

# Automotive and Transportation Practice Overview



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King & Spalding has a strong track record and fifty years of experience defending automotive manufacturers and transportation companies in product liability litigation and other types of wrongful death and catastrophic injury cases. We have a deep bench of first-chair trial lawyers with particular expertise in trying cases for automotive manufacturers, motor carriers, and other transportation companies. We also represent these clients in class actions, in front of governmental entities, and in managing their nationwide discovery and document productions in a variety of matters, including government investigations, multi-district litigation, class actions, and individual lawsuits. In recent years, King & Spalding has bolstered its capacity to represent automotive and transportation companies by adding lawyers who have held senior positions in the National Highway Traffic Safety Administration, the Environmental Protection Agency, the Federal Trade Commission, the Securities and Exchange Commission, and the Department of Justice.

Over the years, the firm has served as state, regional or national counsel for **General Motors, Toyota, Nissan, and Kia** in litigation programs involving a broad range of automotive product liability claims. Other automotive manufacturer clients represented by King & Spalding over the years include **Mercedes-Benz, Porsche, Ford, Mazda, Volkswagen, Subaru, Suzuki, Honda, Isuzu, Hyundai, CAMI Automotive Inc., General Motors of Canada, Freightliner, Navistar (International Harvester), and Nissan Diesel**. King & Spalding has also represented a number of automotive components part manufacturers (e.g., **Takata, Delphi, Bendix, Bosche, Denso, and Fujikura**) in cases involving allegations that a specific vehicle component was defectively designed or manufactured. Additional clients in the transportation sector include the **world's largest shipping and logistics company** and transportation companies, **Allied Holdings, Freightliner, Wabash and Stoughton Trailers**.

### *Complex Civil Litigation*

King & Spalding has decades of experience representing automotive companies in complex product liability and class action litigation, and our team consists of a deep bench of first-chair trial lawyers. King & Spalding was named a Tier 1 firm for Product Liability and Mass Tort Defense by *Legal 500 US* in 2015 and 2016, has been recognized by *Law360* as “Product Liability Practice Group of the Year” for the past five consecutive years, and has twice received the *Law360* “Class Action Group of the Year” Award.

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King & Spalding ranked in Tier 1 in the 2017 *Legal 500 Transport: Rail and Road* category.

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*Law360* named King & Spalding “Product Liability Group of the Year” in 2013, 2014, 2015, 2016, and 2017.

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Jackie Glassman, former Acting Administrator and Chief Counsel of NHTSA, has been recognized as a Band 1 “Leading Individual” in Transportation: Road (Carriage & Commercial) by *Chambers USA* since 2009.



*Law360* named King & Spalding “White Collar Defense Practice Group of the Year” in 2010 and 2016.

*U.S. News & World Report* selected King & Spalding as “Law Firm of the Year” for Mass Tort Litigation/Class Actions in both 2015 and 2017.

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In the automotive area, King & Spalding lawyers have:

- tried dozens of product liability cases;
- defended attacks on virtually every aspect of automotive design, including air bags, axles, brake systems, back-up cameras, cargo retention, door latches, fuel systems, ignition switches, general and structural crashworthiness, handling and stability, unintended vehicle acceleration, inadvertent vehicle rollaway, mold, occupant compartment materials, rollovers, roof crush, seats and seat backs, seat belts, sunroofs, t-tops, tie rods, tire jacks, transmissions, trunk systems, wheels, and window glazing;
- successfully defended class actions;
- overturned eight- and nine-figure verdicts and punitive damages awards on appeal in multiple courts;
- argued cases in state and federal appellate courts on significant issues for the automotive industry, including preemption, jurisdictional and venue disputes, attempts to bring claims against corporate officers and directors in automotive products cases, efforts to exclude expert witnesses and testimony on *Daubert* grounds, efforts to obtain privileged documents, and attempts to obtain discovery from turncoat former employees;
- challenged and fought government-initiated recalls in court;
- represented clients in congressional hearings;
- appeared as company spokespersons on national news shows to defend products under attack in courtrooms and by the media;
- served as regional and national counsel in specialty litigation areas;
- fought against and, when necessary, defended the depositions of top corporate executives, including CEOs and board chairs;
- produced white papers; and
- conducted in-house seminars for lawyers and engineers.

This broad range of experience helps explain why King & Spalding lawyers have consistently served as counsel in the most significant matters involving the automotive industry over the last fifty years—from the fallout and controversy surrounding the Chevrolet Corvair following Ralph Nader’s publishing of *Unsafe at Any Speed* in 1965 right up through more recent congressional investigations and other proceedings involving Takata airbags, emission control devices, ignition switches, and claims on unintended acceleration.

For our transportation (shipping) clients, we have:

- tried multiple jury trials to verdict in catastrophic injury and wrongful death cases asserting claims of negligent training and supervision;
- secured the dismissal of a punitive damages claim based on “culture of speed allegations”;
- defeated punitive damages claims involving older equipment after a company’s decision to equip its entire domestic fleet of vehicles with new safety equipment or technology;
- successfully argued in multiple courts that internal investigations conducted about underlying accidents are privileged and not subject to discovery;
- secured reductions in fines and penalties for a client alleged to have violated federal regulations after audits conducted by federal regulators; and
- assisted a client in pursuing remedial actions against a component supplier for part failures.

With our “Immediate Response Team” in place to provide on-call assistance, King & Spalding is available to its transportation clients from the moment an accident occurs, during any resulting Department of Transportation investigation, and through any subsequent personal injury litigation. The firm also provides those clients with legislative and government investigation advice and works with them to analyze existing systems and recommend changes to reduce the number and consequences of future accidents.