger's complaint, even though it had no connection to the state.

"The common law in Minnesota is clear. When directly faced with the issue, we have considered statutes of limitations to be procedural without exception."

Second, the court rejected the argument that it—like many other courts—should change its common-law reliance on *lex fori*. The court noted that, in 2004, the Minnesota legislature enacted a new borrowing statute for all "claims arising from incidents occurring on or after August 1, 2004." Although the new statute would not apply to Fleeger's claim (the parties agreed for purposes of the certified question that the claim arose in 2002), it would have the effect of applying Pennsylvania's statute of limitations in any similar case accruing after the effective date. According to the court, "A prospective change in the common law would apply only to cases commenced between the date of this decision and August 1, 2010. And a retroactive change would only affect cases that arose before August 1, 2004, which have not yet been finally resolved." The court emphasized the importance of the rule of *stare decisis* before concluding that "[s]uch a limited effect" does not "present the compelling reason necessary to overrule our precedent."

ALL THINGS LEGISLATIVE AND REGULATORY

CPSC Issues Final Rule Finding Certain Children's Product Components Do Not Exceed Lead Limits

The Consumer Product Safety Commission (CPSC) has published a **final rule** exempting certain materials from lead-content testing for children's products. 74 Fed. Reg. 43,031 (08/26/09).

The rule waives testing requirements for most precious and semiprecious gemstones, pearls, wood, natural fibers, many plant- and animal-based materials, and some textiles. It also exempts paper, most inks and adhesives in new books.

According to CPSC, these products or materials "inherently do not contain lead or contain lead at levels that do not exceed the lead content limits under section

101(a) of the CPSIA [Consumer Product Safety Improvement Act of 2008]," which has capped lead in children's products at 300 parts per million and may require limits of 100 ppm after August 14, 2011, if technologically feasible. CPSC has also noted that these exemptions apply only to materials in their unadulterated state. "The Commission intends to obtain and test products in the marketplace to ensure that products comply with CPSIA lead limits and will take appropriate enforcement action if it finds a product to have lead levels exceeding those allowed by law," concludes the agency's final rule.

CPSC Provides Interim Interpretation of Civil Penalty Factors Under CPSA, FHSA and FFA

The Consumer Product Safety Commission (CPSC) has issued an interim final interpretative **rule** explaining the civil penalty factors found in the Consumer Product Safety Act (CPSA), Federal Hazardous Substances Act (FHSA) and Flammable Fabrics Act (FAA). As required by the Consumer Product Safety Improvement Act of 2008 (CPSIA), this rule "interprets the factors in section 20(b) of the CPSA, section 5(c)(3) of the FHSA and section 5(e)(2) of the FAA, and describes other factors the Commission may consider in evaluating the amount of a civil penalty to be sought for knowing violations of the prohibited acts found in section 19 of the CPSA, section 4 of the FHSA and section 5 of the FFA."

These statutes require CPSC to consider the following factors when assessing a civil penalty for product safety violations: (i) "The nature, circumstances, extent, and gravity of the violation, including the nature of the product defect"; (ii) "the severity of the risk of injury"; (iii) "the occurrence or absence of injury"; (iv) "the number of defective products distributed"; (iv) "the appropriateness of the penalty in relation to the size of the business of the person charged, including how to mitigate undue adverse economic impacts on small businesses." In addition, CPSA, FHSA and FAA each require the agency to consider similar factors when determining whether to compromise a civil penalty and whether to remit or mitigate the compromised penalty amount.

The interim final interpretative rule also notes that CPSC can consider "other factors as appropriate" in assessing civil penalties, such as (i) whether the violator had a reasonable safety or compliance program in place, (ii) the violator's history of noncompliance, (iii) whether noncompliance resulted in economic gain for the firm, and (iv) whether the violator failed to respond in a timely or complete fashion to requests for information or remedial action. As of August 14, 2009, CPSIA increased maximum penalty amounts to $100,000 from $8,000 for each knowing violation under CPSA, FHSA and FFA, and has increased maximum penalty amounts to $15,000,000 from $1,825,000 for any related series of violations.

As of August 14, 2009, CPSIA increased maximum penalty amounts to $100,000 from $8,000 for each knowing violation under CPSA, FHSA and FFA, and has increased maximum penalty amounts to $15,000,000 from $1,825,000 for any related series of violations.

Meeting Set to Discuss Formaldehyde's Status as a Carcinogen

The Department of Health and Human Service's National Toxicology Program (NTP) has **announced** a public meeting and the availability of a background document on formaldehyde and whether its listing status should be changed in the 12th edition of NTP's "Report on Carcinogens" (RoC).

