HUSCH BLACKWELL

Mark A. Smith

PARTNER

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OVERVIEW

A strong trial attorney and skillful negotiator, Mark is a trusted advisor to executives and business owners in the manufacturing industry.

He tenaciously defends clients' interests in the areas of product liability, business litigation and employment litigation.

In product liability, Mark handles a range of cases for major manufacturers and has litigated cases involving wood treatment chemicals, pool chemicals, paint, chlorine/chlor alkali products, industrial equipment and coatings, medical equipment, motor vehicles, all-terrain vehicles (ATVs) and motorcycles, valves, seat belt systems, firearms and ammunition, as well as asbestos exposure. He has litigated product liability cases in jurisdictions throughout the United States, including Alabama, California, Delaware, Florida, Georgia, Hawaii, Illinois, Kentucky, Michigan, Mississippi, Missouri, New York, Pennsylvania, South Carolina, Tennessee and Texas. Examples of this work include:

“Mark Smith has been a great resource as I have changed business units and positions within my organization. He really goes above and beyond, and I would recommend him to anyone needing a responsive outside counsel resource.”

— Associate general counsel, pharmaceutical and biotech manufacturing company

Industries

Manufacturing
Technology
Transportation

Services

Asbestos Litigation
Labor & Employment
Litigation & Alternative Dispute Resolution
PFAS
Product Liability

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- Obtaining complete dismissal of a multimillion-dollar lawsuit against a manufacturer of industrial coatings.
- Overseeing all of the asbestos litigation filed in Tennessee for a *Fortune* 500 agricultural biotechnology corporation.
- Defense verdict in favor of national appliance manufacturer in a lawsuit involving property damage caused by an allegedly defective refrigerator.

Mark's business litigation experience covers a broad range of commercial litigation for major corporations, such as contract disputes and insurance coverage disputes.

In labor and employment, he has represented employers in defending wrongful termination and retaliatory discharge cases. Additionally, Mark has represented hospitals and physicians in medical malpractice cases involving issues ranging from alleged surgical injuries to wrongful death claims.

Mark serves on the firm's Diversity Council.

Experience

- Represented client in a lawsuit filed by AutoZone Inc. in which AutoZone alleged that paint supplied to more than 4,000 stores nationwide was defective and, as a result, claimed more than $10 million in damages. After three years of acrimonious discovery — including more than 25 depositions and the creation and maintenance of a database containing more than 3 million documents — obtained a complete dismissal from the lawsuit.
- Represented plaintiff in claim against a heat exchanger manufacturer and third-party inspection service. Client received a heat exchanger that contained manufacturing defects that were not discovered by the inspection service, resulting in a potentially serious chlorine leak. The case settled on the eve of trial for a confidential amount.
- Defended client, who manufactured two magnetic resonance imaging (MRI) machines, in a breach of contract/breach of warranty case filed against the manufacturer. Plaintiff alleged that the machines were defective and were improperly repaired under a written warranty. Plaintiff's original settlement demand was approximately $1 million. After discovery and a partial dispositive motion, settled the case for nuisance value.

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Experience

- National counsel for litigation involving client's wood treatment chemical. Defend cases nationwide, including in California, Florida, Hawaii, Illinois, Pennsylvania and South Carolina.
- Defended manufacturer of pool chemicals in arbitration in Circuit Court for Honolulu County, Hawaii; case settled for nuisance value at conclusion of arbitration.
- Obtained a $1.1 million trial judgment on behalf of an insurance company in a case involving a dispute over the deductibles applicable to a corporate insurance policy.
- Defense verdict in a product liability trial involving a refrigerator valve in Knox County, Tenn.
- Appeal victory in a product liability case involving a pool chemical in the Illinois Court of Appeals.
- Directed verdict during trial for a supermarket in a premises liability case in St. Louis, Mo.
- Directed verdict during trial for an insurance company in an insurance coverage lawsuit in U.S. District Court, Eastern District of Missouri.
- Secured summary judgment for an employer in a gender/pregnancy discrimination case filed in U.S. District Court, Eastern District of Tennessee.
- Obtained summary judgments in asbestos cases pending in Tennessee and Delaware.
- Obtained complete dismissal in a product liability lawsuit filed in U.S. District Court, Eastern District of Tennessee, concerning an allegedly defective robotic crane system installed in a large warehouse. The plaintiff suffered a severe crush injury and had more than $800,000 in medical bills.
- Secured summary judgment for a diversified global supplier of manufacturing technology in an asbestos product liability case filed in New York, N.Y.
- Obtained complete dismissal in a product liability lawsuit filed in Harris County, Texas, for a manufacturer of aerospace and industrial products. Plaintiff alleged that he suffered a chemical inhalation injury due to the failure of certain component parts of a compressor.

