

Toxic Tort Litigation Practice

Successfully Navigating Complex Toxic Tort Cases



Aggressive opponents. Tough venues. Massive discovery. High stakes. For manufacturers facing toxic tort claims, the list of challenges is daunting. Our Toxic Tort Practice has the knowledge and record of success that manufacturers need to navigate their thorniest toxic tort disputes and bring about the best possible outcomes for their businesses.

We have a deep bench of first-chair trial lawyers, and our willingness to go to trial brings strategic focus to the way we litigate; we are the kind of people you want as the “face of the company.” Our trial lawyers are backed by strong special teams to address science and discovery issues. They have a deep understanding of the science behind the products and industries and how to present technical information in a comprehensible way to juries, judges and, if necessary, the public. Our team has successfully faced many of the familiar plaintiffs’ experts in toxic tort cases and has extensive knowledge of frequently asserted diseases. With partners skilled at managing large dockets, a team of nearly 100 lawyers in offices across the U.S. handling toxic tort cases, and a dedicated team and off-site facility to handle complex discovery, we successfully and cost-effectively guide our clients through their most complicated cases from pretrial to trial and appeals.

Recognitions and Accolades

Our practice has received numerous accolades from industry and media groups. Most recently:

- Law360 selected King & Spalding as a “Product Liability Practice Group of the Year” in 2012 and 2014; an “Environmental Litigation Practice Group of the Year” in 2013; and a “Class Action Practice Group of the Year” in 2011 and 2013.
- *The American Lawyer* recognized King & Spalding as having one of the top three product liability practices in the United States. The publication cited the firm as one “that companies call on to handle the most delicate matters and navigate the toughest jurisdictions.”
- *The Legal 500* recognized three sections of our Tort Litigation & Environmental team (toxic tort, pharmaceuticals and consumer products, and automotive/transport) as among the best in the U.S. The publication also recognized several members of our team as top lawyers in our area.
- *Benchmark* named the firm’s product liability practice as the “Product Liability Firm of the Year” in a 14-state southern region.
- In *The Best Lawyers Guide* for 2013, King & Spalding lawyers earned 232 listings.

Ranked among the
“most decorated
law firms” in *The
American Lawyer
Litigation Power
Rankings*

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Complex Cases in Difficult Venues

King & Spalding's lawyers have tried cases in the most challenging venues in the United States, including California, Illinois, Louisiana, Texas and West Virginia. They defend individual claims, class actions, mass joinders and multi-district litigation brought by workers, property owners, riparian owners, members of the public and product end users.

In the past five years, the firm has defeated more than 16 class actions, resolved large dockets of tort cases and tried multiple cases to defense verdicts. The following are examples of recent cases:

- Represent **Halliburton Energy Services, Inc.**, in a putative class action and 14 separate mass joinder and individual lawsuits pending in federal court in Oklahoma. Plaintiffs asserted claims for personal injuries, property damage, medical monitoring and remediation due to groundwater contamination. The firm obtained early dismissals of plaintiffs' medical monitoring and RCRA claims.
- After a four-month trial, obtained a complete defense verdict on behalf of **The Dow Chemical Company** in San Francisco Superior Court. Plaintiffs alleged that exposure to 1,2,3-trichloropropane and 1,2-dichloropropene in soil fumigants had caused a cluster of sarcoidosis cases and a wrongful death from testicular cancer.
- Obtained a complete defense verdict for **Shell Oil Company** in litigation alleging that the city of Redlands' drinking water had been contaminated with 1,2,3-trichloropropane. The city had sought \$46 million in damages.
- Represented **Lincoln Electric Co.** and other manufacturers or distributors of welding products in trials involving allegations that the plaintiffs were harmed by inhaling manganese particles in welding fumes. Tried several cases to complete defense verdicts.
- Represent **The Dow Chemical Company** as national counsel for chlorinated products litigation. In that role we have represented Dow in numerous claims by municipalities, redevelopment agencies and water purveyors claiming contamination of sites and groundwater by perchloroethylene ("PCE"), trichloroethylene ("TCE") and related compounds.
- Represent **Beazer Homes USA, Inc.**, as national coordinating counsel in the Chinese Drywall Litigation.
- Represent **Chevron U.S.A.** in securing dismissal of a putative class action in which plaintiffs sought to hold Chevron and other oil and gas companies liable for personal and property damages caused by Hurricanes Katrina and Rita.
- Represented **Union Carbide Corporation** as national coordinating counsel in individual and class action litigation in 19 states involving tort, fraud and conspiracy claims arising from alleged exposure to vinyl chloride.
- Have served as national coordinating counsel, regional counsel and local trial counsel for numerous clients facing the never-ending challenge of asbestos litigation. Our representative clients include **General Motors, Ford, Honeywell, Chevron, American Cyanamid Company, Fiberite, Hewlett-Packard, National Service Industries and AkzoNobel**. For a large paper and building products company, we serve as national counsel on asbestos expert discovery issues, including taking the lead in briefing and argument on Daubert and Frye issues in asbestos cases across the country.

Representative Industries

King & Spalding lawyers have served as toxic tort counsel for a broad range of industries:

- Chemical
- Pharmaceutical
- Pulp and paper
- Agricultural
- Asbestos
- Automotive
- Petroleum
- Quarrying and mining
- Telecommunications
- Miscellaneous manufacturing
- Hazardous waste disposal
- Welding
- Waste treatment
- Food