Toxic Torts and Hazardous Substance Litigation

Clark Hill has been actively engaged in the defense of toxic tort cases for many decades. We are experienced in representing clients before state and federal courts throughout the country in individual personal injury claims, class actions and multi-party, multi-jurisdictional litigation involving alleged exposure to toxic, hazardous, and other dangerous chemicals and substances. Our attorneys have served as national coordinating counsel, lead counsel, and liaison counsel in matters involving large numbers of manufacturing defendants. We have handled cases involving products such as:

- Asbestos
- Benzene
- Isocyanates
- Pesticides
- Heavy metals
- Metalworking fluids and draw compounds
- Xylene
- Coal tar pitch and coal tar pitch volatiles
- Polycyclic aromatic hydrocarbons
- Toluene
- Lead pigments
- Formaldehyde
- Hexavalent chromium
- Trichloroethane
- Methylene chloride
- Carbon monoxide
- Silica
- Talc
- Welding rods
- Radioactive substances
- Electromagnetic fields
- Mercury
- Cleaning Chemicals containing chlorophenols
- Calcium carbonates
- Medical imaging contrast dyes
- Mold

Our experience includes claims arising from inhalation, dermal and ingestion of toxic agents, as well as a myriad of damage and injury claims, including cancers, birth defects, hematopoietic diseases, multiple chemical sensitivity, chemical AIDS, immunotoxicity, RADs, neurologic disorders and brain injuries, ADHD, depression and other psychiatric injuries and disorders, occupational asthma, increased risk or fear of future injury, medical surveillance or medical monitoring, decreased quality of life, natural resource and property damage, and business losses. In addition to defending such claims, we counsel clients on methods to proactively reduce potential toxic tort liabilities.

Our team also has extensive experience in litigating mass tort matters arising from plant explosions, train derailments, oil and gas drilling incidents, fires, and other types of industrial catastrophes. Our representation includes, when appropriate, an inter-disciplinary approach addressing insurance, OSHA, environmental, and other issues that often arise and require coordinated attention in these types of incidents.

A number of our toxic tort matters involve large volumes of cases in numerous states and jurisdictions. Our litigation support staff and data processing capabilities enable us to track and process thousands of claims effectively and provide our clients with accurate and timely reports on their outstanding litigation matters and potential legal exposure, for internal management purposes, as well as to fulfill outside reporting requirements.

Our broad experience includes such matters as:

- Serving as litigation national coordinating counsel for a global automotive corporation, overseeing and managing more than 30,000 individual asbestos cases throughout the United States. Also, we have represented numerous other manufacturers of purportedly asbestos-containing products on a state-wide and regional basis.
Serving as litigation national coordinating counsel for several manufacturers of various carbon and graphite products in personal injury claims and jurisdictions across the country, directly handling these matters and/or overseeing their defense.

Serving as trial counsel on a statewide and regional basis for various petrochemical companies in matters involving claims of exposure to benzene and other chemicals.

Defending manufacturers of metalworking fluids and draw compounds in serial toxic tort claims involving more than 200 plaintiffs alleging various injuries including cancer, hypersensitivity pneumonitis, and other lung diseases.

Representing a chemical manufacturer in a class action arising from a train derailment and chemical spill resulting in the evacuation of over 20,000 surrounding residents. We defeated certification of a class except for a single claim arising under CERCLA and thereafter obtained summary judgment on the remaining CERCLA claim. We also defended more than 40 individual personal injury and/or property damage cases, obtaining the dismissal of all such claims against our client without any adverse judgments and without contributing to any settlements.

Trying to verdict several pesticide exposure personal injury and birth defect claims resulting in defense verdicts for our clients.

Serving as National Coordinating Counsel in the Multi-District Litigation involving the medical imaging contrast dye known as Gadolinium.

Representing a major petrochemical company in connection with a major refinery fire and explosion, resulting in more than $50 million in property damage, multiple fatalities and other personal injury claims, and claims of environmental and natural resource damages. We successfully defended all of the personal injury claims and resolved claims from OSHA and various environmental regulatory agencies, as well as successfully resolving insurance claims with the client’s carriers.

We offer our toxic tort and hazardous substances clients the capabilities of our more than 200 litigators, attorneys, and professionals. As part of our intake process, we assess the scope of work for each client, weighing both immediate and long-term objectives, to formulate a comprehensive litigation plan and defense strategy that cost-effectively protects our clients’ interests. We know what matters most to our clients: skilled, thorough, and cost-efficient counsel, and that’s what we deliver.