

Overview

Your products are your lifeblood. You spend significant time and expense on product design, development, testing and manufacturing. But even the most proactive, safety-conscious companies face recalls.

When these situations are not well managed there are significant consequences, including: lost productivity, business interruption, negative publicity, regulatory investigations and prosecutions, product liability lawsuits and shareholder lawsuits.

Dentons can help you prepare today for the product issues that arise tomorrow. Our diverse team can counsel you and assess liability in the creation, development, regulation and implementation of new products. Our Product Recall lawyers partner with you to plan for, and take steps to avoid, the potentially devastating effects of a product recall by developing risk management and recall plans, so you are as prepared as possible should a product issue arise.

Leverage lawyers and scientific professionals around the world who work with life sciences companies daily, and have a wealth of knowledge and experience in handling product recalls and product liability lawsuits. We help you walk through reporting requirements and decisions and advise on public relations issues. We work together to take steps to avoid or minimize ensuing litigation. And, when necessary, we are at your side to efficiently and effectively handle any recall litigation that arises.

We understand the risks and challenges you face when dealing with product issues and product recalls, which is why we work so hard to minimize them.

Representative Experience

- **K-V Pharmaceutical Company:** Acting as national coordinating and lead trial counsel for a series of individual, multi-plaintiff, and class action product liability cases related to product recalls occurring in 2008 and 2009. Defending these cases at the trial and appellate level in the federal and state courts in at least 24 states, leanly staffing the matters with a core team from its Dallas office, and drawing also upon the expertise of lawyers in its own offices in Chicago, New York, New Jersey, Los Angeles, San Francisco, Washington, DC, St. Louis, Kansas City, and Phoenix, our team was able to use its broad experience in the pharmaceutical industry, product liability, class action defense, health care, and consumer protection to strategize across disciplines and jurisdictions and provide the client a coordinated defense and comprehensive service. The cases have been largely resolved to the company's satisfaction via dismissal or following early case assessment and resolution. Most recently, there were two major victories involving class actions. In *Lefavre/Polk v. KV Pharmaceutical Co.*, our team obtained a second dismissal of the case in which the alleged class of plaintiffs claimed economic injury based upon their purchase of a drug that was later recalled by the company. This case had previously been dismissed, the dismissal was reversed by the Eighth Circuit, and upon remand our team again obtained a dismissal. In *Herndon v. KV Pharmaceutical Co.*, our team defeated class certification in a case in which the alleged class of plaintiffs claimed economic injury based upon their purchase of a number of drugs that were later recalled by the company. Class certification was denied after discovery, briefing and argument in March of 2012.