

# Products Liability

## Overview

Under certain circumstances, manufacturers or suppliers of goods may be liable if someone using their product is injured. For example, liability may be based on allegations a product was not designed or assembled correctly, or perhaps the user was not adequately warned of potential risks or dangers.

Manufacturers and suppliers of goods may also find themselves in litigation even when the product is not defective and the warnings are adequate. However, liability for injury caused by an alleged defective or dangerous product is not automatic. Munsch Hardt's Products Liability attorneys are well-versed in the nuances of product liability law and prepared to defend manufacturers and suppliers in these types of actions, by identifying and taking advantage of all available defenses.

The Firm has served as lead trial counsel in cases throughout Texas, defending clients across a broad range of industries, involving a vast range of products – medical devices and products; oil and gas pipelines and equipment; cars and auto parts; electronics; firearms; cranes and construction equipment; industrial manufacturing equipment; and more.

Key highlights of our practice include the following:

- Serving as Texas trial counsel for national and international clients
- Representing manufacturers, distributors, suppliers, and retailers
- Addressing allegations of products liability, including negligence, strict liability, breach of warranty, personal injury, wrongful death and consumer protection violations
- Defending against single-product cases, class actions, mass torts and multidistrict litigation
- Advising clients regarding underlying potential liabilities and exposure to particular loss claims, and review contracts, warning labels, and sale or distribution protocols
- Identifying and pursuing indemnification rights our clients have, including against third-parties and insurers
- Drafting, updating and streamlining warranties, including reducing statute of limitations provisions as well as warranty and damage limitations and exclusions

The Firm offers extensive experience in the area of products liability defense, having tried hundreds of complex and high-profile cases to verdict with great success. By repeatedly representing clients in trial, our attorneys' strategic advice is based on an accurate understanding of how facts and arguments are likely to be perceived. Moreover, our reputation as trial lawyers gives us leverage in negotiations because adversaries know we settle only to serve our clients' best interests – not to avoid court. We also maintain close contact with some of the best defense experts throughout the country who are able to team with us and our clients to assist in “de-bunking” opposing experts' opinions and explaining complex engineering principles and issues to judges and juries in a manner that is understandable and persuasive.

While our clients demand the highest-quality legal services, cost containment and predictability are also important concerns for well-managed companies. Particularly in products liability litigation, where the full scope of a problem may not be immediately clear, Munsch Hardt works closely with clients to develop litigation strategies that limit exposure and prevent escalation. We staff matters quite leanly to ensure senior attorneys are involved in every aspect of a case and communicate directly with clients about strategy and ongoing claims management.

## Experience

## Medical Products Liability

Served as part of a national trial team for a major manufacturer on product liability claims related to silicone breast implants. Served as part of the trial team that secured the first jury trial victory in Harris County by an implant manufacturer. That was followed by four other defense verdicts for client over the next three years. Served as part of the trial team that secured the first directed verdict for an implant manufacturer in the country, achieved after plaintiff's causation experts were excluded on Daubert grounds.

## Construction Products Liability

Defended the manufacturer of a mobile crane which tipped over, resulting in significant head and orthopedic injuries, and leading to a lawsuit in which the damages exceeded \$3 MM. The jury found that the crane was not defective, resulting in a take nothing judgment and a total victory for the defense.

## Pipeline Equipment Products Liability

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. 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.

## Health Care Products Liability

Served as state wide counsel for a major medical device manufacturer in products liability claims related to hernia patches.

## Telecommunications Products Liability

Represented multiple telecommunications companies over the years in cases involving damage to the companies' network of underground fiber-optic cables.

## Manufacturing Product Liability

Obtained a summary judgment for a manufacture of firearms based on the Texas statute of repose. In this case, the plaintiff was injured by an accidental discharge of a rifle he admittedly acquired more than 15 years before the incident. He argued, however, that New York law should apply, not Texas law, because the manufacturer designed and manufactured the rifle in New York. The lawsuit alleged design and manufacturing defects. New York law has no statute of repose. The Munsch Hardt team successfully argued that under the circumstances of this case, Texas law should apply. The court found that Texas' statute of repose barred Plaintiff's causes of action as a matter of law.



## Clifford Harrison

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## Related People

Casey Carter  
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Todd Frank  
Stephen Gibson  
Clifford Harrison  
Tiffany Harrod  
Michael Huddleston  
James Jordan  
Teia Kelly  
Nicole Manley  
Keith McDole  
D. Mitchell McFarland  
Jay Ong  
Daniel Pipitone  
Amando Ruiz  
Courtney Sauer  
Carrie Schadle  
B. Lee Wertz

## Related Practices

Litigation  
Antitrust  
Appellate  
Arbitration  
Director & Officer Litigation  
Financial Institution Litigation  
Insolvency Litigation  
Lawyer & Law Firm Litigation  
Personal Injury & Wrongful Death  
Warranty  
Environmental Litigation  
Intellectual Property Litigation  
Employment Litigation  
Trade Secrets  
Tax Controversy

## Related Industries

Construction  
Energy  
Health Care  
Manufacturing  
Technology & Telecommunications  
Transportation

## Achievements

*U.S. News – Best Lawyers®* “Best Law Firms”, published by *Woodward/White, Inc.* – Product Liability Litigation - Defendants, Metropolitan Tier Ranking (2020)

## Newsroom

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

**Press Release:** Munsch Hardt Ranks Among Nation’s Top Firms in 2020 “Best Law Firms” List by U.S. News - Best Lawyers®

**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

**In The News:** Legal Malpractice Insurers Looking Earlier To Sue Their Attys

**Article:** Jim Jordan Offers Tips on Drafting Autonomous Vehicle Contracts in Law360

**Article:** Who's Liable For A Crash When It's The Car Driving?

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

**In The News:** Texas Justices Say Court Misread Gas Contract Ruling

**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