

## PRODUCTS LIABILITY

HBS offers a highly experienced team of attorneys across legal disciplines to develop a comprehensive legal strategy that aligns with business goals and growth targets

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### Overview

Hall Booth Smith's Product Liability defense attorneys combine subject matter expertise with first chair trial experience. We are the “go to” firm for many clients in some of the most difficult and delicate cases. Our defense experience spans mass tort actions as well as single plaintiff litigation, and our attorneys have extensive insight assessing risk and minimizing exposure. We defend claims in federal and state courts across the country, giving us intimate familiarity with decision trends and precedent-setting cases. Our defense philosophy is to be mindful of the need for cost-effective advocacy without sacrificing on quality or favorable results.

We set ourselves apart by partnering with our clients, providing a case-specific approach to each litigation rather than following a “one size fits all” approach. Along with the client, we develop an appropriate litigation strategy to aggressively defend the case and to better position the matter for trial or, if preferred, mediation or settlement. With our firm’s breadth in related practice areas, we draw upon the experience of colleagues in related disciplines to assist in providing strategic investigation and analysis as well as in retaining industry experts. We also utilize our in-house nurse consultants to assist in investigating our cases from a medical standpoint and to assist and work with retained experts.

As a philosophy, we strongly believe in regular communication with our clients and provide frank assessments of claims as early

### Leadership



#### **Baxter D. Drennon**

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**Full Team**

# HALL BOOTH SMITH, P.C.

as possible, providing regular updates throughout the litigation. We discourage case analysis that unnecessarily hedges or is not helpful in assessing risk, such as an assessment of a “50/50 chance of success.”

## Experience

Our Products Liability practice defends businesses in all areas of litigation, across a wide range of industries. Clients seek us out for counsel on product safety and reporting, product recall, and regulatory compliance matters before government agencies such as the Consumer Product Safety Commission and the Food and Drug Administration.

We have successfully litigated a wide range of product liability claims, including design and manufacturing defect claims alleging negligence, strict liability, breach of express and implied warranty, and failure to warn/instruct. Examples of the products we regularly defend include:

- Pharmaceutical and Medical Devices
- Hand and Power Tools
- Consumer Products
- Construction Defect
- Food, Beverage, and Supplements
- Automotive

As part of our practice, we partner with clients for eDiscovery and assist with identifying relevant documents, preservation obligations, and, ultimately, document production. We also become experts in the science and medicine for the particular product or injury. We evaluate, file, and argue *Daubert* motions, or related motions challenging the admissibility of expert testimony. We have a proven litigation track record in both federal and state courts because of our dedication to thoroughly studying and understanding the scientific and technical issues involved in each case.

## Outcomes

With the professional integrity and skill HBS lawyers bring to the table, we have successfully resolved many cases for our clients through mediation, motion practice, administrative bodies, bench, and jury trials. Some of our representative cases include:

- Medical device manufacturer for a Class III medical device
- Medical device manufacturer for a knee replacement system
- European manufacturer of surgical mesh
- A manufacturer of patient monitoring equipment
- A manufacturer of pacemakers
- A European pharmaceutical manufacturer of metoclopramide
- Consumer products cases involving the manufacturers of multi-use ladders and hand carts, turkey fryers, deer stand, and go-karts
- Pre-suit defense of a medical device death case involving a world-wide products recall
- Workplace injuries involving skid steer loaders and hand-held power tools
- Defeating a putative class action in litigation over surgical bone screws

## Blog



Our [Products Liability Blog](#) covers trending topics ranging from product safety and reporting to product recall and regulatory compliance involving agencies such as the Consumer Product Safety Commission, Food and Drug Administration (FDA), and

more.

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## **An Update on The Protection of Lawful Commerce in Arms Act**

[August 25, 2022](#)

Written by: Baxter Drennon, Esq. “f somebody has a gun and it falls into the hands of a murderer, and that murderer kills somebody with the gun, do you hold the gun manufacturer responsible? Not anymore than you would hold a hammer company responsible if somebody beat somebody over the head with a hammer. That is

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## **Non-Criminal Acts / Aiding and Abetting - Further Expansion of the Exceptions to the Protection of Lawful Commerce in Arms Act?**

[August 24, 2022](#)

Written by: Baxter Drennon, Esq. The Protection of Lawful Commerce in Arms Act, 15 U.S.C. § 7901, protects licensed firearm and ammunition manufacturers and dealers from civil liability resulting from the criminal or unlawful misuse of a firearm or ammunition. There are six enumerated exceptions to the immunity created under the Act, including actions related to: (1)

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