

## TOXIC TORT



When chemicals and industrial products manufactured, sold and distributed by our clients come under attack, the toxic tort lawyers at Husch Blackwell provide aggressive legal advocacy. Numerous Fortune 500 companies trust our experienced toxic tort attorneys to serve as national coordinating counsel and/or regional trial counsel. Our toxic tort lawyers work closely with a nationwide network of subject matter authorities, including immunologists, chemists, and industrial hygienists, to vigorously defend clients against individual and class action claims involving personal injury, property damage, and medical monitoring.

The toxic tort attorneys at Husch Blackwell skillfully navigate changing toxic tort laws, evolving science and plaintiff-friendly jurisdictions in achieving the best possible outcomes for our clients, as cost-effectively as possible. A secure, customized web portal enables efficient collection, management and dissemination of information used in clients' defense. The portal provides ready access to docket summaries, financial information, and work product.

**Husch Blackwell lawyers defend clients against toxic tort claims alleging exposure to:**

Acids

Alcohols

*The National Counsel program that Husch Blackwell has set up for our matters has taken many worries off of my mind. I never have to worry about a deadline, and I don't worry about fees. Especially with respect to my asbestos and other toxic tort cases, I cannot imagine going to anyone else.*

— Molly M. Jones,  
Senior Assistant  
General Counsel,  
Litigation, Bayer  
U.S. —

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Amines

Aniline

Asbestos

Benzene

Butadiene

Cutting oils

Perchlorate

Perfluoroalkyl and polyfluoroalkyl substances (PFAS)

Pesticides

Petroleum and petrochemicals

Plasticizers

Polychlorinated biphenyls (PCBs)

Polymers

Resins

Solvents such as mineral spirits, toluene and xylene

Talc

Vinyl chloride

## Representative Experience

Husch Blackwell's asbestos work for one large global producer of specialty chemicals started when we took over a very dangerous docket that was growing exponentially in terms of the number of cases and expense. Our team

implemented new defense strategies and fought off multiple attacks from plaintiffs' firms. As a result, our approach has worked to lower the number of active asbestos cases by over 75% and dramatically decrease the annual legal spend associated with this litigation by more than \$1 million.

Obtained a summary judgment in favor of a Fortune 500 client in a three plaintiff PCB case set for trial in July 2012. Plaintiffs alleged that they suffered from non-Hodgkin's Lymphoma as a result of PCBs in their blood which they ingested through the food chain. Client ceased manufacturing and selling PCBs nearly 40 years ago but plaintiffs claimed that client knew or should have known that PCBs would persist in the environment and would get into the food chain. We moved for summary judgment on the basis that our client had no duty to plaintiffs and their alleged injuries were not foreseeable. The PCBs entered the environment due to client's customers' (all sophisticated corporate users) use of PCBs in paint and other products and, among other things, from disposal of PCB-containing transformers and capacitors, acts over which client had no control. After months of consideration, the judge agreed that there was no duty and that to hold client responsible would render it an insurer of its product.

Obtained summary judgment in a suit brought by residents of a town in Minnesota who claimed personal injuries and property value diminution from exposures through groundwater contamination and air emissions from a former wood treatment plant.

Represented a Fortune 500 global provider of technology-based agricultural products and won entitlement to summary judgment in a dioxin exposure case. The decision found that summary judgment was appropriate in a case alleging that herbicides contaminated with dioxin cause injuries to the plaintiffs.

A laborer for a distributor alleged benzene exposure caused his chronic lymphocytic leukemia and relapsing polychondritis, an uncommon, chronic, multi-system disorder characterized by recurrent episodes of inflammation of cartilaginous tissues. Client was voluntarily dismissed after we attacked general causation and demonstrated a lack of significant benzene exposure.

Represented a corporate defendant in a case removed from Madison County, Illinois, to U.S. District Court, Southern District of Illinois, alleging that the plaintiff developed multiple sclerosis because of exposure to perchloroethylene dry-cleaning fluid. The federal court granted defense Daubert and summary judgment motions, concluding the litigation.

Served as counsel for 14 chemical company defendants included among 35 alleged co-conspirators in a toxic tort death case originally filed in Madison County, Illinois. We removed the case to federal court (notwithstanding the large number of co-defendants and fraudulent joinder issues), obtained transfer to the Central District of Illinois and obtained dismissal of the conspiracy count alleged in a 66 page, 150 paragraph complaint because of plaintiffs'

repeated failures to plead conspiracy to defraud with the particularity required by the Federal Rules of Civil Procedure.

Represented a Fortune 500 global provider of technology-based agricultural products when plaintiff alleged that her husband, a Ph.D. university professor, died of brain cancer due to workplace exposure to a chemical. Obtained defense verdict which was affirmed on appeal. The case avoided potential liabilities in excess of \$100 million, because plaintiffs' counsel withdrew from similar product liability cases comprised of 189 plaintiffs and those suits were dismissed for failure to prosecute.

Obtained a defense verdict for a Fortune 500 client in the first-ever PCB personal injury cases to be tried to verdict in Alabama. Three plaintiffs claimed that a myriad of diseases, including cardiovascular disease, neurodevelopment delays, and colon cancers and polyps were caused by plaintiffs' life-long exposure to PCBs emitted from client's Anniston, Alabama PCB manufacturing facility. A directed verdict was granted to client on that plaintiff's claims. In the end, the jury deliberated only over whether PCBs caused or contributed to a colon polyp removed from a 78-year-old woman.

Obtained dismissal without prejudice in a multi-plaintiff case alleging angiosarcoma as a result of exposure to vinyl chloride monomer.

Defended a Fortune 500 client when numerous townspeople of Cahokia, Illinois, alleged chemical contamination of their

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property from various carcinogenic chemicals from the overflow of a nearby creek. Plaintiffs alleged diminution of property values, personal injuries including leukemia, and fear of cancer. We successfully raised the government contractor defense and removed the case to federal court, and the case was voluntarily dismissed by plaintiffs.

Counseled chemical company in personal injury case seeking damages and medical monitoring for injury allegedly caused by exposure to a solvent, perchloroethylene. Obtained favorable Daubert ruling in the Southern District of Illinois barring the testimony of a neurologist and granting summary judgment for client.

Defended Fortune 100 company in a 300-plus plaintiff action alleging property damage and emotional distress from a mercury cell chlor-alkali plant, with a favorable settlement as the result.

Achieved dismissal of all claims of annoying odors and noises made against a plant in Alabama by 35 plaintiffs.