

Quick Contact

S. Gardner Culpepper, III
Partner
Direct: 404.420.4623
Atlanta

gculpepper@rh-law.com

Related Attorneys

S. Gardner Culpepper, III
Austin J. Hemmer

PRODUCT LIABILITY & TOXIC TORT LITIGATION

National Reach and Local Expertise

- We have represented a number of major domestic and international chemical companies in claims filed in Georgia and the Southeast region, involving both consumer product liability claims and workplace exposure allegations.
- Our practice has permitted us to accumulate extensive experience and knowledge in the disciplines of toxicology, epidemiology, immunology, neurology, neuropsychology, oncology, anesthesiology, pulmonary medicine, occupational medicine, human factors and failure analysis, and industrial hygiene.
- Our cases have involved such varied agents as isocyanates, halogenated solvents, FIFRA-regulated pesticides, asbestos-containing materials, and anesthesia products distributed through healthcare channels.
- We have served as National Trial Counsel for a major manufacturer of FIFRA-registered pesticides.
- Our product liability experience has been procedurally diverse, ranging from two-party claims to massive cases involving hundreds of third- and fourth-party defendants and multidistrict litigation.

Rogers & Hardin has developed a major practice in products liability and toxic tort matters. We have represented a number of major domestic and international chemical companies in claims filed in Georgia and the Southeast region. These cases involve both consumer product liability claims as well as workplace exposure allegations. Our cases have involved such varied agents as isocyanates, halogenated solvents, FIFRA-regulated pesticides, asbestos-containing materials, and anesthesia products distributed through healthcare channels. In addition, we have handled a number of cases involving federal environmental legislation such as CERCLA (Superfund), TSCA, RCRA, and SARA Title III. Our practice has permitted us to accumulate extensive experience and knowledge in the disciplines of toxicology, epidemiology, immunology, neurology, neuropsychology, oncology, anesthesiology, pulmonary medicine, occupational medicine, human factors and failure analysis, and industrial hygiene. Through this practice, we have developed a nationwide network of experts in numerous scientific and medical disciplines who are available for consultation or case

analysis.

Our product liability experience has also been procedurally diverse. Our cases have ranged from the straightforward two-party claim to massive cases involving hundreds of third- and fourth-party defendants. We have served as National Trial Counsel for a major manufacturer of FIFRA-registered pesticides, a role which involved the instruction of local counsel as to the medical, scientific, and regulatory issues involved in such cases, as well as the development of standardized discovery and trial strategies, oversight and coordination of discovery efforts, development of unified trial strategies, and participation as lead trial counsel.

We have also had a number of representations involving multidistrict litigation. For example, we represented a Fortune 100 company in connection with hundreds of "tire worker/TALC" cases that were consolidated for discovery in the Middle District of Pennsylvania. After years of coordinated discovery under the Case Management Orders of the court, all of these cases were resolved in our client's favor without trial and without payment of any claim.

We also served on the Steering Committee charged with overseeing and directing the activities of liaison counsel representing hundreds of fourth-party defendants in a CERCLA suit for the recovery of response costs for the remediation of a landfill near Harrisburg, Pennsylvania. This action, filed in the Middle District of Pennsylvania, required the management of claims involving hundreds of parties and discovery efforts resulting in document depositories containing millions of pages of documents. These organizational and supervisory efforts resulted in the cost-effective resolution of hundreds of third- and fourth-party claims for the recovery of response costs for a relatively low per-party cost.

Other representative examples of our product liability and toxic tort practice include the following:

- We defended a major pesticide manufacturer in a wrongful death lawsuit concerning the death of a 9-year-old child who ingested a fatal dose of a rodenticide designed, developed, and manufactured by our client. We handled the case from commencement through appeal, where the Georgia Supreme Court adopted a new standard in Georgia for claims of strict liability for defective design.
- We defended a leading pharmaceutical company in a number of cases involving clinical trials of an anti-psychotic medication, disposing of all of

those cases on motions for summary judgment.

- We defended a major pharmaceutical company in numerous cases involving its diet drug, including a defense verdict in the first jury trial of such a claim in Georgia.
- We defended a leading chemical manufacturer in numerous cancer cases based on alleged exposure to various industrial solvents, ultimately disposing of all such claims on motion.
- We defended a major chemical company in numerous personal injury claims involving its leading pesticide, ultimately disposing of all such claims on motion.
- We defended a leading pharmaceutical company against a charge that its anesthetic drug failed properly to anesthetize a patient undergoing abdominal surgery, disposing of the claim on a motion for summary judgment.
- We defended a leading chemical manufacturer against numerous claims of personal injury due to alleged exposure to industrial isocyanates, ultimately disposing of all claims on motions for summary judgment.
- We defended a major pesticide manufacturer against a claim of autoimmune disorder based on alleged exposure to its leading pesticide, disposing of the claim on a motion for summary judgment.