

## OVERVIEW

# TORT AND PRODUCT LIABILITY



*The trial lawyers in the Tort and Product Liability Group of Murtha Cullina LLP defend clients against complex claims for bodily injury, death and property damage. Our clients range from Fortune 100 companies to closely-held corporations in a wide range of industries.*

Responsive client service and litigation management are the cornerstone of our practice. Our lawyers:

- Focus on our clients' products, processes and business needs to identify realistic goals and solutions;
- Are skilled at early case assessment, strategic budgeting and the use of alternative fee options in order to provide successful and efficient case management and cost-savings and identify preventative law opportunities;
- Leverage collaboration with our clients' business managers and in-house counsel and our leadership of joint defense groups to our clients' benefit;
- Effectively utilize advanced litigation technology, and implement risk management and innovative legal and technical strategies to achieve our clients' goals.

### REPRESENTATIVE CASES

- Defense jury verdict for the manufacturer of a bathroom exhaust fan that allegedly started a fire and caused substantial property damage. Obtained jury verdict on the product liability claim after successfully moving to dismiss three other claims from the complaint. Recovered substantial litigation costs from plaintiff.
- Defense jury verdict for a natural gas provider sued in negligence by an individual critically injured after a natural gas explosion at his house.
- Defense jury verdict for the manufacturer of electrical meter boxes, prevailing on plaintiff's claim that an electrical meter box was defective and caused serious personal injuries to an electrician.
- Defense jury verdict for an appliance manufacturer in a product liability action, prevailing on plaintiff's claim that the defendant's product caused a fire that destroyed a multi-million dollar home.
- Defense jury verdict in favor of aviation maintenance facility charged with failure to detect or correct allegedly defective landing gear.

### SERVICES

Apportionment and Contribution

Joint-defense and  
Common-defense Privileges

Confidentiality and Tolling  
Agreements

Governmental and Non-profit  
Immunities

Regulatory Violations

Hazardous Activities Liability

- Defense summary judgment (affirmed by First Circuit) for a Fortune 50 company on an issue of first impression involving spoliation law, prevailing on the plaintiff's claim that the defendant had destroyed vehicle recorder data after a fatal truck accident.
- Defense summary judgment for a Fortune 100 company sued in an asbestos wrongful death action.
- Defense summary judgment for a hospital sued in negligence for personal injuries allegedly sustained at its facility.
- Defense summary judgment for a town in a putative class action on behalf of all town residents who owned property above former mines, on claim of negligence following an earlier decision striking claims for nuisance and violation of the Connecticut Unfair Trade Practices Act. The issues of whether the town controlled the property for purposes of nuisance liability and whether the town had a duty of care for purposes of negligence were issues of first impression in Connecticut and are now on appeal.
- Dismissal of negligence action against a hotel resort based on lack of personal jurisdiction.
- Dismissal of product liability action against the manufacturer of construction materials in a case alleging toxic mold in plaintiff's home due to alleged defects in the construction materials.
- Defense of a major science company sued in property damage and personal injury actions seeking over one billion dollars arising out of one of the largest fires in U.S. history allegedly caused by the manufacturer's failure to warn about the fire and explosion hazards associated with the use of its product.
- Defense of multi-million dollar indemnity and contribution claims arising from a fire and explosion that severely injured firefighters. Case settled when nearing conclusion after more than three weeks of trial. Post-settlement discussions with jurors under court supervision confirmed likelihood of defense verdict.
- Defense of the manufacturer of automotive paint and paint products sued in multiple cases involving personal injury claims for cancer, occupational asthma, multiple chemical sensitivity syndrome, and other injuries allegedly caused by exposure to its products.
- Defense of a major pharmaceutical company sued in 27 state and federal court actions over a 15-year period for DES claims.
- Defense of a large restaurant chain and other makers and distributors of food product sued by consumers in personal injury cases involving claims of alleged E. coli contamination, foreign objects in foods, or other defects.
- Representation of a large defense contractor sued by groups of homeowners claiming toxic exposure and property damage allegedly resulting from the contractor's disposal of industrial waste.
- Defense of a manufacturer sued in multiple multi-million dollar product liability actions involving allegations of defective fire-retardant treatments to construction materials.
- Defense of aircraft engine manufacturers for personal injuries and wrongful deaths allegedly caused by defective aircraft engines.
- Defense of a dishwasher manufacturer in a product liability action alleging defects in the dishwasher's solenoid valve causing property damage to multi-million dollar home.
- Defense of major chemical manufacturer in a wrongful death toxic tort action.
- Won Motion for Summary Judgment dismissing wrongful death case: corporate client manufactured lawn mower engine that was removed and placed in a go-kart; decedent was struck by flywheel that flew off the engine during an unauthorized go-kart race.

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*With offices throughout Connecticut, Massachusetts and New York, Murtha Cullina LLP offers a full range of legal services to meet the local, regional and national needs of our clients. Our practice encompasses litigation, regulatory and transactional representation of businesses, governmental units, non-profit organizations and individuals.*

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