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📍 Chicago

## PRACTICES

Product Liability

Class Action Litigation

Toxic Tort

Transportation

Construction Litigation and  
Counsel

Asbestos

## INDUSTRIES

Food and Beverage

Manufacturing

Construction

Energy and Utilities

Transportation

## James W. Ozog

PARTNER

### EXPERIENCE

Jim Ozog has more than four decades of experience in product-liability defense and commercial litigation. He has achieved national recognition for his litigation experience, which includes handling cases in 28 states and trying product liability cases to verdict in nine states. Jim serves as national product-liability defense counsel for a number of national and international manufacturers in fire, explosion, and catastrophic burn cases, and he defends several food and beverage manufacturers. He also has significant experience defending toxic tort cases, including those involving exposure to asbestos, silicosis, welding fumes, and benzene. He also represents the transportation industry and affiliated insurance carriers as well as vehicle/component part manufacturers in catastrophic accidents and product liability cases.

### EXPERIENCE HIGHLIGHTS

#### Product Liability

- Successful defense of a compressed-valve manufacturer in an explosion and rupture of a gas cylinder containing nitrous oxide resulting in a death and multiple catastrophic injuries
- Successful defense of transporters and vehicle-/component-part manufacturers in cases involving tires/wheels, tread separations, truck brakes, cruise controls, seat belts, commercial drivers' seats, and alleged unintended acceleration
- Obtaining summary judgment in favor of a gas-valve component manufacturer by convincing a Pennsylvania court to apply Texas law in a personal-injury case involving an explosion at a youth festival that resulted in severe burns to four minors
- Winning summary judgment dismissal through Daubert exclusions of expert testimony in fire and trucking product liability cases, including wrongful death and property damage claims in the case of *Presley v. Lakewood Co.* 702 F3d 450 (8th Cir. 2012), recently cited and relied upon in the 2014 edition of the *Federal Evidence Manual*
- Establishing that summary dismissal was a correct sanction for a plaintiff's spoliation of evidence in a products case
- Recent product liability trial defense of a space-heater manufacturer in a Cook County trailer fire case involving four deaths and two personal injuries, a case that successfully resolved at the conclusion of trial through a high/low agreement
- Winning summary judgment and Daubert exclusion of plaintiffs' experts in a \$2 million-plus Arkansas consolidated property loss/fire case involving the destruction of a theater and other businesses in a downtown historic district

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#### Class Action Litigation

- Defending an international appliance manufacturer in a nationwide alleged breach-of-warranty case
  - Successfully defending a nationwide consumer class action over a recalled children's toy, a Seventh Circuit decision that set favorable precedent for cases involving defective products
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## Construction

- Prevailing on a motion for summary judgment in the defense of a design engineer against the owner and subrogating property insurance carriers in an \$87 million casino-complex fire based upon the enforcement of waiver of subrogation provisions in the project construction contracts
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## Food and Beverage

- Food-poisoning defense for two major national retailers in a number of cases related to freshness issues
  - Leader of the multi-state (Illinois, Indiana, and Iowa) defense team defending a food company in Salmonella milk poisoning cases that, at the time, were the largest food poisoning outbreaks in the U.S.
  - Defense of all Illinois cases as regional defense counsel regarding multidistrict litigation concerning a dietary supplement
  - Successfully defending a retailer in civil and wrongful-death litigation arising from the 1982 Tylenol murders
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## Toxic Tort

- Defense of benzene, welding fume, and gadolinium-exposure cases
- Acting as regional defense counsel for a chemical-manufacturing company in the defense of plant worker asbestos cases

## HONORS & AWARDS

- Martindale-Hubbell Peer Review Rating: AV Preeminent
- Illinois *Super Lawyers*: Product Liability Defense, 2015–26
- Illinois Leading Lawyers, 2012–25
  - Products Liability Defense Law
  - Toxic Torts Defense Law
  - Commercial Litigation

## BACKGROUND

### ADMISSIONS

- Illinois
  - U.S. District Courts for the Northern, Central, and Southern Districts of Illinois
  - U.S. District Court for the Western District of Michigan
  - U.S. District Court for the Western District of Texas
  - U.S. Courts of Appeals for the Seventh and Eighth Circuits
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### EDUCATION

- Washington University, J.D., 1977
  - Northwestern University, B.S., 1974
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## PROFESSIONAL AFFILIATIONS

- American Bar Association
  - Illinois State Bar Association
  - Illinois Association of Defense Trial Counsel
  - Defense Research Institute, Consumer Products Specialized Litigation: Former Chair
  - Propane Gas Defense Association
  - Claims and Litigation Management Alliance
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## COMMUNITY INVOLVEMENT

