Reinhart

Product Liability, Safety and Recalls

We are committed to solving our clients' product liability issues. Many firms say this; we do it. We offer a cohesive, fully integrated portfolio of solutions that are tailored to solve client problems – from proactive risk assessments, to managing recalls and crisis moments, to navigating regulatory investigations, and to presenting a full-throated defense in litigation. Our product liability attorneys are consistently recognized as top lawyers in the field. That is important but alone insufficient: we are uniquely attuned to understand that our clients have broader business and reputational interests that often exceed even their complex legal needs.

Based in the Midwest, we regularly represent clients in actions pending in federal and state courts in the Heartland, particularly in Wisconsin and Illinois. However, we also serve as national counsel for our clients, providing efficient and comprehensive nationwide lawsuit management. We vigorously represent our clients wherever they are, appearing on their behalf in venues throughout the United States. Our team excels in arriving at economical solutions, always keeping our clients' ultimate goals as our north star.

We are leaders in our bar associations and have developed valuable relationships with our judges and opposing counsel. Our aggressive yet practical approach is particularly effective given our depth of experience and personal credibility with judges in various jurisdictions.

Wherever our clients need us, we offer valuable experience in varied industries – consumer, industrial and those regulated by the government. We are especially knowledgeable in claims involving drugs and medical devices; food and beverages; agricultural, load handling, construction and mining equipment; and fire litigation.

We regularly counsel clients on how to manage their overall product liability risk through:

- **Risk Assessment**: Evaluating products and labelling for potential risk. We counsel clients regarding improvements to design, manufacturing or warnings with the goal of reducing or eliminating potential injuries.
- **Risk Mitigation**: Analyzing contracts with suppliers, vendors and customers to allocate risk to others when appropriate.
- **Insurance Coverage Analysis**: Analyzing insurance policies to ensure that coverage exists if accidents happen and/or when recalls become necessary.
- **Post-Sale Duty to Warn Counseling**: Evaluating whether product experience necessitates additional warnings or instructions to ensure safe use; and taking appropriate steps to prevent claims that additional warnings should have been provided.
- **Product Recall Counseling**: When products do not perform as expected, we assist with safety bulletins and recalls, including regular engagements involving the CPSC, FDA, NHTSA and EPA.

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- As national counsel for an international manufacturer of mining equipment, we defended lawsuits across the United States. Our intimate knowledge of the client and its products made defending these cases very economical. And our coordination of the defense and discovery process ensured consistency critical to the cases' success.
- We successfully defended mass tort claims brought by hundreds of plaintiffs in a California lawsuit against an international manufacturer of container-handling equipment related to alleged injuries stemming from exposure to diesel exhaust.
- As national counsel for a large manufacturer of fans, we defended fire claims throughout North America.
- We represent several pharmaceutical and medical device companies in personal injury lawsuits in Wisconsin.
- We represent several clients defending asbestos and other toxic tort claims throughout the United States.
- We represent numerous manufacturing clients defending catastrophic injury claims throughout the United States.
- We represent food manufacturing clients regarding FDA issues, safety recalls and personal injury claims, and class actions related to alleged safety and Proposition 65 issues.
- We counsel foreign clients seeking to analyze and mitigate risks of introducing products for sale in the United States.
- As national counsel for a medical device company, we defended approximately 50 lawsuits in state and federal courts around the United States involving the same 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 all but one case was dismissed voluntarily by the plaintiffs without a settlement payment.
- 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.
- We represented 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.

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- We counsel clients on the regulatory and litigation risks of PFAS used in their products.

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