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Experience

- Obtained summary judgment in favor of a chlor alkali manufacturer in a premises liability case filed in Niagara County, New York. Plaintiff alleged that he suffered a brain injury when a piece of steel fell approximately 20 feet onto his head.
- Obtained summary judgment in favor of a chlor alkali manufacturer in a premises liability case filed in U.S. District Court, Western District of New York. Plaintiff alleged that he suffered multiple personal injuries when a large piece of equipment fell on him.
- Part of a team representing a chlor alkali manufacturer in numerous lawsuits filed as a result of a train derailment and chlorine release in Graniteville, S.C., in which nine people died and more than 5,000 people were evacuated. Was part of the “emergency response team” at its plant in Georgia and actively litigated several of the lawsuits as well. Manufacturer received summary judgment or was dismissed in each of the lawsuits filed.
- Represented a chlor alkali manufacturer in a product liability suit filed in Texas. Plaintiff alleged that client supplied defective chlorine that resulted in property damage to plaintiff’s plant and alleged more than $2 million in damages. The case settled for nuisance value on the eve of trial.
- Obtained summary judgment for an electronics and electrical engineering firm in a product liability suit filed in Mississippi. Plaintiff alleged that he suffered personal injuries when an electrical switch panel exploded.
- Obtained complete dismissal for an electronics and electrical engineering firm in a product liability suit filed in Mississippi. Plaintiff alleged that his house burned to the ground as a result of a defective breaker box.

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Experience

- Mark has participated in the following reported opinions:
    - *AutoZone Inc. v. BASF Construction Chemicals LLC*, 737 F. Supp. 2d 936 (W.D.Tenn. 2010)
    - *Esicorp Inc. v. Liberty Mutual Insurance Co.*, 266 F. 3d 859 (EighthCir. 2001)
    - *Chumney v. U.S. Repeating Arms Co. Inc.*, 196 F.R.D. 419 (M.D.Ala. 2000)
    - *Dubinsky v. United States Elevator Corp.*, 22 S.W. 3d 747 (Mo.Ct.App. 2000)
    - *McBud of Missouri Inc. v. Siemens Energy & Automation Inc.*, 68 F. Supp. 2d 1076 (E.D Mo. 1999)
    - *Thompson v. Gencare Health Systems Inc.*, 49 F. Supp. 2d 1145 (E.D.Mo. 1999)
    - *Jones v. Ryobi Ltd.*, 37 F. 3d 423 (EighthCir. 1994)
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Recognition

- *The Best Lawyers in America®*
    - Product Liability Litigation - Defendants, 2024-2027
- Martindale-Hubbell AV Preeminent

Education

- J.D., Washington University in St. Louis School of Law
    - *Journal of Urban and Contemporary Law*, Associate Editor
- B.S., University of Tennessee
    - with highest honors
    - Business Management

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Admissions

- Tennessee
- Illinois
- Missouri
- Georgia
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Eastern District of Tennessee
- U.S. District Court, Middle District of Tennessee
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit

Community Leadership

- Chattanooga Symphony & Opera, Board of Directors
- Signal Crest United Methodist Church, Church Council, Vice Chair

The Best Lawyers in America®

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