



PRACTICE GROUP CHAIRS

David J. O'Connell
Direct — 312.572.8405
doconnell@goldbergsegalla.com

www.GoldbergSegalla.com

Attorney Advertising
©2018 Goldberg Segalla

PRODUCT LIABILITY

Goldberg Segalla is recognized as a leader in product liability litigation and risk avoidance. Our product liability attorneys work together as a single integrated team, with the sole purpose of helping our clients win or avoid product liability disputes. These lawyers:

Have tried product liability cases on behalf of *Fortune* 500 companies throughout the United States and FTSE 100 in the United Kingdom

Include a Certified Fire and Explosion Investigator (CFEI), providing Goldberg Segalla clients the competitive advantage of having on their side fire investigation credentials that often match or exceed those of opposing expert witnesses

Have authored one of the leading treatises on product liability law

Are contributing authors to other reference texts

Have published dozens of articles in the journals of various international bar associations, addressing cutting-edge issues affecting product manufacturers

Are influential leaders in bar and professional associations, helping to shape emerging issues important to our clients' business operations

Include current and past leaders of a multitude of state and national bar associations, including the Defense Research Institute, Product Liability Advisory Council, International Association of Trial Lawyers, Lawyers for Civil Justice, and Federation of Defense and Corporate Counsel

At Goldberg Segalla, we are proud to serve as counsel to product manufacturers and retailers with respect to product liability claims and risk avoidance. Our clients include some of the best-known international manufacturers and retailers of a wide variety of products, including:

- Airplanes
- All-terrain vehicles
- Automobiles
- Boats
- Buses
- Chemical products
- Consumer products
- Electrical products
- Fire and fire sprinkler products
- Heavy trucks
- Helmets
- Household appliances, electronics, and power tools
- Industrial machinery
- Ladders
- Medical devices
- Motorcycles
- Personal watercraft vehicles
- Pharmaceutical products
- Sports and recreational products

EXCEEDING OUR CLIENTS' EXPECTATIONS

We are committed to providing top-quality legal services in the most efficient manner possible. We understand that our clients often manage litigation at an international level, and must do so in a consistent and efficient manner. We therefore strictly comply with our clients' case handling and reporting guidelines, so that we may meet and exceed our clients' needs and expectations.

A TRACK RECORD OF PROVEN SUCCESS

The first concern of any new client is whether their prospective attorneys have the ability to try and win their case. The attorneys at Goldberg Segalla have tried—and won—product liability cases around the country for Fortune 500 clients. These cases have involved catastrophic personal injuries, wrongful death, multimillion-dollar property losses and environmental damage.

Our product liability team in the U.S. is supported by a nationally recognized appellate practice, which features former Court of Appeals and Appellate Division staff attorneys. Our firm has been involved in myriad published opinions, including numerous cases that have helped shape product liability law.

RISK AVOIDANCE COUNSELING

We understand that avoiding a lawsuit is more important — and more cost-effective — than winning one. As a result, we often help clients with risk avoidance, including:

- Minimizing and managing risks associated with designing, manufacturing, and selling products
- Appreciating the scope and application of industry and governmental standards
- Assisting in the preparation of appropriate owners' manuals, warnings, and instructions regarding the proper use — and dangers of misuse — of products

Our lawyers have assisted in developing hundreds of manuals for a wide array of industrial and commercial goods. Our involvement in the development of these materials is based on our vast experience in, and knowledge of, the multitude of ways in which plaintiffs have exposed shortcomings of less carefully drafted manuals, and the manner in which they will pursue "failure to warn" claims.

Given today's litigation climate, it is also essential that manufacturers implement a document retention policy in order to provide for the preservation and proper destruction of corporate documents in conformity with federal and various states' laws. Such policies must account for electronic documents that may be stored on all computers company-wide. While this is a daunting task, our lawyers have the requisite experience to guide our clients through this potential minefield.

Goldberg Segalla is also committed to working for judicial and tort reform. We actively and proudly encourage these efforts through our support of, and membership in, organizations such as Lawyers for Civil Justice and the Defense Research Institute. Our lawyers also prepare and submit amicus briefs on behalf of the Product Liability Advisory Counsel.

PRODUCT RECALLS AND REPORTING

We take pride in our creative resolutions and productive working relationships with governmental agencies. We have represented product manufacturers in matters before numerous regulatory agencies

and organizations, including the:

Consumer Product Safety Commission (CPSC)

National Highway Traffic Safety Administration (NHTSA)

United States Coast Guard (USCG)

Goldberg Segalla offers attorneys with experience in regulatory law and product recalls. Time is of the essence in such matters and we are ready to immediately address the needs of our clients.

