

# Personal Injury & Wrongful Death

## Overview

Occupational, industrial and transportation accidents resulting in personal injury or wrongful death unfortunately take place every day. When these events occur, privately- and publicly-held companies depend on Munsch Hardt's seasoned team of trial attorneys to develop effective strategies of defenses.

With more than 30 years of experience and hundreds of successes before state and federal courts throughout Texas, we understand what it takes to represent our clients in these situations – we understand the applicable statutes, the relevant standards of care and the injury-related damage models. When appropriate, our team also advocates for our clients' interests through settlements, mediation and/or arbitration proceedings.

Our team members offer experience representing notable corporations such as Genie Industries, Dollar General, Waste Management, ExxonMobil, Coach USA, Georgia Pacific, Terex Corporation, Loomis Armored, Oil States, Chevron Phillips Chemical Co. and many others in death cases. Recently, the team received a take nothing verdict for CPChem in a serious death case in Duval County.

Other types of cases in which we defend our clients involve the following:

- Premises liability
- Construction accidents
- Oilfield accidents
- Products liability
- Transportation accidents, including commercial trucking and common carrier
- Brain damage
- Mesothelioma
- Criminal assault
- Industrial injuries, including severe burns and electrocution

Our team of attorneys have dedicated the majority of their careers to defending companies against personal injury and wrongful death cases. As true experts in their field, they serve as faculty members of the IADC Trial Academy, TADC Trial Academy and the Texas College of Trial Advocacy. Their first-chair experience enables them to minimize litigation costs and maximize the probability of a successful outcome for our clients every time.

## Experience

### Wrongful Death Defense

Successfully defended a leading manufacturer of personnel lifts in a products liability case in which, after a three week jury trial, the general contractor for the Baylor football stadium was charged with negligence and ordered to pay \$17 MM in a death case while our client, the lift manufacturer, was exonerated.

## Personal Injury Defense

Defended a large waste disposal company, whose driver backed his waste truck into another vehicle, resulting in injuries to the other driver. The other driver filed suit, alleging damages for a double operated back, a complete inability to work, and in excess of \$3 MM in damages. The jury found that the plaintiff was at fault and also found that his alleged injuries were not caused by the accident.

## Wrongful Death Defense

Successfully defended a bus company that was sued after an intoxicated passenger was removed from the bus and was later killed on the highway. The plaintiff sought in excess of \$1 MM, but the jury exonerated the bus company.

## Wrongful Death Defense

Successfully defended a leading manufacturer of personnel lifts in a products liability case in which the Texas Supreme Court changed Texas products liability law, specifically regarding design defect cases. The plaintiff argued that our client's lift was defective as designed because it was not safe when the explicit instructions (to never move the lift when someone is in the basket) are ignored. Those instructions were ignored and the person in the basket was killed. The Court held that the instructions against this type of misuse were very clear and the danger was obvious, and held that when the risk that someone will ignore those instructions is very small, then a change in the design is not required in order to make the product reasonably safe. In such a case, the Supreme Court held, the question should not even be submitted to a jury, as the risk of harm does not outweigh the product's utility as a matter of law.

## Wrongful Death Defense

Successfully defended the Mexico-based branch of an international electronic manufacturing company in federal court regarding a case in which a truck driver allegedly hauling appliances from Mexico to Mississippi fell asleep and killed a number of people on a highway in Louisiana.

## Wrongful Death Defense

Represented a large international manufacturer of plastic pipe. The pipe was used to transport water at an oil well drilling site and, because the water was extremely hot, the pipe burst and caused a sinkhole. An oilfield worker fell into the sinkhole, which was full of boiling water, and was burned. He survived ten days and then died of his injuries. The plaintiff sued the manufacturer of the pipe, seeking several million dollars. The case was tried in south Texas, and the jury found that the pipe was not defective, completely exonerating the manufacturer.

## Practice Leaders



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## Related People

James Bettis  
Casey Carter  
Andres Contreras  
Eddy De Los Santos  
Mark Deaton  
Jay Evans  
Todd Frank  
Robert Hancock  
Clifford Harrison  
Peter Hogue  
Michael Huddleston  
Mark Huffman  
Earl Ingle  
D. Mitchell McFarland  
Emily Means  
Austin Moorman  
Laura Murray  
Gregory Noschese  
Daniel Pipitone  
Justin Ratley  
James Ray  
Carrie Schadle  
Dennis Siaw-Lathey

William Toles  
Nathan Vrazel  
B. Lee Wertz  
Kelly Wise

## Related Practices

Litigation  
Antitrust  
Appellate  
Arbitration  
Director & Officer Litigation  
Financial Institution Litigation  
Insolvency Litigation  
Lawyer & Law Firm Litigation  
Products Liability  
Warranty  
Environmental Litigation  
Intellectual Property Litigation  
Employment Litigation  
Trade Secrets  
Tax Controversy

## Related Industries

Construction  
Energy  
Insurance  
Manufacturing  
Transportation

## Achievements

*Best Lawyers*® “Best Law Firms”, published by *Woodward/White, Inc.* – Personal Injury Litigation - Defendants, Metropolitan Tier Ranking (2020-2024)

## Newsroom

**Press Release:** Best Lawyers® Names Munsch Hardt to 2024 “Best Law Firms” in America List

**Press Release:** Munsch Hardt Ranks Among Nation’s Top Firms in 2023 “Best Law Firms” List by U.S. News - Best Lawyers®

**Press Release:** Munsch Hardt Named to 2022 “Best Law Firms” List by U.S. News – Best Lawyers®

**Press Release:** Munsch Hardt Ranks Among Nation’s Top Firms in 2021 “Best Law Firms” List by U.S. News - Best Lawyers®

**Press Release:** Clifford Harrison Selected as Fellow of The Litigation Counsel of America

**In The News:** Jury sides with company in industrial death of employee

**In The News:** Trial begins in wrongful death lawsuit of man crushed by hydraulic lift

**Press Release:** Munsch Hardt Ranks Among Nation's Top Firms in 2019 Best Law Firms List

**Press Release:** Munsch Hardt Wins Defense Verdict in Baylor University Bridge Wrongful Death Case

**In The News:** T-Mobile, Samsung Escape Texas Suit Over 911 Death

**Press Release:** Munsch Hardt Expands Energy and Maritime Practice Through Addition of Attorney in Houston Office

**In The News:** Worker Deaths Not 'Occurrence' Under Okla. Law, Insurers Say