

Products Liability

PRACTICE CONTACTS

- James W. Holbrook, III
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Zelle is a pioneer in the arena of products liability law, having been heavily involved with the ground-breaking tobacco, asbestos and MTBE litigations. Our firm has been engaged in a broad range of medical products and pharmaceutical claims on an international basis. We advise our clients in coverage and/or defense roles, including getting involved with products claims early on and assessing and managing potential liability, with the goal of significantly reducing or eliminating exposures for insurers or manufacturers. We also serve as national counsel, coordinating litigation and resolution strategy, as well as leading, developing and training defense teams for litigation across multiple jurisdictions where a strong local presence is advantageous. Our experience also includes overseeing jury studies and retaining and working in a coordinated way with regulatory counsel. We also assemble panels of top medical specialists and engineers to coordinate the response to Congressional inquiries and front-page headlines, help high-level executives respond to media and shareholder inquiries and work with attorneys in foreign jurisdictions to prepare both themselves and experts for trial. In addition to representing manufacturers directly, we also represent insurers and reinsurers in (re) insurance towers and help coordinate and steer the market efficiently to successful resolutions.

Given our ability to resolve many claims without litigation or publicity, we are unable to disclose with specificity many of the products with which we have had involvement. Some we can disclose generally include breast implants, hip implants, antiarrhythmic drugs, spinal implants, defibrillators, and inhalers. We also have experience dealing with issues surrounding clinical trials and their termination before completion.

The firm is equally experienced outside the realm of medical and pharmaceutical products. Our attorneys have handled a broad spectrum of product liability coverage actions, including PVC plumbing pipe, cement railroad ties, electrical components, Aluminum Composite Material building cladding and oil pipeline claims. The Firm has managed bodily injury and asbestos-in-building coverage disputes under primary and excess property and liability policies as well as reinsurance contracts. Zelle attorneys have tried and arbitrated numerous cases, conducted ADR under the Wellington Agreement, and have negotiated various settlements from interim agreements

to buyouts. Issues under US, English law and the law of many other jurisdictions have included expected or intended, trigger, scope, allocation, the number and application of deductibles, appropriate exhaustion, "other insurance" issues, aggregation, specific product exclusions, late notice, failure to cooperate, misrepresentation, defense obligations, obligations of a captive, effect of self-insured retentions, quota share arrangements, and many others.

REPRESENTATIVE MATTERS

Advising reinsurers in connection with high-profile Kazakh energy construction project following: (1) a multi-fatality fire in one of the employee dormitories; and (2) negligent transport of a transformer.

Monitoring and advising on coverage and short to medium-term political ramifications of claim and reserving strategy, given alleged failures to comply with local fire regulations in both building design and working practice. (Kazakh law and jurisdiction)

Instructed by insurers of EURO multi-billion manufacturer of electrical components in a multiparty High Court claim following a fire at a retail park.

Representation of clients on multiple matters involving specific products including allegations of faulty workmanship, materials and/or design and failure to warn.

Represented reinsurers in relation to Grenfell Tower. Advising on coverage, applicable law as to commercial relationships, matters of New York law, relative culpability, potential failures to comply with various fire regulations. (English Law and Bermuda Form/NY Law.)