

PRODUCT LIABILITY & MASS TORT LITIGATION

Covington has a dynamic and burgeoning products liability practice led by one of the leading pharmaceutical trial lawyers in the country and supported by some of the rising stars in the field. Covington lawyers regularly serve as defense counsel in product liability and toxic tort lawsuits, and as national coordinating counsel or strategic advisors for companies and trade associations involved in national or multi-state liability actions. Our Practice is multidisciplinary in nature, requiring the integration of business savvy and industry experience, along with sophisticated litigation management and trial expertise.

Pharmaceutical Industry: We represent a number of leading pharmaceutical companies in product liability mass tort actions in state and federal courts around the country. Our current representations include Hoffmann-La Roche Inc. in products claims involving their acne medication Accutane; AstraZeneca in claims arising out of their second generation antipsychotic Seroquel; Merck in actions relating to their biphosphanate medication, Fosamax; Purdue Pharma in products cases involving their pain relief medication OxyContin; and several pharma industry trade associations in various product liability cases in which they have been named as defendants.

National Product Liability Counsel: We are frequently called upon to serve as national product liability counsel to firms and trade associations whose products (or whose members' products) are actual or potential targets of mass tort claims in the area of product liability or toxic torts. We have served in this capacity for companies and trade associations with products in the chemical, food, beverage, medical device, and construction equipment industries.

Strategic Advisors: Covington lawyers have provided strategic counseling to national and international companies facing rising volumes of asbestos and silica liability claims in the energy, automotive, construction, mining, respiratory protection, and railroad industries, and to investment and financial firms evaluating the potential liabilities facing those companies.

Clinical Trials: We have successfully represented pharmaceutical and biotech firms facing liability claims filed by individuals who participated in clinical trials of our clients' new medications and therapies.

M&A Due Diligence and Risk Assessments: Our firm has conducted many due diligence investigations on behalf of pharmaceutical and financial industry firms considering acquisitions or collaborations to evaluate potential product or toxic tort liabilities associated with products and services supplied by the target company. We also regularly conduct risk assessments for pharmaceutical and medical device companies bringing products to market.

REPRESENTATIVE MATTERS

- Coordinating counsel to Hoffmann-La Roche Inc. in defending the company against mass tort claims involving the prescription acne medication Accutane, including claims of adverse gastrointestinal and psychiatric effects. Covington has obtained a 9-0 record in Accutane appeals for Roche in the Accutane litigation.
- Trial counsel for Merck in Vioxx and Fosamax litigation, including three successful jury trials.
- Trial counsel for AstraZeneca in the Seroquel litigation, including obtaining a defense jury verdict in the

Robert C. Brock
mbrock@cov.com
202.662.5985

Patrick S. Davies
pdavies@cov.com
202.662.5274

Michael X. Imbroscio
mimbroscio@cov.com
202.662.5694

Paul W. Schmidt
pschmidt@cov.com
202.662.5272

Mark H. Lynch
mlynch@cov.com
202.662.5544

Theodore Voorhees Jr.
tvoorhees@cov.com
202.662.5236

first case to go to trial.

- National counsel to Purdue Pharma in defending scores of suits filed in state and federal courts around the country by plaintiffs who claim injury from having used – in most cases abused – the company’s OxyContin pain relief prescription medication.
- Represented companies and trade associations in the alcohol beverage industry for several decades defending against product liability claims by plaintiffs who claim that injuries suffered from their abuse of alcohol – ranging from cirrhosis to alcoholism to drunk driving crashes – are the fault of the alcohol companies. Virtually all of these cases have been dismissed on motions.
- Serve as national product liability counsel to Microsoft in preparation for the defense of claims involving virus and worm attacks or potential cyber-terrorism involving our client's array of software products.

ACCOLADES

- *Chambers USA*, Leading Products Liability & Mass Torts Practice
- *The Practical Law Company (PLC)*, Leading Product Liability Practice
- *Law360*
 - Paul Schmidt, Rising Star - Product Liability (2010)
- *Washington Business Journal*
 - Paul Schmidt - Top Washington Lawyer, "Young Gun" (2009)