



Product Liability
PRACTICES

OVERVIEW

Product liability claims and lawsuits can threaten a company's business success, its reputation and sometimes its very existence. This litigation often involves catastrophic risk for the company. It demands experienced, aggressive and resourceful defense counsel to protect a company's products – and bottom line – from attack.

Major manufacturers, retailers, distributors and insurance carriers have turned to Smith Anderson to advise them on risk-management programs and rely on us to defend and manage major product liability lawsuits filed against them. Our practice covers all aspects of product liability and major tort matters, including preventive counseling, product literature review, liability audits and claims management, governmental investigations, as well as root-cause analysis, trials and appeals. We are among North Carolina's most experienced product-liability lawyers and have successfully litigated across the State and throughout the nation. Our team has extensive experience defending cases involving a variety of products, including "hard products" – such as motor vehicles, medical devices, construction equipment, power machines and tools – and also such "soft products" as chemicals, vaccines and pharmaceuticals. Additionally, our attorneys defend plant operators, builders and equipment manufacturers in lawsuits over accidental fires and explosions and have also been involved in legislative initiatives, including tort reform, which directly impact product liability litigation in North Carolina.

Our Product Liability team has deep substantive knowledge and significant litigation experience in a broad array of industries, including:

- Asbestos
- Machinery, Tools and Equipment
- Automotive
- Marine/Watercraft
- Aviation
- Medical Devices
- Benzene/Chemicals
- Pharmaceuticals/Vaccines
- Construction
- Public Utilities

- Consumer Goods
- Technology

SERVICES

- Defense of wrongful death and serious personal injury claims
- Trial of products lawsuits in state and federal courts across North Carolina and in other states
- Regional and national coordination of defense, discovery and management of products lawsuits
- Defense of cases in class actions, multi-district and aggregated claims litigation
- Property damage claims including commercial and residential properties and personal property
- Warranty and “lemon law” claims and lawsuits
- Alternative dispute resolution procedures including arbitration and mediation
- Preventive counseling and advice
- Indemnity and contribution actions
- Litigation of all types of negligence, warranty and other products liability claims
- Insurance coverage issues and declaratory judgment actions
- Appellate advocacy in the state and federal courts

EXPERIENCE

- Defense of a major automotive manufacturer in child paraplegic injury products case alleging defective design of child restraint systems and crashworthiness of mid-sized sedan. Six-week trial resulted in a defense verdict, which was appealed and ultimately affirmed by the North Carolina Supreme Court.
- Defense of a medical device company in a bet-the-company paraplegic injury lawsuit. The lawsuit alleged the paraplegia was the result of lower lumbar surgery involving lateral and contra-lateral access using a minimally invasive decompression medical device and micro-blade shaver system. The lawsuit was successfully resolved prior to trial.
- Defense of multiple vehicle and component manufacturers in over 500 products liability lawsuits involving vehicle crashworthiness, rollovers, handling and restraints defect claims.
- Defense of a major pharmaceutical company in numerous consolidated personal injury lawsuits alleging that Thimerosal, the preservative used in many vaccines, caused autism in children. Following expert discovery and an evidentiary hearing, the court granted defendant's motion for summary judgment.
- Defense of major tool manufacturer of circular saws in lawsuit involving hand amputation allegedly caused by improper guarding. Defense verdict after a two-week trial.
- Defense of an engineering and manufacturing company from multiple death lawsuits from catastrophic rupture of hydrochloric acid pulp silo at a major papermill in North Carolina.
- Defense of a major farm tractor manufacturer in lawsuit from catastrophic injury when the operator fell off the tractor and under the operating bushhog mower.

