Wheeler Trigg O'Donnell

Product Liability

Ranked among the top 20 product liability teams nationally by Chambers, Benchmark Litigation, and BTI, we handle high-exposure litigation and have served as national coordinating counsel for major manufacturers–consumer products, industrial equipment, automobiles, tires, pharmaceuticals, medical devices, aerial work platforms, and more–and have prevailed in scores of high-stakes cases nationwide.

As Chambers reported, clients recognize us for having, "very strong lawyers who secure spectacular trial success."

Our success goes beyond legal strategy. We excel at dismantling plaintiffs' expert testimony because we understand the science behind our clients' products. And we develop deep insight into our clients' businesses and people, enabling us to craft solutions that account for more than just the legal particulars.

With extensive trial experience, we win for clients across the country. We ask the right questions, craft a compelling story, and present it effectively–an ability that is critical to protecting clients from nuclear verdicts in a time of rampant verdict inflation.

For cases resolved before trial, our trial expertise lets us identify compelling narratives early and expose the weaknesses in opposing cases. That–combined with our well-known trial record–often drives favorable resolutions without ever reaching a courtroom.

"Dominant trial practice fielding an impressive bench of expert product liability attorneys."

– Chambers USA

Cases

Won dismissal for Skyjack in federal court in a product liability matter involving alleged injury on a scissor lift. The case was dismissed on the basis of lack of personal jurisdiction.

Won a defense verdict for Pneumo Abex LLC as co-counsel in a three-week asbestos wrongful death trial in Pierce County, Washington. Due to COVID restrictions, the trial was held in a converted gymnasium in a juvenile detention facility and livestreamed across the country.

Represent Michelin North America as national trial counsel and coordinating counsel for toxic tort litigation.

Represent McKesson and NorthStar RX on nationwide pharmaceutical product liability claims.

Won a jury defense verdict for Foster Wheeler in a three-week asbestos trial in federal court in Massachusetts. The plaintiff–a sympathetic Navy widow represented by a high-profile asbestos plaintiff firm–asked for $20 million in compensatory damages and $43 million in punitive damages.

Won a defense jury verdict for Toyota in a $33 million case.

Won dismissal for Whirlpool in industry-wide consumer class action litigation alleging tens of millions of gas cooking products emit harmful pollutants in homes.

Won full dismissal with prejudice for Whirlpool of a consumer class action brought by five plaintiffs from five states representing seven putative classes in the lead case among an industry-wide series of copycat actions alleging cooktop knobs are prone to unintended activation.

Defeated class certification for Electrolux in class action involving millions of oven ranges.

Won on behalf of a home appliance trade association in a complex federal constitutional case challenging state legislation on First Amendment grounds.

Argued and won a U.S. Supreme Court victory for Honda in a precedent-setting case involving federal preemption standards as applied to airbags in the automotive industry.

Won a New Hampshire "no airbag" trial for Ford before getting all no-airbag cases held preempted in Geier in the U.S. Supreme Court.

Successfully defended Ford Motor Co. against criminal charges of reckless homicide in the design of the Pinto automobile.

Successfully defended the first "no-airbag" case tried to a verdict.

Obtained a defense verdict in a fire fatality case alleging design defects in appliance.

Won exclusion of a star expert for the plaintiffs in antidepressant suicide litigation and won summary judgment for Pfizer in federal court in Kansas in a case alleging that the company's antidepressant led to the suicide of a minor.

Obtained summary judgment for Pfizer in a case alleging wrongful death, failure to warn, and other claims involving the company's popular antidepressant, and won on appeal in the Ninth Circuit.

Won a defense verdict in Kentucky for Ford Motor Co. in a rollover case involving a Mazda pickup truck.

Defeated class status and a recall attempt against Nissan in a putative class action involving airbags.

Obtained voluntary dismissal of claims against Solvay Pharmaceuticals in litigation stemming from the 1999 Columbine High School shooting.

Won a defense verdict after five weeks of trial in Massachusetts in a living mesothelioma case, the first asbestos case tried to verdict in Boston in 10 years.

Won a jury defense verdict in U.S.D.C. for the District of Colorado for an automobile manufacturer in a wrongful death crashworthiness case.

Won an appeal for Pfizer in a groundbreaking preemption case before the Third Circuit.

Won a defense jury verdict for Foster Wheeler in the first asbestos wrongful death case tried to a verdict in Iowa in over 10 years.

Obtained dismissal with prejudice of plaintiffs' class action allegations in a putative nationwide class action alleging that more than one million of Whirlpool's refrigerators were defective.

Won a jury verdict in Cook County, Illinois, for General Electric in an asbestos duty to warn case involving power plant land turbines.

Serve as national coordinating and trial counsel to a cochlear implant manufacturer for the defense of product liability lawsuits involving a Class III medical device.

Secured a ruling from a California appeals court affirming the preemption of claims brought against our client for its abdominal stent medical device.

Won a unanimous defense verdict in California Superior Court for Nissan in a lawsuit involving a claim that an allegedly defective seat system resulted in the plaintiff's quadriplegia following a horrific car crash.

Won a reversal and a new trial on the punitive damages phase of a product liability case originally tried by another firm. Persuaded the second jury to award only one-third of the amount awarded in the initial trial.

Defended the appeal to the Colorado Court of Appeals of a 2010 jury verdict that WTO won for Ford Motor Company in an electronic throttle product liability case.

Won Tenth Circuit reversal of a federal district court jury verdict favoring the plaintiff and secured a judgment in favor of Ford Motor Co. in a product liability case involving a rollover crash in which the plaintiff was rendered a quadriplegic.

Won a unanimous jury defense verdict in federal court in Colorado for Evenflo Company in a two-week trial involving liability for permanent injuries to a child strapped into an Evenflo car seat during an auto accident. Ultimately, the jury agreed with our argument that the seat saved the child's life rather than caused the child's injuries.

Won Montana Supreme Court affirmance of a jury verdict for Ford Motor Company in a product liability case involving a fatal car accident.

Obtained summary judgment for General Electric Company in an asbestos liability case in the U.S.D.C. for the District of Wyoming.

Won a unanimous defense verdict for Michelin following a three-week trial in Arizona state court in which the plaintiff demanded $20 million in actual and punitive damages.

Contacts

Clarissa M. Collier
Partner

Habib Nasrullah
Partner

Michael L. O'Donnell
Firm Chair

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