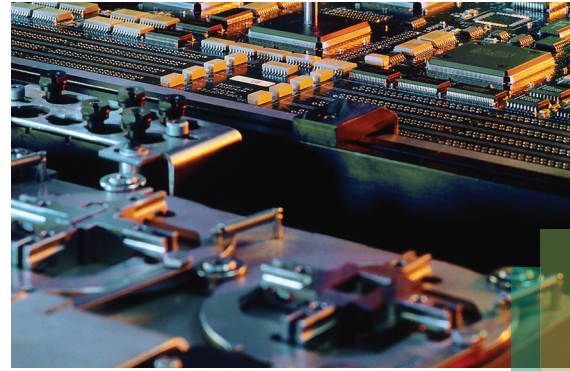


**GLOBAL PRODUCT LIABILITY
COUNSELING AND LITIGATION**



BUSINESS-FOCUSED PRODUCT LIABILITY STRATEGIES



Orrick lawyers are committed to the principle that product liability and product recall strategies and litigation must serve business objectives. We work with each client to shape a litigation strategy that supports research, development and marketing goals. From the outset, we explore with clients the challenges, risks and costs presented by possible recalls or claims together with the impact those claims may have on their products, business partnerships, daily operations and international reputation.

Global Advice on Product Standards and Sourcing

With a substantial corporate and litigation presence worldwide, Orrick advises clients with global businesses on the preventive steps they can take to avoid product defects.

Examples of such steps include:

- Conducting due diligence on suppliers and their quality control systems and product standards.
- Outlining the differences in safety standards in various jurisdictions and advising on suppliers' adherence to appropriate standards.
- Establishing and enforcing contractual requirements with suppliers.
- Using administrative actions and other remedies against problem suppliers in their home jurisdictions.

Product Recalls

Orrick lawyers have represented companies in Asia, Europe and the United States in product recall matters. The duty to notify the public and regulatory agencies of potentially defective or harmful products when public health and safety is at stake requires rapid management decisions supported by practical, competent legal advice.

Orrick lawyers' experience in product recall matters includes:

- Leading the Asia portion of a global recall of power cords for a major U.S.-based electronic games manufacturer, including the identification and coordination of counsel in several jurisdictions and liaising with the regulators.
- Coordinating a U.S. company's diving computer product recall in Asia and liaising with regulators.
- Providing regulatory, civil and criminal law advice to a Hong Kong company regarding the importation into Hong Kong of food sachets containing a banned artificial sweetener.
- Acting for a client regarding potential claims in respect of the importation into the People's Republic of China of pet food products based on false documents.
- Advising a Europe-based doll manufacturer regarding counterfeit products which failed appropriate safety standards, including liaising with the Technical Supervision Bureau in the People's Republic of China.
- Acted for a multinational oil and gas company regarding the product recall of gas regulators following a fatal explosion.
- Advising a client regarding its legal position in Hong Kong in respect of contamination of food product with the food dye "Sudan Red."



Strategic Legal and Crisis Communications

Orrick has a unique strategic legal and crisis communications team dedicated to assisting our clients in communicating the story of a product defect or product recall to the public in a timely and responsible fashion. Working closely with clients, our lawyers investigate and report accurately on the facts and can help limit the potential negative impact on company and brand image. Failure to manage a crisis in a professional manner can have disastrous effects on a company's value and share price, and Orrick's professionals assist clients with these issues while ensuring attorney-client privilege regarding any related litigation is maintained.

Mass Torts and Product Liability Litigation

Product liability litigation and counseling with millions (and, at times, billions) of dollars at stake is a primary strategic capability of Orrick's litigation practice. Clients look to us to advise on and defend these matters because of our ability to understand the issues thoroughly, position cases for maximum trial advantage, clearly communicate complex concepts to judges and juries, and persuasively present the facts and argue the law.

Using this approach, Orrick litigators are recognized for their work in personal injury defense litigation for clients including:

- Winning a complete defense verdict in a Texas jury trial on behalf of an asbestos manufacturer in *Kelly-Moore v. Union Carbide*, one of the "Top Defense Verdicts of 2004" by *The National Law Journal*. The case represented a potential US\$5.6 billion financial exposure for our client.
- Serving as national counsel for a leading pharmaceutical manufacturer in more than 250 product liability cases involving claims that childhood vaccines containing thimerosal have caused the development of "autistic-spectrum disorders" in some vaccinated children.
- Representing a pharmaceutical manufacturer in multijurisdiction cases in France, Middle Eastern countries, Tunisia and the United States involving claims that hemophilic patients have been allegedly infected by HIV due to blood products transfusions.
- Representing a manufacturer in a series of lead-pigment-in-paint cases pending in state courts around the United States (all alleging injury from lead pigment in paint), including actions filed by states, local governments, private classes and individuals.
- Achieving a defense verdict for a pharmaceutical manufacturer in a three-week trial defeating product liability claims alleging permanent injuries from the use of the Norplant System,[®] a prescription contraceptive product.
- Obtaining defense judgments for a manufacturer in three multi-week jury trials of cases involving permanent injuries to infants allegedly resulting from immunization with diphtheria-tetanus-pertussis (DTP) vaccine.
- Representing a manufacturer with respect to claims relating to silicone breast implants and in the development of an overall strategy to litigate and resolve breast implant litigation against the company.
- Representing a refrigerated trailer manufacturer in the European multijurisdiction case related to the Mont Blanc tunnel fire in 1999.
- Obtaining the dismissal of a chemical manufacturer from a putative class action representing between two and four million potential plaintiffs related to the use of Agent Orange in Vietnam.
- Representing the Manville Trust through the Claims Resolution Management Corporation, other trusts and asbestos manufacturing successor corporations in litigation against the tobacco industry. This federal action in the Eastern District of New York involved recovering the tobacco industry's share of the liability to those injured by occupational and other exposure to asbestos.

Depth of Product Liability Experience

Our lawyers have represented defendants in lawsuits involving the following products:

Alcoholic beverages	Industrial chemicals and solvents
Antibiotics	Lead pigment
Anti-convulsants	Polio vaccine
Asbestos	Silica filter air products
Birth control devices	Vaccines
Blood products	Vitamins and supplements
Breast implants	
Fertilizers and pesticides	

A Trusted Advisor

Clients count on Orrick's lawyers to deliver sound advice regarding product defect and product liability issues and to develop effective communications and litigation strategies in line with their business objectives.

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ABOUT ORRICK

Orrick is an international law firm with more than 1,100 lawyers located in the major commercial centers of North America, Europe and Asia. Tracing its roots to 1863, over the years, Orrick has pursued a strategy of steady but measured growth to meet the needs of our clients for high-quality legal solutions wherever they do business. Our practices are balanced between high-stakes litigation and complex transactions, while emphasizing proactive counseling and risk management. In recognition that our clients require both quality and value, the firm has led the legal industry by combining market-leading practice capabilities with client-service innovation.

TRANSACTIONAL

Banking and Finance
Capital Markets
Compensation and Benefits
Emerging Companies
Energy
Financial Markets
Global Infrastructure
Mergers and Acquisitions
Outsourcing and Technology Transactions
Public Finance
Real Estate
Restructuring
Tax

LITIGATION

Antitrust and Competition
Commercial Litigation
Employment Law
Insurance
Intellectual Property
International Arbitration
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Public Policy and Government Affairs Practice
Securities Litigation and Regulatory Enforcement
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