



## Product Liability, Safety and Recalls

Reinhart's Product Liability and Safety attorneys have a wide range of experience advising product manufacturers and distributors in both counseling and litigation matters. We are adept at implementing systems designed to prevent accidents, and also winning lawsuits in the event that claims are made. In either continuum of counseling or litigation, we are known for finding creative ways to solve client problems.

Reinhart attorneys serve as national counsel to many clients on product liability and safety matters, providing economical and centralized management of their lawsuits, while also appearing on their behalf in courts throughout the United States. We also regularly are asked to represent local clients in actions pending in federal and state courts in Wisconsin and Illinois.

We defend all types of product liability matters involving commercial property damage, personal injury, wrongful death and punitive damages. Our attorneys have particular prominence in select industry sectors, including defending the pharmaceutical and medical device industry (claims relating to the use of drugs and devices, and pharmaceutical pricing); fire litigation claims; food industry clients; chemical manufacturers; and manufacturers of agricultural, load handling, construction and equipment.

In addition to defending product liability lawsuits, Reinhart's Product Liability and Safety attorneys also can assist in other related practice areas, including:

- Supply chain analysis
- Insurance coverage
- Post-sale-duty-to-warn counseling
- Product literature review
- Recalls
- Regulatory affairs issues
- Warnings development
- Contract review related indemnification, recall responsibilities and limits on liability
- Class Action claims related to alleged product failures and product claims



## Matters

- We are national counsel for an international manufacturer of mining equipment and are defending several lawsuits across the United States. Our intimate knowledge of the client and its products makes defending these cases very economical. And our coordination of the defense and discovery process has ensured consistency in how the evidence is handled.
- We are defending a mass tort brought by hundreds of plaintiffs in a California lawsuit against an international manufacturer of container handling equipment. Our expertise in the technology and products involved greatly offsets any travel expenses we might incur.
- We also are national counsel for a large manufacturer of fans and are defending fire claims throughout North America.
- As national counsel for a medical device company, we devised and implemented a strategy for resolving approximately 50 lawsuits in state and federal courts around the United States involving the same type of product. By developing centralized expertise in the scientific issues and learning the client's business, we saved our client from the burden of providing the same assistance to numerous defense counsel, as well as the legal fees it would have incurred to make each counsel an expert on the technical, regulatory and corporate background that was identical in each case. Our defense was so strong that nearly every case was dismissed voluntarily by the plaintiffs themselves.
- At the time of an initial report of injury, we counseled a manufacturer of a commercial cleaning product to review the safety of the product and establish an immediate plan for handling future similar suits. We helped the company establish a strong defense to any future claims, including those relating to a post-sale-duty-to warn a relatively new theory of recovery.
- We represent a medical device manufacturer seeking to recover tens of millions of dollars in damages related to a recall of a medical device caused by a supplier's alleged use of improper materials contrary to our client's specifications.
- A fan manufacturer was blamed for causing a nursing home fire in Colorado Springs, Colorado, that took the lives of several elderly residents. As a result, it faced millions of dollars in potential exposure. Working with a team of national fire investigators, we proved that the fire was caused by arson. Consequently, the lawsuit against the fan manufacturer was dropped and the state fire marshal's office issued a letter of apology to our client.
- We obtained a complete victory on summary judgment for a client sued under strict product liability, negligence and emotional distress theories for the plaintiff's "fear of AIDS" claim that allegedly occurred after the plaintiff's use of our client's medical device. Through a complete analysis of our client's legal defenses, we creatively and successfully argued that plaintiff's claims should be barred because she discarded key evidence

and because she failed to present reliable evidence that our client's product was defectively designed or manufactured. We also convinced the trial court that plaintiff's novel emotional distress claim was not cognizable under her state's law, even though other court decisions in her state appeared to support a "fear of AIDS" type of claim. The court of appeals affirmed the trial court's decision on all counts

## Key Contacts



**Allen C. Schlinsog, Jr.**

aschlinsog@reinhartlaw.com  
414.298.8214



**Patrick J. Hodan**

phodan@reinhartlaw.com  
414.298.8333