AUTOMOTIVE PRODUCTS LIABILITY

Automotive products liability cases require complex, specialized investigations and the ability to manage extensive document and deposition discovery. Goldberg Segalla attorneys have broad experience in these matters. Our attorneys have defended manufacturers and component suppliers of automobiles, heavy trucks, buses, motorcycles, ATVs and recreational vehicles in lawsuits involving allegations of design and manufacturing defects, inadequate warnings, breach of warranty, and consumer fraud.

Such cases often involve sophisticated engineering and medical issues. We have the experience to effectively address those issues and to present them in a manner that a jury can understand. We have litigated cases involving all aspects of automotive design. We have served as national counsel to automotive manufacturers on such issues as sudden acceleration, inadvertent movement, and vehicle fires. And we have tried to verdict cases involving defect allegations related to fuel systems, stability and handling, roof structures, cruise control systems, transmissions, starter and shift interlocks, seats, brakes, seatbelts, and airbags. It is our practice to keep informed of technical developments in the industry and we use our experience gained through litigation to efficiently and effectively represent our clients.

CATASTROPHIC PERSONAL INJURY

Our experienced lawyers assist clients in some of the highest-stakes personal injury litigation: the defense of catastrophic injury claims. We regularly work with the best available experts in such fields as accident reconstruction, biomechanics, human factors, fire cause and origin, statistics, medicine, vocational rehabilitation and economics in order to build the strongest possible defense. Our lawyers are versatile and have a vast experience with jury trials in the U.S. and how best to defend cases in the U.K. courts. We have also employed successful counterstrategies to the increasingly aggressive discovery/disclosure tactics employed by the plaintiff's bar. Based on our proven track record of success, our experienced trial attorneys have been called upon by both self-insured companies and insurers to defend catastrophic personal injury cases throughout the United States and the United Kingdom.

CONSUMER PRODUCTS

Goldberg Segalla represents major manufacturers of consumer and household products in national, regional and local litigation, as well as in regulatory and risk prevention forums. We are proud to serve as national counsel for manufacturers of appliances, fans and heaters, electronic devices, and children's products. We are regularly called upon by our clients who manufacture consumer products, including children's products and other household products that could potentially cause injury to children, to assist them in presenting their position to the CPSC and Health Canada regarding proposed new regulations and requirements, individually and through industry trade organizations.

Our experience includes:

- Representing our clients before the Consumer Product Safety Commission (CPSC)
- Handling all aspects of reporting and compliance related to product recalls
- Successfully bringing Daubert challenges against opposing experts in many jurisdictions
- Defending our clients in litigation in the most dangerous jurisdictions in the country
- Handling litigation in most of the continental United States
- Counseling our clients on litigation risks and regulatory compliance in Canada, Europe and Asia
- Publishing and presenting on these issues to national product liability audiences

By developing an understanding of the design and function of our clients' products, our goal is to face down opposing experts, undermine their methodology, and achieve successful outcomes.

FIRE LITIGATION

Goldberg Segalla serves as national and coordinating counsel for both closely held and Fortune 500 companies whose products have been accused of causing fires. We represent insureds and insurers in fire litigation throughout the United States, including cases involving:

- Large loss subrogation defense
- Arson
- Catastrophic burn injury
- Death actions

Our nationally recognized team of trial lawyers is experienced in the defense of all types of litigation involving and arising out of fire. We have considerable knowledge regarding the investigation of fire claims, having accompanied experts to hundreds of fire scene investigations and product inspections. In fact, a member of our Product Liability Practice Group is a Certified Fire and Explosion Investigator (CFEI) — which provides Goldberg Segalla clients the competitive advantage of having on their side fire investigation credentials that often match or exceed those of opposing expert witnesses. Our hands-on approach includes:

- Crawling around and getting our hands dirty at fire scenes whenever possible, so that we are better able to fully and knowledgeably address nearly any detail in the case
- Getting deeply involved with our clients' products so that we have a thorough understanding of product design and function, together with the underlying scientific principals necessary to debunk the "experts" offered by our adversaries
- Maintaining close contact with some of the best defense experts around the country, and teaming our clients with experts who adhere to scientific principles and methodologies
- Confronting so-called "experts" who have less familiarity with our clients' products than we do; at Goldberg Segalla, we are proud to have contributed to numerous publications addressing fire litigation and the exclusion of "junk science" experts

The attorneys at Goldberg Segalla have also served on numerous national committees and organizations dedicated to the defense of fire litigation. They have chaired the Defense Research Institute's Product Liability Committee, its Fire and Casualty Specialized Litigation Group and its Children's Products Specialized Litigation Group, and have also chaired and lectured at the annual

seminars of this organization.

