

Product Liability Group Of The Year: Bowman And Brooke

By **Greg Ryan**

Law360, New York (January 09, 2014, 8:34 PM ET) -- Bowman and Brooke LLP scored huge victories in bellwether trials in both the unintended acceleration litigation against Toyota Motor Corp. and coordinated pain pump injury litigation against Breg Inc., making the firm one of Law360's Product Liability Practice Groups of the Year.

The year 2013 was another banner one for the 200-attorney firm, which specializes in product liability cases. It won verdicts for clients such as Ford Motor Co., Hyundai Motor Co. and BMW of North America LLC, in cases over alleged defects involving car parts, from seat belts to roofs to airbags.

"One of the things that distinguishes Bowman and Brooke is our very strong reputation as a trial firm," Executive Managing Partner Paul Cereghini said. "We're a firm that has really concentrated our practice in product liability defense, and that gives us quite an advantage in defending our clients."

The firm tried 16 significant cases to verdict over the past year, Cereghini said. None was as high-profile, however, as the bellwether trial in the unintended acceleration litigation against Toyota, the first of a bundle of suits in California court to go to a jury.

The suit centered on the death of 66-year-old Noriko Uno in a multicar accident in 2009. Uno's family claimed the crash was caused by Toyota's failure to put a brake override system in her 2006 Toyota Camry, even though it had been installed in vehicles in Europe and Asia.

Bowman and Brooke's trial team, led by Executive Managing Partner Vincent Galvin Jr., argued that the accident was the result of driver error caused by a health condition. In addition, there was no evidence Uno hit the brakes before she crashed into a tree, Galvin contended at trial.

The jury found for Toyota in October, determining the car's design did not contribute to Uno's death. The automaker can point to the outcome in upcoming negotiations to settle the personal injury and wrongful death cases in the litigation, which is especially helpful considering Toyota was hit with a \$3 million verdict in Oklahoma, also in October.

The victory in the Breg case was a milestone for a firm that has ramped up its drug and medical device work in recent years. Drug and device cases are the fastest-growing area of Bowman and Brooke's practice, alongside consumer class action defense, according to Cereghini. The firm's increasing

diversification has provided benefits in all areas of its practice, he said.

“Our experience defending a particular industry is very often beneficial to us when we're defending products in other industries,” Cereghini said.

In the Breg case, which was tried in California court, the plaintiff alleged that the company's Pain Care 3000 infusion pump was defective and left him with chondrolysis, a condition that can lead to severe arthritis. He eventually had to undergo another surgery for a total shoulder replacement, he said.

Executive Managing Partner Kim Schmid and the rest of the firm's team argued in response that the plaintiff actually suffered from another condition that was not caused by the pain pump. They achieved a unanimous defense verdict in February, with the jury finding there was no negligent failure to warn on Breg's part.

The Toyota and Breg cases took place in California, but Bowman and Brooke prevailed in trials this year from coast to coast, and even beyond: It served as lead trial counsel for Ford and Mazda Motors of America Inc. in a suit in the Virgin Islands, brought by a man who claimed a defective seat belt caused head injuries. The firm also helped automakers prevail in federal and state courts in Nevada, Montana, Arizona, Texas, South Carolina and Washington state.

Bowman and Brooke has 10 offices across the country, including in Los Angeles, Detroit, Phoenix, Dallas, and Columbia, S.C. It opened its newest office, in San Diego, in the fall.

“Our offices work together in a seamless way, and very often our trial teams are composed of members from different offices,” Cereghini said.

The next year looks to be as busy as the previous one for Bowman and Brooke, according to Cereghini. In addition to its continued work for Toyota in the unintended acceleration cases, the firm represents helmet maker Riddell Inc. in multidistrict litigation brought by former NFL players over concussions they suffered during their careers. The company is not part of the NFL's proposed \$760 million settlement agreement.

“We eat, sleep and breathe the defense of product liability cases, and we've done it now for 30 years,” he said.

--Editing by Edrienne Su.

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