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## TOXIC TORT

For years, the attorneys at Goldberg Segalla have committed their time and talents to turning the tide of toxic tort litigation. Case by case and client by client, in local and individual matters and in mass tort litigation, we have won trials and appeals and shaped case law around the country.

It's the reason our attorneys publish in top journals, work closely with the leading scientists and engineers, serve on national boards and committees, and share our knowledge and experience in lectures, seminars, and certified CE/CLE courses. But our method is simple: In each case, we fight to put verifiable facts, tested scientific principles, and the law back in their rightful place as the determining factors of liability.

Our team of over 50 exceptional attorneys includes veteran toxic tort litigators, nationally recognized rising stars, and thought leaders with deep backgrounds in emerging toxic tort trends. With the ability to defend cases and advise clients across our national footprint, we've built a reputation for precedent-setting victories over aggressive plaintiff lawyers in some of the country's toughest judicial jurisdictions — but also for developing cost-effective litigation management strategies to meet each client's goals.

### Breadth of Experience

Goldberg Segalla's Toxic Tort team represents a diverse array of over 100 prominent clients in thousands of cases pending around the country. Flexible, collaborative, and efficient, our attorneys are equally equipped to serve as local, regional, or national counsel in complex, high-value toxic torts.

Unlike many firms, our breadth of experience extends beyond some of the more traditional toxic torts and includes:

- **Asbestos** — We have been successfully defending and trying toxic tort cases for decades in many of the “judicial hellholes” around the country, including New York City, Philadelphia, Baltimore, St. Louis (St. Louis and Madison County) and Chicago (Cook County). Collectively, our team has litigated thousands of asbestos cases across the country over the last 35-plus years, and we have experience managing immense asbestos caseloads. Throughout our footprint, we have capable trial teams on the ground defending our clients' interests.
- **Legionnaires' Disease** — Our team leadership comprises nationally recognized litigators who have successfully defended clients in high-profile Legionnaires' disease cases. We have a successful track record of mitigating, if not completely defeating, exposure claims related to Legionnaires' disease and other bacterial contamination claims across the country.
- **Talc Litigation** — Two emerging talc litigation trends are claims of exposure to talc allegedly causing ovarian cancer, and asbestos-contaminated talc resulting in asbestos-related disease. Despite the paucity of scientific and factual support, these claims are being filed with increasing regularity, placing manufacturers and suppliers whose products contain talc at risk. We have litigated the asbestos talc cases and gone to trial, obtaining the first-ever defense verdict in a talc case under New Jersey's Product Liability Act.
- **Water Contamination** — There is heightened scrutiny on municipal water suppliers and other regulated entities under the Safe Water Drinking Act (e.g., schools, day care centers, and hospitals) and similar state statutes. In the wake of the water crisis Flint, Michigan, claims regarding lead and

other pathogens in drinking water are on the rise. We have extensive experience defending clients against such water contamination claims.

- **Lead Paint** — Our team has collectively defended hundreds of lead paint claims. While our experience often helps us obtain early dismissals and win motions for summary judgment, our team never hesitates to bring a case to trial — and, if necessary, defend our successes on appeal.
- **Benzene** — Lawsuits involving exposure to this chemical are on the rise — and have all the typical hallmarks of classic toxic tort litigation. Our toxic tort team understands the medical and scientific intricacies to rigorously defend benzene cases, and we use our depth of experience to our clients' advantage.
- **Carbon Monoxide** — Aided in part by advancements in brain imaging, plaintiffs' lawyers are continuing to mount an aggressive challenge to the long-held belief that low-level exposure to carbon monoxide leaves individuals with no long-term deleterious health effects. Our toxic tort litigators mobilize quickly, tap the best experts, and use their solid grasp of the medicine and science behind these cases to mount tight *Daubert* and *Frye* challenges.
- **Pesticide Exposure** — Pesticides encompass a vast array of chemical products used as herbicides, insecticides, rodenticides, and fungicides. Our toxic tort attorneys and support teams have successfully handled numerous claims involving chemical drift, bodily injury/property damage, weed resistance, crop destruction, livestock injury and death, idiosyncratic and allergic reactions, and personal injury claims in both class action and individual lawsuits.
- **Mold** — Mold litigation presents a litany of complex scientific causation questions. By utilizing a carefully curated network of expert witnesses and tried-and-true, science-based defense strategies, our toxic tort team has built a long record of successfully resolving mold-related tort and property claims.

#### **Depth of Science Experience**

One of many things that distinguish our toxic tort team is our mastery of the complex medical and scientific issues related to each particular toxin and claimed exposure. Our depth of scientific understanding, coupled with long-standing relationships with prominent experts, positions us well to defend the interests of our clients in science-based litigation.

- Our team leadership includes lawyers with educational backgrounds in epidemiology, chemistry, biology, and genetics, which gives us deeper insight and a competitive edge when litigating against our opponents.
- We have served as national science counsel and vetted hundreds of scientific and medical experts in connection with mass toxic tort litigation, both in federal and state courts. We have successfully precluded plaintiff experts around the country under *Daubert* and *Frye*.
- We regularly partner with science experts to lecture and write on emerging scientific issues such as nanotechnology and epigenetics.

#### **National Thought Leaders**

Commitment — to our clients and to our practice — has carried our toxic tort attorneys to the forefront of the field. Winning national regard as thought leaders in traditional and emerging toxic torts, we strive to stay on top of the latest developments, to anticipate tomorrow's trends, and to share our knowledge with peers and industry leaders just as passionately as we work to defend clients in the courtroom.

- We have lectured, both in private client settings and on the national public stage, on myriad topics, including Legionnaire's Disease, talc (both industrial and cosmetic), a variety of asbestos-related topics, PFOAs, water contamination, nanotechnology, toxicoepigenetics, bisphenol A, carbon monoxide, mold, silica, formaldehyde, marijuana, food borne illness, mold, benzene, lead, zinc toxicity, pesticides and more.
- Through our Knowledge Is Power Lecture Series we offer CLE/CE seminars and workshops on basic and advanced toxic tort topics for corporate, insurance, and risk-management professionals across our national footprint.
- Our *Asbestos Case Tracker* blog has earned national recognition as the "go to" resource in asbestos litigation, named The Expert Institute's Best Litigation Blog in 2016 and 2017, and making the *ABA Journal's* Top 100 blogs (out of over 5,000).
- We have authored over 100 toxic tort articles for local and national legal and industry publications, including the American Bar Association, DRI's *For the Defense*, National Forum on Environmental and Toxic Tort Issues (FETTI), *Drake Journal of Agricultural Law*, *Today's General Counsel*, *Claims Management*, *Food Processing*, *Law360*, *Mealey's Litigation Report*, *Asbestos Case Tracker*, *Prepared Foods*, *USLAW Magazine*, and more.

#### **Cost-Efficient Litigation Management Strategies**

Managing mass tort litigation is often client-specific and raises unique challenges. We appreciate the importance of cost-efficiently managing litigation, providing strategic and expense-controlling representation during discovery and motion practice, and having battle-tested trial teams at the ready to take a verdict in the appropriate case.

- We develop client-specific litigation plans, each custom-designed to achieve particular goals.
- We have internal systems and checkpoints to ensure adherence to client or insurer deadlines and compliance with reporting requirements.
- We have incentive-based file turnaround strategies to achieve early dismissal or settlement of claims when appropriate.
- We develop global litigation plans to minimize duplication of efforts in individual cases.
- We have internal mandatory training to ensure knowledge of each client's products and defense strategies.
- We have developed national coordination counsel strategies.
- We routinely monitor toxic tort developments on a national level to detect emerging trends and new defenses.