Visit our [Trial by Fire blog](#) for the latest defense strategies and other developments impacting fire science litigation.

INDUSTRIAL PRODUCTS

The attorneys at Goldberg Segalla have broad experience and proven success in defending manufacturers of materials handling products, hauling and loading equipment, cranes, heavy-duty vehicles, industrial/manufacturing machinery, wood-working machinery, and steel processing equipment. In fact, we have represented clients around the country in actions alleging defects in lift trucks, haulers, loaders, conveyors and molding machinery, as well as other related products. Our team has also:

- Achieved reported successes including affirmed summary judgment decisions for several manufacturers in the materials handling and industrial equipment fields

- Worked with some of the nation's leading experts in mechanical, electrical and chemical engineering

- Deposed and disqualified many experts offered by plaintiffs

- Published and presented on these issues to national product liability audiences

With our experience in developing product warnings and information, we believe that our attorneys are uniquely qualified to work with leading human factors experts on issues ranging from product literature and warnings to guarding and audible/visual alarms. We have also developed significant familiarity with the standards that apply to the products we defend, working with in-house engineers to learn more about the design and engineering aspects of each product.

SPORTS AND RECREATIONAL PRODUCTS

Our lawyers have a long history in representing designers, manufacturers, distributors, and retailers of sporting goods and other recreational products, from the conception of the product through the investigation of an accident to final judgment. Our experience includes providing advice and counsel with respect to:

- Liability risks

- Contractual warranty and indemnity issues

- Insurance

- Other issues related to product safety

We recognize that the defense of a sports and recreational product claim frequently turns on establishing the extent of misuse and abuse of the product at issue. We are experienced in working with experts in different disciplines, including accident reconstructionists, biomechanical engineers, metallurgists, helmet experts, design experts, and neurologists/neurosurgeons. As a result, we can quickly assemble a formidable team to refute a plaintiff's claims of defect and causation.

Our attorneys are also influential in the sporting goods industry. For example, Goldberg Segalla was instrumental in the genesis of the ASTM's efforts to develop standards governing the bicycling industry. We assisted in the pooling of the resources and influences of various companies, and approached the ASTM to develop a standard that could provide the bicycling industry with constancy and uniformity. The result was ASTM subcommittee F08.10, which continues its efforts to develop the necessary standards. We are also active in industry trade groups such as Sporting Goods Manufacturers Association, and our

attorneys have served as members of the SGMA's Legal Task Force.

Of course, our clients also have access to the attorneys in our renowned Global Risk Management practice group, who can help them proactively confront issues that could impact their long-term business objectives.

MANUFACTURING

Goldberg Segalla has long served as a trusted advisor and steadfast protector of the manufacturing industry. Whether seeking proactive counsel to avoid disputes or facing a bet-the-company lawsuit that puts everything on the line, manufacturers count on us because we are driven by the same commitments to quality, thoroughness, and efficiency upon which the manufacturing community is proudly built.

Fueled by these values, our lawyers have handled thousands of complex and high-value matters for clients that range from global enterprises and *Fortune* 500 companies to start-ups and emerging leaders. Drawing from our team's vast collective experience representing manufacturers, coupled with the in-house, industry, and technical experience of several members, we speak the language of manufacturing and understand the operations, philosophies, and goals behind every engagement.

Our Services

We help manufacturers, distributors, and others in the production and supply chain protect their interests — and their bottom lines — with a truly comprehensive suite of litigation and counseling services.

Product Liability — *Law360* ranks Goldberg Segalla on its list of the 100 U.S.-based firms with the most product liability partners globally. Our roster includes some of the foremost practitioners in product liability defense in the United States, including:

- Two of the youngest members ever inducted into the American College of Trial Lawyers
- Recipient of the New Jersey State Bar Association's Dreier Award for Excellence in Product Liability Law
- Past president of the Defense Research Institute
- Certified Fire and Explosion Investigator
- Authors and editors of numerous journal articles and volumes, including the *Products Liability in New York: Strategies and Practice* treatise

We have successfully defended high-exposure product liability actions — including those involving catastrophic injuries and death — brought against the makers of products including but not limited to:

- Cars and trucks
- Appliances
- Toys and children's products
- Clothing
- Heavy machinery
- Sporting goods
- Power tools

Food and beverages
Chemicals
Medical devices and pharmaceuticals

Toxic Tort — We have a long history of aggressively defending the interests of high-profile clients and trying toxic tort cases to verdict. Market-leading companies from a vast array of industries trust Goldberg Segalla to handle their toxic tort litigation and to provide preventive counsel to help minimize the risk of a lawsuit.