- Western Golf Association, Evans Scholars Foundation: Director
- Old St. Patrick's Church Choir: singer and volunteer
- Evans Scholars Alumni Association and Bar Association
- Village of Glen Ellyn Plan Commission: member
- Illinois State Bar Association Task Force on Law School Curriculum

## PUBLICATIONS & EVENTS

### PUBLICATIONS

- Quoted in *Law360*: “[Ill. Attys See Injury Award Interest Bill As Boon And Burden,](#)” January 27, 2020
- Co-Author, “[The Eroding Distinction Between Strict Liability and Negligence in Illinois Product Liability Cases,](#)” *IDC Quarterly*, June 2017
- Co-Author, “[The Distributor’s Statute: Proof Necessary to Reinstate Product Liability Claim,](#)” *Illinois Association of Defense Counsel Quarterly*, Vol. 25, No. 2, Second Quarter 2015
- Co-Author, “[The Role of Medical Examiners and Forensic Pathologists in the Defense of Wrongful Death Cases,](#)” *The Voice*, Defense Research Institute, July 16, 2014
- Author, “The Admissibility of CPSC Publications in Product Liability Trials,” *DRI’s The Voice*, Vol. 6, No. 24, 2007
- Author, “Asbestos Revisited,” *IDC Quarterly*, Vol. 16, No. 4, 2006
- Author, “Passive Spoliation and the Plaintiff’s Duty to Preserve Evidence: *Kaybylis v. Ford Motor Company*,” *IDC Quarterly*, Vol. 13, No. 3, 2003
- Author, “Investigating and Defending Claims of Electrical Shock,” *IDC Quarterly*, Vol. 13, No. 2, 2003
- Author, “Public Nuisance and Product Liability,” *IDC Quarterly*, Vol. 13, No. 1, 2003
- Author, “Debunking Extrapolation Post-Donaldson,” *IDC Quarterly*, Vol. 12, No. 4, 2002
- Author, “Open and Obvious Dangers in Strict Liability,” *IDC Quarterly*, Vol. 12, No. 3, 2002
- Author, “Gatekeeping in Design Defect Cases,” *IDC Quarterly*, Vol. 12, No. 2, 2002
- Author, “Court Rejects IPI 400.07 in Design Defect Cases,” *IDC Quarterly*, Vol. 12, No. 1, 2002
- Author, “First District Limits Application of Learned Intermediary Defense in Medical Device Cases,” *IDC Quarterly*, Vol. 11, No. 4, 2001
- Author, “NFPA 921 and the Defense of Product Liability Cases,” *IDC Quarterly*, Vol. 11, No. 3, 2001
- Author, “Second District Rejects Post-Sale Duty to Warn,” *IDC Quarterly*, Vol. 11, No. 2, 2001

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- Author, “Amended Federal Rules of Evidence Tighten Restrictions on the Admissibility of Lay and Expert Opinion Evidence,” IDC Quarterly, Vol. 11, No. 1, 2001
  - Author, “Defending Product Liability Cases in Illinois After the Best Decision,” IDC Quarterly, Vol. 8, No. 4, 1998
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## PRESENTATIONS

- Presenter, “The Evolving Field of Concussion Litigation and the Impact on Consumer Product Litigation — Manufacturers and Insurers Beware,” American Conference Institute Consumer Products Regulation and Litigation Conference, Chicago, June 12, 2014
  - Presenter, “The Defense Attorney at the Fire/Explosion Scene,” Propane Gas Defense Association, April 2013
  - Presenter, “Presenting Expert Opinions in Court: Educating Average Jurors,” Chicago Bar Association, June 2011
  - Presenter, “Don’t Cross Me — Successful Techniques and Considerations for Deposing Plaintiff’s Experts in Fire/Explosion Cases,” DRI Fire and Casualty Seminar, November 2010
  - Presenter, “NFPA 921 in the Courts: Extinguishing Evidentiary Challenges With NFPA 921,” National Fire Prevention Association National Conference, Chicago, 2009
  - Presenter, “Evidence Spoliation Issues in Propane Fire/Explosion Cases,” Propane Gas Defense Association, April 2009
  - Presenter, “Ethical Issues That Arise Between National and Local Counsel,” DRI’s Product Liability Conference, February 2008
  - Presenter, “The Admissibility of Expert/Opinion Testimony of Investigating Public Authorities in Fire/Explosion Cases,” DRI Fire and Casualty Seminar, November 2006
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## WEBINARS

- Co-Presenter, “Consumer Product Safety Commission Update: What Manufacturers and Sellers Need to Know,” GS Product Liability Webinar, November 6, 2019
- Co-Presenter, “The Attorney at the Scene Exam,” GS Product Liability Webinar, February 6, 2019