Formaldehyde (gas) is currently listed in the 11th RoC as "reasonably anticipated to be a human carcinogen." RoC experts will meet November 2-4, 2009, to review a peer review of the draft background document, now available for public comment on the RoC **Web site**, and make recommendations as to whether it should be classified as "known to be a human carcinogen," "reasonably anticipated to be a human carcinogen" or not classified as either. The deadline for written comments is October 16, 2009.

Formaldehyde, characterized as a high-production chemical with a wide array of uses, is primarily used in the United States in the production of industrial resins related to the manufacture of products such as adhesives and binders for wood products. It is also used for embalming, as an agricultural fumigant, and as a preservative in the medical and research fields and for numerous consumer products such as cleaning agents and cosmetic products. It has "been detected in indoor and outdoor air, surface water and groundwater, soil and food products, and is generally considered to be ubiquitous in the environment." *See Federal Register,* August 31, 2009.

Oklahoma Lawmakers Criticize E-Mail Urging Personal-Injury Lawsuits

An e-mail recently circulated by an Oklahoma City law firm has reportedly been blasted by state lawmakers because it urged other firms to file personal-injury lawsuits before changes in the state's civil justice system take effect. "The activists in the trial bar fought this reform tooth and nail, and some of them still can't accept the new reality," Senate President Pro Tem Glenn Coffee (R-Oklahoma City) was quoted as saying. Representative Dan Sullivan (R-Tulsa), the attorney who authored the bill, reportedly told a news source, "This e-mail is nothing but an opportunistic attempt to get lawsuits on the books, regardless of their merit, by lawyers who will go to any lengths to prey on vulnerable Oklahomans."

"This e-mail is nothing but an opportunistic attempt to get lawsuits on the books, regardless of their merit, by lawyers who will go to any lengths to prey on vulnerable Oklahomans."

The changes, approved in the spring and effective November 1, 2009, redefine frivolous lawsuits, make it easier for judges to dismiss them and alter guidelines for class-action lawsuits and joint and several liability rules that allow an injured person to recover all damages from any defendant regardless of its share of liability. Supporters apparently claim that the legislation will limit the number of frivolous lawsuits filed in state courts and reduce medical malpractice insurance costs and litigation expenses for businesses. The e-mail read in part: "Danger! Tort reform legislation effective November 1. File your lawsuits now!" Those opposing the bill claim that the changes benefit businesses and doctors at the expense of Oklahomans injured by negligence. *See NewsOK.com*, September 1, 2009.

LEGAL LITERATURE REVIEW

Margaret Williams & Tracey George, "Between Cases and Classes: The Decision to Consolidate Multidistrict Litigation," *Working Paper Series*, August 2009

This draft paper summarizes the preliminary results of empirical research into the reasons the Judicial Panel on Multidistrict Litigation consolidates federal civil lawsuits for pretrial proceedings and to which courts the cases are then assigned. The authors, a research associate with the Federal Judicial Center Research Division and a Vanderbilt University professor of law, examined 90 MDL orders from 2003 to 2009 and will eventually analyze all of the more than 300,000 lawsuits that have been consolidated for MDL proceedings during the 40 years of the panel's existence.

The only trends noted in terms of transferee courts was a tendency to assign cases to the Second, Third, Eighth, and Ninth Circuits and to courts with relevant experience and higher than average workloads.

Generally speaking, the decision to transfer tracks the legal requirements and criteria set forth in the Multidistrict Litigation Act. These include conservation of judicial resources, common questions of fact, convenience of the parties, and avoidance of duplicative discovery, among other matters. The only trends noted in terms of transferee courts was a tendency to assign cases to the Second, Third, Eighth, and Ninth Circuits and to courts with relevant experience and higher than average workloads.

Ariel Porat & Alex Stein, "Liability for Future Harm," *Perspectives on Causation* (forthcoming in 2010)

This article, part of a larger work on causation, urges American and English courts to consider allowing tort victims to recover compensation for sustaining future harm where the risk is substantial. The co-authors analyze U.S. Supreme Court and British House of Lords rulings in cases involving fear of future harm from asbestos exposure. While they acknowledge concerns that awards for future injury could compensate individuals who never develop disease from a toxic exposure at the expense of those with present injuries, the authors suggest that the prospect of a wrongdoer's insolvency, if real, could be addressed by establishing a limited-fund class action or a statutory fund "to which wrongdoers would have to contribute sums that equal the amount of their victims' expected harm." The article notes that "[p]robability-based compensation is a controversial remedy that departs from the established legal tradition." Still, the authors believe "there are good reasons for treating serious risks of future illness or injury as actionable harm."

