Tanenbaum Keale LLP
A Litigation Boutique Serving Global Companies

Product Liability

Our Approach

Our specialization in product liability litigation gives us deep insight into solving the problems that our clients face. We do not merely handle the occasional case in the area of product liability law — it is our primary focus. The specialized and extensive experience that we possess in this area allows us to achieve superior results for our clients. Indeed, the New Jersey Law Journal has recently recognized us as "Product Liability Litigation Department of the Year."

We have decades of experience serving as national, regional, local and lead MDL counsel to a variety of product manufacturers. Our attorneys have handled tens of thousands of product liability lawsuits that vary in complexity and exposure, ranging from the strategic management and defense of mass torts to the boots on the ground defense of single plaintiff product liability cases often alleging catastrophic injuries. It is for that reason that we have focused on risk identification and mitigation and the defense of clients in the industries where our experience has been proven — medical device & pharmaceuticals, automotive, construction and mining equipment, and consumer products. At our core, we are trial attorneys and are frequently hired when a claim is asserted, often long before a lawsuit is filed, to investigate accidents or assess the risks presented to our client's business or product lines. As a result, we approach every case with a trial lawyer's eye and a commitment to being thoroughly prepared to defend our clients up to and through trial in those matters that our clients believe may need to be tried to defend the integrity of their products and their brand. Our adversaries know we have the skill, resolve and resources to try any case to verdict. Of course, not all cases are tried or should be tried, and often our clients do not view resolution by trial as the preferred outcome. Our aggressive and thorough approach, however, serves the goals of these clients as we provide leverage so that they may successfully resolve cases prior to trial. In fact, for this reason, we are often able to help our clients resolve matters before they are even filed.



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Construction and Mining Equipment

Serving as regional counsel to one of the largest construction and mining equipment manufacturers in the world, we have vast experience defending manufacturers of equipment in litigation throughout the country, ranging from single-product personal injury cases to warranty-related litigation and class actions. Our wealth of experience in this area, and our relationships with the most effective independent expert witnesses, consultants and trial technologists, enables us to achieve superior results for clients in this industry. We routinely handle these types of product liability matters from the time an incident is reported through pre-suit investigations and, ultimately, the litigation that, at times, follows these accidents. The matters with which we have been involved include claims of manufacturing defects to design defects including allegations of sight limitations, operator station layout deficiencies, ingress/egress claims, absence of theoretical technological advancements years before they have been established as "feasible and reliable," fire causation, etc. The proper defense to any such allegation requires actual experience through trial handling these claims. In today's world of litigation, manufacturers cannot risk relying upon counsel who have not defended these claims in actual trials. The lawyers at Tanenbaum Keale LLP have unique experience and expertise that is necessary to properly defend manufacturers of construction and mining equipment on a national, regional and local basis.

Automotive Manufacturers and Suppliers

Tanenbaum Keale LLP has developed a national reputation for automotive products litigation. We handle cases that range from the simple to the complex, including high-volume litigation and catastrophic personal injury cases filed in a variety of jurisdictions on behalf of auto manufacturers. We believe that a lawyer must be experienced and informed to be both a strong advocate and valued advisor to the manufacturer. We are familiar with issues related to vehicle design,vaccident dynamics, occupant kinematics, biomechanics and injury causation issues, and adhere to a collaborative approach in handling litigation to provide the best result, whether by jury verdict, mediation or other means of resolution. We have worked with (and against) most of the leading experts in automotive product liability litigation and have accumulated a wealth of important and valuable information on the experts. We stay abreast of National Highway Traffic Safety Administration (NHTSA) rulemaking, consumer information and research activities and frequently present to defense bar and industry groups on a wide variety of topics pertaining to the automotive industry. Our expertise in managing high-stakes litigation extends well beyond the courtroom. Our team works closely with our clients to develop and coordinate defense strategy and test programs, research and risk management projects. We have extensive experience preparing and defending corporate witnesses and designees at deposition and trial, as well as consulting with company engineers and consulting experts to develop and conduct research and litigation test programs for rollover and crashworthiness litigation.

Medical Devices and Pharmaceuticals

We have a wealth of experience representing pharmaceutical and medical device companies, from individual pre-litigation claims to one-off lawsuits to mass torts and class action litigations. Our experience in this arena ranges from working with clients on pre-launch labeling, post-launch adverse event literature monitoring, litigation risk assessments and mitigation strategies to representation in one-off cases in state and federal courts and serving as lead MDL counsel in nationwide mass tort litigation. We have worked with clients to address identified product risks before they become large-scale litigation, both in terms of regulatory approaches and pre-litigation resolution strategies. As lead MDL counsel, we have managed the defense of large-scale, high-profile pharmaceutical and medical device litigations in federal courts across the country. We understand the multifaceted role of MDL counsel and although counsel for plaintiffs in every MDL seek to utilize the standard procedural playbook, we work with our clients and the MDL Courts to implement strategies to discourage the flood of often meritless claims into



an MDL and press early challenges to the science plaintiffs assert supports their claims. By way of example, on behalf of our clients we press for early discovery from every plaintiff, requiring them to provide a medical and expert basis for their claims to limit claim dumping as plaintiffs' counsel hope for settlements with little or no work on their part. We utilize proprietary data management technology augmented by artificial intelligence to sift through massive amounts of data concerning plaintiffs, experts and the materials on which plaintiffs' experts rely to support their claims. Our related expertise serving as national resolution counsel in mass tort pharmaceutical and medical litigations allows us to provide practical advice to clients who seek global resolution of mass tort litigations. Our relationships with prominent plaintiffs' counsel afford us credibility in our negotiations and, at times, has allowed us to extricate clients from complex litigation on a voluntary basis. If early disposition or resolution is not possible, we are well equipped to employ our trial teams and defend our clients, with a proven record of successfully defending our clients at trial.

Industrial and Consumer Products

Tanenbaum Keale LLP attorneys have decades of experience successfully defending manufacturers of consumer and industrial products, including matters involving residential and commercial water heaters and boilers; fans and motors; children's products; food products and food services; appliances and electronics; recreational products and recreational vehicles; sporting goods and fitness equipment; power tools; and hair care and cosmetics.

Our attorneys frequently publish and present on consumer product liability issues and trends and advise clients on litigation avoidance and regulatory compliance. Our attorneys are members of the leading attorney organizations, which support and promote the defense of product manufacturers, including The American College of Trial Attorneys (ACTL), International Association of Defense Counsel (IADC), Federation of Defense and Corporate Counsel (FDCC), and the American Board of Trial Advocates (ABOTA), Lawyers for Civil Justice (LCJ).