

## Products Liability Litigation

### Practices and Industries

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#### PRIMARY CONTACTS

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There's a lot to lose when your company faces a products liability lawsuit. When the stakes are high, Haynes and Boone lawyers have the experience to handle the most complex products liability cases. We have served as both local and national coordinating counsel for major manufacturers, energy companies, real estate groups, and healthcare companies, among others. Our lawyers draft winning motions for summary judgment and judgments notwithstanding the verdict, persuade courts to exclude opponents' expert testimony and draft jury charges with an eye toward error preservation.

#### **Our particular strengths include:**

##### **Representing companies as national coordinating counsel.**

When products liability cases affect your organization across states, you need a team that can ensure consistency and efficiency in each case. We are familiar with the issues that arise in multi-state litigation and have the experience to manage these dockets. In one example, we served as national counsel to a major manufacturer in a series of breach of warranty and consumer protection lawsuits that were filed throughout the United States. By helping to develop a public relations campaign, we were able to negotiate settlements with more than 50 dealers, many of which were finalized before suits were filed. The sole case that did not settle alleged a violation of consumer protection laws. It was tried in federal court, and the jury found that the distributor was responsible for 80 percent of the dealers' damages. We are also serving as national coordinating counsel in products liability lawsuits asserted throughout the United States against a major manufacturer of highway products. To manage this docket, we maintain intimate familiarity with relevant highway products, key witnesses and documents in order to deliver seamless results.

##### **An aggressive approach to defending class action lawsuits.**

We do not sit back and let plaintiffs dictate the agenda. We go on the offensive from day one, before any discovery has taken place. We have extensive experience in the unique procedures and defenses available in class actions and employ every tool in our arsenal to secure an early dismissal, a denial of class certification or summary judgment. At all times, however, we are

methodical and strategic in our approach so that our resources are deployed in an efficient and cost-effective manner consistent with our clients' business goals.

## **A track record of securing early dismissal.**

When a products liability case strikes, the best victory is scored before the trial begins. We have significant experience winning on dispositive motions. In one early success story, we represented a major computer manufacturer in a putative class action matter involving alleged breach of express and implied warranty claims and violation of deceptive trade practice statutes relating to battery life in laptop computers. We were able to significantly limit the scope of requested discovery and the case was dismissed before the class certification stage.

## **Scoring significant products liability wins on appeal.**

On appeal, we have obtained multimillion-dollar reversals for our clients in significant products liability matters. In *Whirlpool v. Camacho*, Haynes and Boone's appellate lawyers obtained reversal of a \$14 million judgment and rendition of a take-nothing judgment in a fire case by showing that the expert's testimony purportedly linking the fire to a dryer was scientifically unreliable. The Whirlpool case was built upon Haynes and Boone's earlier victory in *Volkswagen of America v. Ramirez*, in which our appellate attorneys persuaded the Texas Supreme Court to reverse a nearly \$20 million judgment by showing that the plaintiffs' accident reconstruction expert testimony was unreliable.

## **Nineteen lawyers across the U.S. dedicated to insurance recovery practice.**

Our insurance recovery team assists corporate policyholder clients in recovering insurance proceeds for a variety of disputed products liability claims. Our lawyers have a proven track record in enforcing policyholders' rights in negotiations, mediation, arbitration and litigation. The insurance team's lawyers are more than litigators and contractual technicians. They understand insurance and corporate risk management, including the practical dynamics of dealing with risk managers, brokers, adjusters and underwriters. Their insurance experience and long-standing relationships with brokers and other insurance professionals compliments the range of legal and business services offered to clients through the firm.

## **Advising clients on products liability issues before they happen and providing counsel throughout the recall process.**

Our lawyers are experienced in helping manufacturers before, during and after a recall on products liability issues that may arise due to concerns about the adequacy of warnings, design, or other matters. Our attorneys serve as trusted advisors to companies on product recall plan management, insurance and public relations.