



Products Liability/Toxic Tort/Mass Torts

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OVERVIEW

The AP&S Products Liability / Toxic Tort / Mass Tort Group has successfully defended local, regional and national clients in numerous high-profile and complex cases in both state and federal trial courts and at the appellate level. We have done so by combining our legal skills and experience with a well-versed knowledge of the various technical and scientific principles applicable to products liability and toxic tort claims and defenses. We have represented multinational corporations in widely reported and precedent-setting products liability and related premises liability cases involving emerging, novel and complex legal issues, and have served as preferred products liability and toxic tort counsel for several national clients.

Mass tort actions can involve hundreds to thousands of plaintiffs. These types of cases can be incredibly complicated. The volume and complexity of relevant evidence can be daunting for a company. Our significant mass tort-defense practice ranges from asbestos to uranium and includes representing several large clients in thousands of cases in federal and state courts in Rhode Island, Massachusetts, Connecticut, Maine and Vermont and serving as primary counsel to one client for all its asbestos litigation nationwide.

In products liability, toxic tort and mass torts, AP&S attorneys have handled the full spectrum of litigation matters, including design-defect claims, CERCLA claims, lead paint and public-nuisance claims, mold and environmental claims, and medical-device and pharmaceutical claims. In addition to our active litigation and trial practice, we regularly provide clients with business-law advice on a broad range of issues in the areas of product liability and toxic tort, including regulatory and environmental compliance. Here, too, AP&S attorneys apply their unique experience in helping clients steer clear of products liability and toxic-tort-related concerns and legal exposure.

Mass tort litigation is unpredictable and expensive. We provide clients a coordinated and efficient defense team. Our clients receive in depth factual analysis and investigations to ensure that all available defenses are presented. We further provide electronic management of document libraries and pre-trial jury simulations when appropriate. Extensive experience with complex medical causation issues also

enables us to develop proactive defense strategies for our clients.

Areas of Concentration

- Asbestos
- Lead Paint
- Tobacco
- Chemicals
- Solvents
- Pesticides/Insecticides/Herbicides
- Breast Implant
- Pharmaceuticals
- Consumer Products
- Medical Devices
- Electric Services
- Food Products
- Toys
- Gas Plant and Construction Wastes
- Silica
- Mold
- Sick Building Syndrome
- Utility Wastes
- Aircraft
- Automobiles
- Golf Carts
- ATVs
- Tires
- Machines

REPRESENTATIVE MATTERS

- In the longest jury trial in Rhode Island history – the Attorney General’s landmark lead-litigation public-nuisance case – AP&S successfully defended Atlantic Richfield Company, the only defendant found not responsible by the jury at trial. We also represented Atlantic Richfield successfully on appeal, where the Rhode Island Supreme Court affirmed the verdict in the company’s favor. (All defendants ultimately prevailed on appeal). AP&S also argued on behalf of all defendants with respect to their attacks on the Attorney General’s contingency-fee agreement with private counsel.
- AP&S attorneys represented The Dow Chemical Company in a six-week herbicide-exposure case where the plaintiff claimed multiple myeloma. In this case, the Rhode Island Supreme Court adopted the *Daubert* standard for the admission of scientific expert testimony in our state courts.
- AP&S served on The Dow Chemical Company’s national trial counsel team in its breast implant litigation cases.
- AP&S defended Union Carbide Company and K.T.I. Chemicals, Ltd. in claims of birth defects resulting from photo-resist chemicals used in clean rooms.
- AP&S defended numerous manufacturers of TCE, including The Dow Chemical Company, PPG Industries and ICI Americas, Inc., in chemical-exposure cases,

obtaining defense verdicts or summary judgments in every case.

- AP&S served as national counsel on silica defense for a major manufacturer.
- AP&S attorneys have defended Dow Agrosience and DowElanco on numerous pesticides exposure and FIFRA-related claims.
- AP&S attorneys have tried to verdict numerous cases for pest-control companies alleging personal injuries from exposure to various chemicals and insecticides.
- AP&S attorneys have defended herbicide and pesticide manufacturers on property damage claims allegedly resulting from damage to crops, buildings, land and premises.
- AP&S attorneys have represented pharmaceutical manufacturers in numerous cases, including
Viagra® cases for Pfizer;
Hormone replacement therapy cases for Pfizer;
PPA cases for Novartis;
Zyprexa® cases for Eli Lilly;
DES (including third generation DES) cases for Eli Lilly;
Avandia® cases for SmithKline Beecham Corporation d/b/a GlaxoSmithKline;
Renu® contact lens solution cases for Bausch and Lomb.
- AP&S has tried to defense verdict asbestos cases in Rhode Island and Massachusetts for various defendants.
- AP&S obtained defense verdicts in various equipment and machinery cases including defense verdicts in machine-guarding accident cases, printing-press cases, extruder cases and cases involving various electrical devices.
- AP&S has defended Textron, Avco, Lycoming and Bell Helicopter in various cases relating to aircraft engines and component parts.
- AP&S represented a distributor of alternators in a double wrongful-death lawsuit arising from a motor vehicle accident and obtained summary judgment on the issue pertaining to the lack of foreseeability. AP&S also defended the judgment on appeal.
- AP&S defended a major cigarette manufacturer in federal district court in a case where a woman sued for the death of her husband, a long-time smoker, who succumbed to cancer. The jury found in the defendants' favor on all counts of the complaint.
- AP&S represents a national utility company in federal district court litigation where the plaintiffs (property owners) allege that their properties were contaminated by manufactured gas wastes generated at the defendant's plant in a neighboring state and deposited on their property in the early to mid 1900s.

SEMINARS / PUBLICATIONS

Publications

- John A. Tarantino and Nicole J. Benjamin, Rhode Island chapter of State-by-State Survey of the Statutes of Limitation and Repose Applicable to Pharmaceutical and Medical Device Litigation, American Bar Association.
- Mark O. Denehy, Rhode Island Section of the Toxic Tort Law Desk Reference manual, a 50-state compendium of toxic tort laws.
- Andrew C. Spacone, Moderator, The Carrier & Manufacturer View: Case Evaluation, Managing Costs in Insurance and Litigation, and Do's and Don'ts for Outside Counsel, American Conference Institute's 5th Annual National Forum on Defending and Managing Aviation Claims & Litigation, May 2013.
- Andrew C. Spacone, Moderator, In-House Counsel and Claims Officer Think Tank: Manufacturers, Carriers and Insurers Speak Out on Case Evaluation and Managing Costs of Litigation and Insurance, American Conference Institute's 4th Annual Forum on Defending and Managing Aviation Litigation, June 2012.
- Andrew C. Spacone, The Emergence of Strict Liability: A Historical Perspective, Journal of Products Liability, Vol 8, 1985.
- Andrew C. Spacone, A Practical Guide to Controlling Products Liability Costs, Defense Research Institute Monograph No 6, 1984.

AWARDS

U.S. News–Best Lawyers

Rated Tier 1 Metropolitan “Best Law Firm” by U.S. News-Best Lawyer.