Our toxic tort team is more than 50 lawyers strong and has handled the defense of thousands of claims involving alleged exposure to:

Asbestos
Lead
Legionella bacteria
Talc
Mold
Benzene
Zinc
Foodborne bacteria
Pesticides
Discetyl
Silica
Thimerosal

— as well as cases involving environmental contamination and indoor air quality issues. We regularly defend equipment manufacturers, including makers of pumps, valves, brakes, boilers, electrical products, and aviation-related products; building product manufacturers and sellers, including manufacturers and distributors of insulation, joint compound, gaskets, and furnace cement; and residential product manufacturers, including manufacturers of washing machines and dryers, residential irons, and hair dryers and curlers.

Class Action Defense — We have decades of experience defending complex class action and consumer fraud litigation involving product manufacturers and distributors. This includes handling national and state class actions for clients that include two of the world's largest makers of toys and children's products, one of the most prominent women's clothing companies, and a market-leading herbicide manufacturer. One of our partners currently focuses his practice on the cutting-edge area of data breach class action defense and incident response litigation.

Our firm is also home to one of the leading authorities on electronic discovery. This gives our clients a stronger and more efficient defense against plaintiffs' class action lawyers who attempt to use discovery of vast amounts of electronic records in an effort to pester defendants and drive up litigation costs.

Risk Avoidance — We understand that avoiding a lawsuit is more important than winning one. Clients frequently turn to us for proactive help minimizing and managing the risks associated with designing, manufacturing, and selling products. We regularly advise on the scope and application of industry and governmental standards, and we guide clients through preparing appropriate owners' manuals,

warnings, and instructions regarding the proper use — and dangers of misuse — of products. We also help manufacturers implement practical and effective document management policies, a risk avoidance component that is essential in today's trigger-happy litigation climate.

Transportation and Logistics — Goldberg Segalla provides comprehensive transportation litigation services and counsel to help insured and self-insured manufacturers reduce risk and minimize exposure or the interruption of business in the event of an accident.

Leading manufacturers and transportation providers regularly retain our attorneys to try their most serious cases, based on our extensive experience handling multimillion-dollar traumatic injury matters involving virtually all aspects of vehicle design as well as road design and other defense-critical issues. We maintain a 24/7 Emergency Response Team to manage the initial response to an accident, when every second is critical for building the foundation of a stronger defense. Whether the matter involves delivery cars, long-haul tractor-trailers, rail cars, or aircraft — and no matter where it occurs — our team is ready and equipped to protect the company.

To every transportation-related matter we bring an exceptional understanding of the myriad issues involved, including the relationship of the parties involved, contractual relationships, additional insured status of various parties, property damage, underinsured motorist coverage, excess/primary insurance obligations, permissive use, and scope of employment.

In addition, manufacturers often turn to us for matters involving the business and commercial aspects of developing and maintaining their distribution networks and contractual relationships with other companies. Whether in an advisory role or as litigation counsel, we help manufacturers keep their products moving to their destinations.

Insurance and Risk Management — With one of the most highly acclaimed insurance coverage teams in the world, we help manufacturers analyze and implement insurance policies and other business relationships aimed toward building a seamless and comprehensive blanket of risk protection. Our team has extensive experience assisting policyholders and self-insured entities in analyzing risks and exposures and assisting with the procurement and placement of insurance coverage, with recommendations tailored for their specific needs and rooted in our understanding of manufacturing operations.

Employment and Labor — Manufacturing businesses are major employers that rely upon a broad range of professionals and employee types to succeed. To address these needs, we provide comprehensive employment and labor services to manufacturers, including day-to-day human resources counseling and representation in matters involving:

- Discrimination
- Retaliation
- Harassment
- Whistleblowing
- Family leave
- The Americans With Disabilities Act as amended
- Public accommodations
- Labor law and union avoidance

Workers' compensation
Wage and hour audits
Professional misconduct reviews
Employment agreements
Restrictive covenants

Our team also provides staunch advocacy in litigation, arbitration, and National Labor Relations Board and other administrative proceedings.

