

Services

Mass / Toxic Tort and Product Liability Litigation

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We advise Fortune 500 companies of all sizes in virtually every industry, including more than 600 consumer brands and manufacturers. We have deep experience defending clients against mass/toxic tort and product liability claims in the following sectors:

- Aerospace
- Automotive
- Cannabis, cannabidiol (CBD) and hemp
- Chemical
- Consumer products
- Electrical
- Energy
- Food and flavorings
- Heavy equipment
- Logistics
- Medical devices and pharmaceutical
- Nanotechnology
- Rubber
- Waste management

Our Approach

Our mass/toxic tort and product liability litigation group works across offices and industry teams to help clients assess potential litigation risks facing their sectors, defend cases, and minimize the exposure saddling their companies.

What We Do

When our clients are faced with toxic tort, chemical exposure and product liability claims, Vorys mobilizes its **nationwide bench of trial and appellate lawyers** to represent them in state and federal courts across the country.

Mitchell A. Tobias
Nina I. Webb-Lawton
Rosemary D. Welsh

Our experience includes:

- Resolving thousands of claims each year through **voluntary dismissals, summary judgments, trials and carefully crafted settlements**
- Serving as **lead trial, national and national coordinating counsel** in state, federal and appellate courts in 49 states, the District of Columbia and U.S. island territories
- Litigating everything from **single-plaintiff cases** in state courts to **high-profile multijurisdictional mass tort cases** in federal courts

Often product liability and toxic tort cases are brought as large **class actions** involving claims of chemical exposure, personal injury, property damage or loss of use and enjoyment of property, stigma and emotional distress. Our attorneys have defeated efforts to certify such classes and have successfully defended our clients on the merits of the remaining individual or consolidated claims.

On numerous occasions, Vorys has served as national counsel in federal multidistrict litigation (MDL) established by the U.S. Judicial Panel on Multidistrict Litigation. In these cases, we utilize the benefits of the MDL. We employ a virtual team approach across jurisdictions to manage dockets of varying sizes and complexity, and we train and partner with local counsel to implement effective defense strategies.

As **data management counsel**, we work to ensure claim data and reporting are accurate and largely automated, settlements are processed efficiently, and plaintiffs' counsel are complying with their administrative agreements. We also create customized databases for managing and tracking discovery, witnesses and exhibit lists. Our team of certified project managers and Lean Six Sigma professionals advises on process improvements and creates automated workflows to streamline case work and optimize litigation budgets.

Our team also includes Vorys' **strategic communications** professionals, who assist clients with media relations issues surrounding incidents, such as crisis communications, investigative reports and reporter inquiries. To help clients prepare for the unexpected, we regularly conduct pre-incident response training for personnel, develop action plans for emergencies, conduct audits and organize emergency response drills.

Litigation Avoidance

We advise on strategies to avoid litigation and comply with the Occupational Safety and Health Administration (OSHA), Hazard Communication Standard (HCS), as well as other federal and state regulations covering clients' products. We also provide counsel and training on product specifications, product and package design, and other issues to mitigate liability.

Settlement Strategy

When claims arise, we guide our clients in overcoming procedural hurdles and help them make informed decisions about whether to litigate or settle cases. When appropriate, we assess the potential for a cost-effective settlement to advance our clients' litigation goals. In cases where classes are certified, we navigate the array of notice and approval requirements applicable to classwide settlements. Our experience enables us to develop and assess appropriate notice and distribution procedures, often with the assistance of a claims administrator.

Awards and Recognition

We are proud to have earned long-standing recognition as a **"Leading Law Firm"** in Ohio for general commercial litigation in the prestigious *Chambers USA* guide. In its 2022 edition, *Chambers USA* lauds Vorys' experience **"in representing large clients in a range of matters, including class actions, toxic torts"** and other areas of litigation.

Additionally, we have earned top honors as a **Tier 1 firm** in Ohio for "Mass Tort Litigation / Class Actions – Defendants" in the U.S. News – Best Lawyers® **"Best Law Firms"** report since 2011, as well as state recognition for "Product Liability Litigation – Defendants" since 2010.