Elizabeth Chamblee Burch, "Litigating Groups," *Alabama Law Review* (forthcoming)

Florida State University School of Law Professor Elizabeth Chamblee Burch describes the conflicts that arise between attorneys and their clients, plaintiffs and other plaintiffs, and plaintiffs' attorneys and other plaintiffs' attorneys in the large-scale litigation context. She suggests ways to address these problems, which can result in increasing aggregate litigation costs and undermining fairness, compensation and deterrence goals. Relying on group dynamics research, the article discusses

how groups within aggregate litigation could commit to common goals and "buttress that commitment by making mutual assurances and promises to one another." According to Chamblee Burch, debate and compromise can lead to "shared cooperative activity and group policies. Fostering group deliberation and commitment similarly elicits and forms social norms such as promise-keeping, the desire for means-end coherence, compatibility, and the tendency toward social agglomeration." Her recommendations, she acknowledges, would require a shift from attorney-centered to claimant-centered mass tort litigation.

LAW BLOG ROUNDUP

ATCA Proves Controversial in Practice

"The law has increasingly been used to sue major companies for alleged complicity in crimes overseas, including torture and murder. Defendants need only to have regular business contacts with the U.S. to be vulnerable to lawsuits." *Wall Street Journal* legal correspondent Ashby Jones, blogging about a *WSJ* article discussing the Alien Tort Claims Act, which some claim benefits enterprising plaintiffs' lawyers, while others, such as human-rights lawyers, claim that the law provides the only recourse for abuse victims who cannot obtain justice in foreign courts.

WSJ Law Blog, August 27, 2009.

Some Question Safety of Nano Products

"Given the many concerns about effects of nanoparticles on workers' health, human tissues, and even our water supply, it's too soon to be using nanoparticles widely—but that's exactly what's already happened." Liz Borkowski, with the Project on Scientific Knowledge and Public Policy at the George Washington University School of Public Health and Health Services, discussing the Project on Emerging Technologies' announcement that the number of consumer products incorporating nanotechnologies has reached 1,000.

The Pump Handle, September 2, 2009.

THE FINAL WORD

More Than 1,000 Consumer Products Known to Contain Nanomaterials

The Project on Emerging Nanotechnologies (PEN), a partnership of the Woodrow Wilson International Center for Scholars and the Pew Charitable Trusts, has reported that its **inventory** of consumer products using nanotechnology has reached 1,000 items. According to Pen Director David Rejeski, "The use of nanotechnology in consumer products continues to grow rapidly. When we launched the inventory in March 2006, we only had 212 products." Rejeski also noted that the incorporation of

nanomaterials into everything from non-stick cookware and tennis rackets to sensors in clothing "will provide significant oversight challenges for agencies like the Food and Drug Administration and Consumer Product Safety Commission, which often lack any mechanisms to identify nanotech products before they enter the marketplace."

Sixty percent of the products in the PEN inventory are health and fitness items, and nanoscale silver, which has antimicrobial properties, is used in 26 percent of the inventory. A Pew press release states that the updated inventory "represents products from over 24 countries, including the U.S., China, Canada, and Germany." *See Pew Charitable Trusts Press Release*, August 25, 2009.

Meanwhile, a nanotechnology working group of an international organization dedicated to eliminating persistent organic pollutants has issued a paper titled "Nanotechnology and the Environment: A Mismatch Between Claims and Reality." The International POPs Elimination Network's Nanotechnology Working Group presents its concerns about purported environmental risks and costs related to nanotechnologies. The report concludes, "In the context of nanotechnologies, early evidence of the much greater energy demands of producing nanoparticles, the significant quantities of potentially toxic waste their production generates, and the ecotoxic behaviour of many nanoparticles themselves has cast doubt on industry claims that nanotechnology offers 'green' solutions to the current ecological crisis."

UPCOMING CONFERENCES AND SEMINARS

American Conference Institute, Chicago, Illinois – October 26-27, 2009 – "Food-Borne Illness Litigation, Advance Strategies for Assessing, Managing & Defending Food Contamination Claims." Shook, Hardy & Bacon Pharmaceutical & Medical Device Litigation Partner Madeleine McDonough, originally scheduled to participate in a discussion on "Global Food Safety: Factoring in New Threats Associated with Foreign Food Product Imports," will be replaced by Shook, Hardy & Bacon Pharmaceutical & Medical Device Litigation Partner Paul La Scala. ■

OFFICE LOCATIONS

Geneva, Switzerland
+41-22-787-2000

Houston, Texas
+1-713-227-8008

Irvine, California
+1-949-475-1500

Kansas City, Missouri
+1-816-474-6550

London, England
+44-207-332-4500

Miami, Florida
+1-305-358-5171

San Francisco, California
+1-415-544-1900

Tampa, Florida
+1-813-202-7100

Washington, D.C.
+1-202-783-8400

ABOUT SHB

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).