



With billions of dollars in actual and reputational damages on the line, the world's most iconic brands turn to MG+M to help them defend their most complex products liability cases. Working in all 50 states, and at every level of state and federal courts, we develop novel, successful strategies that minimize risk and avoid liability.

### **Diverse experience, united front**

Our experience spans a wide array of consumer and industrial products, including automobiles, engines, food products, heavy equipment, medical devices, pharmaceuticals, power tools, recreational vehicles, and

sailboats. While each of our offices can independently handle any products liability matter, we freely share institutional knowledge and resources across our entire firm. This unified approach creates efficiencies, innovation, and success for our clients.

### **Courtroom veterans**

MG+M is a firm of true trial attorneys, all with thousands of hours of experience arguing cases before judges and juries. Although the vast majority of our cases resolve before trial, if yours does not you can be confident that we are prepared to take it all the way through to verdict.

### **First-hand intelligence**

We believe the key to understanding a product (and its potential liability) is understanding how it is made and used. Through our work in cases nationwide, we've become skilled at learning from inventors, engineers, mechanics, longshoremen, construction workers, and others who have hands-on experience with the products at issue. We go onsite to meet with them and to examine manufacturing processes and construction sites up close. These boots-on-the-ground investigations often uncover information that is pivotal in defending and resolving cases.

### **Out-of-the-box strategies**

MG+M is a national thought leader in the defense of complex products liability actions. Our creative strategies run the gamut from challenging witness credibility and product identification, to taking advantage of differences in the laws of varying jurisdictions. We search for every possible advantage, and are unafraid to develop and pursue novel approaches—to the frequent benefit of our clients.

## **Experience**

- + Successfully moved for severance and judgment on the pleadings in an action against a global specialty pharmaceutical company by analyzing the judicial pool, negotiating a proposed list of judges who would be inclined to consider our severance and preemption motions, and convincing the court to assign the cases to one such judge.
- + Convinced a severely injured plaintiff to voluntarily dismiss his action against a global product manufacturer by developing evidence that a) the plaintiff would be unable to prove our client manufactured the product at issue; and b) the plaintiff's employer misused the product.
- + Obtained complete dismissal of seven-figure claims against a chemical manufacturer by a downstream seller whose product repeatedly failed due to alleged defects in a component our client supplied. We successfully removed the case to federal court and moved to dismiss based on a federal doctrine that prohibits recovery in tort when a product defect causes damage to the product itself, resulting in economic loss, but does not cause personal injury or damage to other property.
- + Convinced an insurer not to file a potentially multi-million dollar subrogation claim against a machine-tool company by conducting an investigation that showed the machine at issue failed due to user error, not product defect.
- + Negotiated the tender of defense and indemnification from the insurer for our client, an industrial jack

## Products Liability

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manufacturer, to the actual manufacturer of the jacks involved in a fatal construction site accident. Upon receiving the case we immediately went onsite to evaluate potential risk and gather information about the jacks, their operation and the warnings provided to users, which helped us convince the other manufacturer's insurer to accept the tender.

- + Obtained a summary judgment dismissal from the First Circuit Louisiana Court of Appeal, reversing a prior denial of summary judgment by the trial court. This product liability case concerned a motorcycle helmet which allegedly came off plaintiff's head during a collision. The court held that plaintiff had failed to produce factual support sufficient to establish whether our client was the deemed manufacturer of the helmet within a particular definition of manufacturer under the Louisiana Products Liability Act.
- + Obtained dismissal for two clients in a case that was pending at the U.S. District Court for the District of Massachusetts. On behalf of one client, the court granted a motion to dismiss for improper service and lack of personal jurisdiction. MG+M navigated a voluntary dismissal for its other client through the discovery process by demonstrating, based on the evidence, that the client was not liable for the product at issue.
- + Obtained a complete defense verdict in a product liability and personal injury action in San Mateo County, California, for our client, a manufacturer of recreational vehicles. The decision came after four days of trial cross examination of the plaintiff's causation expert. As a result of not finding the plaintiff's expert to be credible, the court entered a judgment, including costs, in favor of our client, the sole defendant at trial.
- + Obtained a defense verdict in favor of our clients in a product defect case. Plaintiffs claimed that various problems they experienced when painting their home were due to defects in the paint. At trial, we successfully elicited crucial admissions from plaintiffs regarding their failure to follow the paint's clear application instructions. Additionally, through our witness and separately through plaintiffs' concessions, we established that issues with their contractor's drywall texture work were the likely cause of plaintiffs' damages. Agreeing that plaintiffs failed to meet their burden to show a defect, the court entered judgment in favor of our clients, saving not only the cost of a verdict, but also attorney's fees and costs, which are recoverable under Louisiana law.
- + Won summary judgment on behalf of a construction equipment manufacturer in a low-shares asbestos action governed by Kansas substantive law, arguing successfully that the Kansas Product Liability Act implies a "bare metal defense" to bar liability for allegedly injury-causing component parts manufactured and sold exclusively by third parties.
- + Secured a [defense verdict](#) from a New Orleans—area jury for a national air conditioner manufacturer and a national retailer in a cause and origin fire case.
- + Secured defense verdicts for an international manufacturer of home appliances in a subrogation matter and a breach of contract matter. In addition to successfully defending the carrier's breach of warranty and negligence claims, Jonathan also secured a verdict against a co-defendant valve manufacturer for failing to defend and indemnify his client.

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