- Defense of a gas regulator manufacturer in aggregated lawsuits involving four deaths and over forty workers injured in a catastrophic propane gas fire and explosion at a manufacturing facility.
- Defense of industrial chicken fryer manufacturer in Hamlet Imperial Foods fire aggregated lawsuits involving 22 fatalities.
- Defense of a major automotive manufacturer in triple fatality accident involving allegations of defective stability and lack of electronic stability control in a sports utility vehicle and defective seat belt restraints in a pick-up truck and wrongful death damages claims for the two occupants of the truck. This accident involved the high speed rollover of the SUV onto the oncoming pick-up truck resulting in the deaths of all three occupants. Defense verdict obtained after a five-week trial.
- Defense of a major power tool manufacturer in federal products case resulting in loss of plaintiff's eye due to claims of a defective nail gun design. Defense verdict following two-week trial.
- Defense of a major pharmaceutical company in multiple pain pump lawsuits. The lawsuits claimed rotator cuff and shoulder joint deterioration from analgesic delivered in pain management infusion pumps following shoulder repair surgery. The cases were resolved through dismissal or transfer to MDL and ultimate settlement.
- Defense of a heating appliance manufacturer in products liability lawsuit alleging design defects in an LP gas heater that purportedly failed causing carbon monoxide injuries. Summary judgment was entered in favor of the manufacturer and affirmed on appeal.
- Defense of a surgical device manufacturer in a wrongful death action filed in the Middle District of North Carolina alleging that a tumor ablation device malfunctioned and caused the destruction of healthy tissue. Implementation of aggressive discovery and defense strategy resulted in dismissal of all claims that had been asserted against our client.
- Defense of major motorcycle, ATV and Jet Ski manufacturers in multiple accident wrongful death lawsuits.
- Defense of a major automotive manufacturer in a crashworthiness case involving paraplegia and allegations of defective seat belts. The jury deadlocked (10-2 for the defense) following a five-week trial and resolved favorably thereafter.
- Defense of a major tool manufacturer in lawsuit involving explosion in nuclear manufacturing facility alleged from spark in shop vacuum.
- **Asbestos/Toxic Tort Experience**
- **Pharmaceutical/Medical Device Experience**

RELATED AREAS

[Asbestos and Toxic Torts](#)

[Construction & Infrastructure](#)

[Mass Tort & Catastrophic Loss](#)

[Pharmaceutical & Medical Device Litigation](#)



REPRESENTATIVE CLIENTS

Clients of ours include regional, national and multinational manufacturers of industrial, automotive and consumer products, as well as large and small product retailers. We have served as North Carolina, regional and national counsel to many Fortune 500 automotive, drug, medical device and tool manufacturers. We also represent major insurance carriers concerning product-related claims.

Listed below are representative clients of ours with various product types, including motor vehicles; recreational and lawn; appliances, electrical and propane; pharmaceutical and medical device; construction and tools; boilers and heavy manufacturing equipment; general consumer and health goods; and asbestos and toxic torts. Ford Motor Co. Specialty Vehicles Corp. APP Pharmaceutical Snap Products Inc. Chrysler Corp. MBM Brakes Corp. RITA Medical Systems Austram Inc. Daimler AG Daewoo Motor America GlaxoSmithKline The Knitting Factory General Motors Corp. ProMark Industries Black & Decker Co. Stegg Limited (BikePro) American Motors Corp. Federal Premium Co. Milwaukee Tool Co. Lowe's Home Centers, Inc. Harley-Davidson Motor Corp. Hustler Turf Equipment Porter Cable Co. Kaiser Aluminum Co. Honda North America Alliant Techsystems Perry Manufacturing Co. Compudyne Co. (formerly York Shipley) Mercedes Benz USA Mitsubishi Agricultural Co. Chemipulp Process, Inc. Budd Companies Nissan North America General Electric Co. Stair Tamer, LLC Guardline Co. Kawasaki Motors Corp. Harsco, Division of Sherwood International Paper Co. Carver Pump Fiat Chrysler America US LLC CharBroil Co. Crown Equipment Co, Freightliner Hyundai Motor America Sensus Metering Systems Clarcor, Inc. Plastic Coatings Corp. Mitsubishi Motors Corp. Carolina Power & Light United Air Specialists Stock Building Supply Toyota Motors Corp. Stein, Inc. Structured Steel Products Dillon Supply Co. Jeep Corp. Baxano Surgical Nobile Oil Radiator Specialty Co. Jaguar LandRover North America Richardson Merrill Parker Hannifin Corp. Goodyear Tire & Rubber Co. Teva Pharmaceutical Stebbins Engineering Navistar, Inc. Zydus Pharmaceutical Proctor and Gamble Co. Kia Motors America Abbott Laboratories Pennzoil Corp. Hackney Corp. Hospira Corp. Buckeye Technologies Monoco Coach Co. Aventis Pasteur Tillotson Healthcare Corp.

