

CLEAR DIRECTION IN
COMPLEX CASES

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Practice Areas

Overview
Business Litigation
Civil Rights
Elevator Liability
Employment Law
General Litigation
Governmental, Municipal &
School Liability
Higher Education Litigation
Insurance Coverage
Mediation
Product Liability

Toxic Torts

Asbestos

Our attorneys have represented defendants in the asbestos litigation throughout New England for more than two decades and we are intimately familiar with all aspects of these claims. We are conversant with the workings of the consolidated asbestos dockets in each of the states in which we practice and frequently act as lead counsel. In Massachusetts, we are among the few defense firms which serve on both the Executive Committee and the Discovery Committee. This allows us to take on some of the most challenging issues in Massachusetts and to help shape the course of the litigation.

We are proficient at utilizing a variety of strategies, procedural motions, and other tactics to secure dismissals, favorable settlements, and positive results at trial. We take full advantage of the opportunities presented during discovery depositions to explore the potential product identification testimony against our clients, to elicit limiting testimony, and to develop any inconsistencies between the witness' testimony and the actual properties and components of our clients' products. We also consistently look for novel or unique issues in individual cases which present the opportunity to limit or foreclose a client's liability. We remain at the forefront of the asbestos litigation and are confident that our tremendous knowledge and experience make us an invaluable resource to our clients.

We have amassed significant knowledge, documents and other materials necessary to bolster applicable defenses on a case by case basis. Our extensive library used to neutralize plaintiffs' expert testimony includes state-of-the-art materials, impeachment documents, false or contradictory affidavits, numerous transcripts of past deposition and trial testimony, and detailed and extensive cross examination outlines. These materials are retained and re-shaped for use by our attorneys across a broad spectrum of future cases, which results in significant cost benefits by avoiding unnecessary duplication.

We have a deep understanding of the legal and factual issues at stake in the ever-changing asbestos litigation environment, and have pressed many of them in the appropriate cases, including:

- ▶ State-of-the-art knowledge regarding the hazards of asbestos
- ▶ One fiber challenges
- ▶ Learned intermediary and sophisticated user doctrines
- ▶ Component part manufacturer liability
- ▶ Post-sale duty to warn
- ▶ Government contractor defense
- ▶ Expert challenges

Our firm has actively represented clients and prepared for trial in many of these cases, and we were present for a portion of the trial in most of them. That experience has only strengthened the depth of pre-trial and trial experience which our attorneys already bring to the table. Our



Toxic Torts
Workplace Investigations

experience puts our firm in an advantageous position within the context of the asbestos litigation because we are able to staff multiple cases (or multiple clients within one case) with local attorneys who have recent and relevant experience in defending these cases at trial.

Our knowledge of pertinent issues and our representation of multiple defendants allows us to share resources and split costs, which makes us efficient and economical. Our experience in, and understanding of, the asbestos personal injury litigation uniquely positions us to provide for the efficient, effective representation and defense of your claims. We are glad to provide additional detail on our experience.

Additional Toxic Tort Experience

We have defended clients in a number of toxic exposure claims arising from exposure to a wide variety of potential toxins. Damages include claims for various cancers, fear of cancer, infertility, emotional distress, medical monitoring and toxic encephalopathy. We have also defended claims involving allegations of "Multiple Chemical Sensitivity" allegedly caused by exposure to a variety of chemicals.

The existence of an injury, the cause of the injury, and the source of the cause are almost always in dispute in the toxic exposure case. We work closely with experts to develop medical causation defenses, which have proven highly effective in resisting toxic exposure claims.

Early, aggressive, and intensive discovery and case evaluation are essential in toxic exposure cases. Through the use of discovery and pretrial and trial motions, we have successfully challenged expert testimony and have secured limitation on adverse evidence. We are uniquely situated to handle these multi-party, document intensive cases because we have developed methods for handling large scale document review and production which have proved to be cost effective for our clients.