Mass / Toxic Torts

For more than 35 years, Vorys attorneys have been involved with mass/toxic tort litigation across the country. Vorys brings this deep experience defending against claims of chemical, asbestos, silica, and radiation exposure to claims made against our clients.

We advise clients on the international regulation of chemical and toxic exposures and often work with clients to develop appropriate warnings for products so that future litigation can be avoided. When claims arise, we are prepared to vigorously defend our clients in court.

Mass/toxic tort claims arise from many workplace settings and industries, and our in-depth knowledge of and experience within those target sectors enable Vorys to develop defense strategies in a cost-effective manner.

We have broad experience leading mass/toxic tort litigation involving an array of alleged chemical exposures and industrial sources, including:

Chemicals

- Asbestos
- Benzene
- Butadiene
- Enriched uranium
- Formaldehyde
- Hexavalent chromium
- Lead
- Manganese
- Ortho-toluidine
- Polychlorinated biphenyl
- Silica
- Technetium
- Transuranic waste
- Trichloroethylene
- Vinyl chloride

Industrial Sources

- Chemical plants
- Incinerators
- Landfills
- Manufacturing plants
- Nuclear weapons plants
- Power plants
- Toxic waste facilities
- Uranium enrichment facilities

Toxic tort litigation inevitably presents complex scientific issues involving general and specific causation where expert witnesses play a critical role. We work closely with highly trained experts on various scientific disciplines. We are skilled at presenting complicated scientific questions to judges and juries and, where appropriate, at pursuing *Daubert* challenges to the admissibility of dubious testimony from opposing experts.

Emergency Response

Our emergency response team is at the ready to address practically any industrial or worksite accident impacting our clients' employees, customers and businesses. We are available, day and night, to guide clients through the myriad issues raised by emergency situations in order to safely and efficiently return to normal business operation.

We serve our clients in whatever capacity is needed, including:

- Providing advice and leadership
- Securing the scene and preserving evidence
- Handling the reporting to regulators
- On-site management of regulators, investigators and bystanders

Tort Reform

We have a long-standing history of actively influencing tort reform in Ohio and throughout the country. We work with clients to evaluate tort reform proposals, draft proposed legislation and prepare testimony for legislative hearings.

Our experience in this area includes:

- Vorys helped draft Ohio's asbestos reform bill and the General Assembly passed the first U.S. asbestos reform legislation.
- Persuading the Ohio General Assembly to consider silica litigation reform, resulting in the passage of the first silica litigation reform in the U.S.
- Persuading the Supreme Court of Ohio to uphold the retroactive application of asbestos reform, resulting in the dismissal of approximately 40,000 cases in which plaintiffs could not meet the medical criteria of the new asbestos legislation.
- Achieving the administrative dismissal of approximately 2,000 silica cases in Ohio

News

4.12.2022

Experienced Toxic Tort and Product Liability Lawyer, Sara Ingram, Joins Vorys

News, 11.1.2018

Vorys Receives 77 Tier One Rankings on 2019 *U.S. News* – Best Lawyers "Best Law Firms" List

News, 8.15.2018

More Than 100 Vorys Attorneys Named to 2019 Best Lawyers in America® List

News, 8.15.2018

Nine Vorys Attorneys Named 2019 Lawyers of the Year by Best Lawyers

News, 8.15.2016

More Than 100 Vorys Attorneys Named to 2017 The Best Lawyers in America® List

News, 8.17.2015

Sixteen Vorys Attorneys Named 2016 Lawyers of the Year by Best Lawyers

News, 8.17.2015

More Than 100 Vorys Attorneys Named to 2016 The Best Lawyers in America® List

News, 1.15.2015

Mitchell Quoted in *Law360* Story Titled "\$358M Garlock Deal May Shrink Future Asbestos Trust Payouts"

News, 10.28.2014

Mitchell Quoted in *Law360* Story Titled "Calif. Cases Offer Chance For Clarity On Take-Home Asbestos"

News, 8.18.2014

More Than 100 Vorys Attorneys Named to 2015 The Best Lawyers in America® List

News, 4.11.2014

Schuster Quoted in *Legal Newsline* Story Titled "Wisconsinites Can Look to Ohio for Effects of New Asbestos Transparency Law"

