

Product Liability MVP: Bowman And Brooke's Paul Cereghini

By **Lance Duroni**

Law360, Chicago (November 15, 2013, 6:40 PM ET) -- Paul Cereghini's nearly 30 years of experience defending manufacturers of vehicles big and small, off-road and on, paid off for a trio of the world's biggest carmakers in 2013 with resounding trial victories in three states, earning the Bowman and Brooke LLP partner a spot among Law360's Product Liability MVPs.

Cereghini, the firm's executive managing partner, kicked off his stellar run this year by guiding American Honda Motor Co. Inc. to a mistrial in a Montana federal court case blaming the company's Rancher all-terrain vehicle for brain injuries suffered by plaintiff Zane Johnson.

After the jury hung last October, Cereghini and his team successfully attacked the testimony of the plaintiff's lone liability expert as unreliable, showing that the mechanical engineer never tested or otherwise backed up his theory that improper assembly of the ATV's axle threw off its steering.

"Then the entire case crumbled," Cereghini told Law360, prompting the judge to toss the suit in February.

Cereghini credits his hands-on approach as a major advantage at trial, saying the key to defending product liability cases is having a complete understanding of the product at issue.

"Whenever I can, I'll always use the product myself when I prepare to defend it — I'll drive it, I'll ride it, I'll wear it," he says. "I always want to know more about the product than anyone else in the courtroom."

In fact, Cereghini's hobby riding off-road motorcycles had a hand in deciding his career path. Fresh out of law school in 1985, Cereghini was still uncertain about which area of law he was suited for when he fell in with Dick Bowman and Jeff Brooke, his mentors and the firm's founding partners.

At the time, Bowman and Brooke were already involved in defending Honda and other manufacturers in high-stakes litigation over safety issues with three-wheel all-terrain vehicles. The opportunity to take on the exciting job of a trial attorney, while defending products that he knew well and enjoyed himself, was a "perfect combination," Cereghini said.

Bowman told Law360 that Cereghini has grown into one of the top two or three trial lawyers at the firm, pointing to the unanimous defense verdicts he won in 2010 and 2011 in bellwether cases over Yamaha Motor Co.'s Rhino ATV.

He won these cases “with such power” that it “stopped a huge wave of litigation dead in its tracks,” Bowman said.

Cereghini was tested again this year in a crashworthiness suit alleging defects in a Hyundai Motor Co. sport utility vehicle’s safety system resulted in serious injury during a rollover accident.

Following an 11-day trial in Nevada, the jury returned a verdict finding the company’s 2001 Santa Fe SUV was not defective or unreasonably dangerous, getting Hyundai off the hook for more than \$3 million in damages sought by plaintiff Melissa Stevens. Stevens’ attorneys had argued that the vehicle should have been equipped with certain cutting-edge safety features, but Cereghini helped show that the technologies weren’t fully developed for use in a passenger vehicle back in 2001.

“It was neither possible nor prudent for Hyundai to incorporate that technology,” he said.

Cereghini capped his impressive string of trial victories in April, winning a directed verdict in favor of BMW of North America LLC in a \$5 million suit blaming allegedly defective airbags for a driver's severe injuries suffered during a high-speed collision.

The pivotal moment during the five-day trial in Arizona came during Cereghini’s cross-examination of the plaintiff’s biochemical expert, who admitted on the stand that the head protection airbag in plaintiff Susana Sara’s 2004 BMW 325i had actually saved her life.

While the heart of his practice lies in representing vehicle manufacturers, Cereghini is far from a one-trick pony. He has also defended cases involving electrical components and appliances, forklifts, cold therapy devices, various helmets and a car jack, to name a few.

Based out of Bowman and Brooke’s Phoenix office, Cereghini’s reach extends much further, having tried cases from Tampa Bay, Fla., to Nome, Alaska, in both major metropolitan areas and small rural communities.

“One of Paul’s skills as a trial lawyer is that he can go anywhere and he doesn’t look like a big suit from Chicago,” Bowman said.

Bowman added that juries everywhere love Cereghini because he doesn’t set himself apart, eschewing lofty vocabulary for words everyone can understand. A “consummate truth-teller,” Cereghini points out problems with his own case before opponents, and shows empathy for plaintiffs who have suffered gruesome injuries, according to Bowman.

That honesty extends to Cereghini’s views on tort reform, which he fully supports regardless of any impact it might have on his business interests. Having seen the costs the current system imposes on products and ultimately consumers, he said he thinks tort reform would be appropriate in many states.

“If that means Paul has fewer cases and has to engage in some other aspect of the practice of law, that would be a good thing,” he said. “But since that’s not likely to happen, the solution is an aggressive defense of those products and that’s what I’m here to do.”

Cereghini’s workload heading into 2014 includes arguably the most high-profile set of cases in the country. While the NFL reached a \$765 million settlement in September with former players in a raft of

concussion lawsuits, Cereghini is spearheading the defense of helmet-maker Riddell Sports Inc. in continuing litigation brought by former football players in both the NFL and NCAA.

“Paul knows more about helmets than almost anybody,” Bowman said. “Riddell was quite well-informed when they hired him.”

--Editing by John Quinn.

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