Workers' Compensation — Every day, we successfully represent clients from numerous industries in workers' compensation litigation. Our team is well-versed in the full range of cases involving both major and minor injuries, in the accident as well as occupational disease contexts. Our unique practice model involves handling each claim from beginning to end, staying abreast of even the most minor changes in interpretive language used by the courts, and developing strategies tailor-made for each unique situation — an approach our clients find leads to better results and greater efficiency.

Regulatory Compliance — We take pride in our productive working relationships with governmental agencies and in our creative resolution of compliance issues. We regularly counsel and advise clients on numerous issues concerning compliance with safety regulations, mandatory reporting requirements, and the Consumer Product Safety Improvement Act. Our lawyers represent product manufacturers and importers before the Consumer Product Safety Commission, National Highway Traffic Safety Administration, U.S. Coast Guard, and other federal and state regulators in product defect investigations, investigations regarding civil penalties, enforcement proceedings, and product recalls.

Data Security and Cyber Risk — Our firm helps companies effectively manage the wide range of risks associated with data use and storage, cloud computing, and social media. This includes developing preventive measures and providing proactive counseling on how these evolving issues impact employment concerns, insurance coverage, business agreements, regulatory compliance, and more. If needed, we are well equipped to advise and protect our clients in the aftermath of data spills, hacking, and other exposures, including emergency response and notification management.

CORPORATE LAW, CONTRACTS, AND TRANSACTIONS — We provide manufacturers with practical legal advice and transactional guidance to help them achieve strategic growth. Leading this team is a former inside counsel who spent 20 years in that role for a multibillion-dollar global company, and many of our team members have decades of experience advising on a broad spectrum of business matters and disputes, both in-house and as outside counsel. Our experience covers all types of corporate law and contractual issues; growth, finance, and asset protection; and intellectual property.

REAL ESTATE DEVELOPMENT, LEASING, AND LITIGATION — Our commercial real estate and development team combines years of multi-disciplinary experience with in-depth knowledge of state and federal real estate regulation to guide corporations of all sizes through the real estate transaction process.

Our commercial real estate and development team is here to help you with:

Drafting and negotiating Purchase Agreements

Environmental concerns, including Phase I and Phase II environmental audits
All types of commercial loan agreements and ancillary documentation
Land use and zoning issues, including New York Article 78 actions
Commercial leases (gross leases; single, double, and triple net leases; and modified gross leases)
Construction agreements focusing on AIA contracts, owner-architect, contractor and sub-contractor,
and development agreements

In addition, our Real Estate Litigation and Title Disputes practice offers a full range of real estate litigation services to help property owners (as well as lenders and title insurance companies). These services include:

Title and priority issue litigation
Equity analysis surrounding mortgages, property liens, and subrogation
Property conveyance negligence actions
Diminution in value analysis
Lobbying efforts to resolve issues with prior governmental properties
Coverage investigation, response, recoupment, and litigation
Expert opinions in bad faith litigation
Tax certiorari matters

Our Commitment to Manufacturing

Goldberg Segalla works tirelessly to advance the development of caselaw favorable to the manufacturing industry. We accomplish this through consistently achieving favorable results for our clients in a broad array of litigation — even in the country's toughest, most plaintiff-friendly jurisdictions.

We also contribute extensively to judicial and tort reform efforts. We actively and proudly encourage these efforts through our support of, and membership in, organizations such as Lawyers for Civil Justice and the Defense Research Institute. Our lawyers also prepare and submit amicus briefs on behalf of the Product Liability Advisory Counsel (PLAC).

In fact, our team is proud to have five members of the PLAC, a highly selective group of leading product manufacturers and the most elite product liability defense counsels operating in the U.S. and abroad. Induction into the PLAC requires swearing an oath never to represent a party against a manufacturer.

We also have practical experience on top of our legal abilities. A small sampling of the experience our team members obtained outside their legal careers includes more than a decade working as an industrial hygienist advising large companies on regulatory issues related to occupational exposure, a previous career designing air and spacecraft wing and fuselage structures as an aerospace engineer, and working in global supply chain logistics and freight management.

Our team also includes leaders and members in the Defense Research Institute, the Federation of Defense and Corporate Counsel, the Trucking Industry Defense Association, the American College of Trial Lawyers, the American Board of Trial Advocates, and other national and international groups that share our dedication to manufacturing.