News, 11.6.2013

Vorys Named Go-To Law Firm for 11th Consecutive Year by Fortune 500 Clients

News, 9.19.2013

Buckley Quoted in *Law360* Story Titled "Valve Maker's Asbestos Suits Each Covered, Judge Rules"

News, 8.14.2013

More Than 100 Vorys Attorneys Named to 2014 *The Best Lawyers in America*® List

News, 7.26.2013

Smith Quoted in Story Titled "OSHA Warns of Fracking Sand Danger"

News, 7.3.2013

Lonardo Profiled in *Legal Bisnow*

News, 1.8.2013

Vorys Named Go-To Law Firm for Tenth Straight Year by Fortune 500 Clients

News, 11.1.2012

Vorys Receives 63 Tier One Rankings on 2013 *U.S. News - Best Lawyers* "Best Law Firms" List

News, 4.4.2012

Vorys Attorneys Selected as 2012 Texas Rising Stars

News, 12.16.2011

75 Vorys Attorneys Recognized as 2012 Ohio Super Lawyers and Rising Stars

News, 11.1.2011

Vorys Ranked a "Best Law Firm" in 26 National and 47 Metropolitan Categories in *U.S. News - Best Lawyers* List

News, 8.22.2011

Vermont Supreme Court Rules in Toxic Tort Case

News, 3.31.2010

Three Vorys Attorneys Named Texas Rising Stars

News, 11.14.2008

Schuster quoted in Business First article "Thousands of asbestos cases tossed following Supreme Court ruling"

News, *Today's Facility Manager*, 2.12.2008

Schuster featured in *Today's Facility Manager* blog "Ohio Supreme Court Reviewing Landmark Asbestos Decision"

Publications

Authored article, 1.24.2020

Ohio's Veterans' Treatment Courts Provide Support

Client alert, 9.12.2013

Client Alert: OSHA's Proposed Silica Rule now Published in Federal Register

Client alert, 7.24.2013

Client Alert: NIOSH Studies Worker Exposure to Silica During Hydraulic Fracturing and Issues An Alert

Client alert, 12.20.2012

Client Alert: Gov. Kasich Signs H.B. 380

Client alert, 12.14.2012

Client Alert: Ohio Legislation to Increase Transparency Between Asbestos Trust Claims and Lawsuits

Authored article, *Mealey's Litigation Report*, 11.12.2008

"What Ohio's Retroactive Application Of Its Asbestos Legislation Means For The Litigation, Both Statewide And Nationwide"

Speaking Engagements

10.23.2019

Stratton Featured in *Sentinel Tribune* Article

10.20.2017

The Chamber of the Future: Collegiality, Communication and Globalization in the Age of Innovative Technology

5.7.2017

Mortgage Bankers Association Legal Issues & Regulatory Compliance Conference

4.2015

American Bar Association Tort & Insurance Practice Section Spring Meeting

9.26.2013

National Asbestos Litigation Conference

Hosted by Perrin Conferences

9.19.2013

HarrisMartin National Benzene Litigation Conference

Presented by HarrisMartin Publishing

3.18.2013

Asbestos Litigation Conference

Presented by Perrin Conferences

9.19.2011

Asbestos Litigation Conference: A National Overview and Outlook

Presented by Perrin Conferences

9.23.2009

National Asbestos Litigation Conference

Presented by HB Litigation Conferences

9.15.2009

The Asbestos Litigation Conference: A Comprehensive National Overview and Outlook

Presented by Perrin Conferences LLC

Product Liability Litigation

Vorys serves as national counsel to Fortune 500 companies in product liability matters at all stages of litigation, and we defend clients in cases involving an array of products, such as automobile and airline components, food and beverage goods, pharmaceuticals and other consumer products.

Our product liability litigation group has defended cases across the country. **Vorys often acts as National Counsel and teams up with local counsel to defend product liability cases.**

Our team is highly skilled in identifying threshold legal issues that may bring early termination to product liability actions. We are familiar with qualified expert witnesses in engineering, warnings, medicine, and workplace safety/ industrial hygiene who may be called upon to aid in the defense of our clients.

Additionally, Vorys' litigation technology group assists in developing cost-effective processes for identifying and preserving documents and managing discovery – essential elements of a successful defense strategy.