

## Product Liability Group Of The Year: Bowman & Brooke

By **Steven Trader**

*Law360, New York (January 13, 2017, 11:28 PM EST)* -- The versatility of Bowman & Brooke LLP's product liability team was on full display in 2016 as it locked up high-profile defense wins on behalf of two auto industry giants along with a medical device maker and sporting equipment producer to boot, securing its place among Law360's Practice Groups of the Year.

Having cut its teeth on automotive cases 32 years ago, the firm in August kept alive its long-established reputation as a defense leader for the industry by helping Takata Corp. fend off an \$80 million lawsuit in Florida state court, landing a unanimous defense verdict against a Kiara Dukes, who claimed the injuries she sustained in a horrific 2009 rollover crash were exacerbated by her Takata seat belt unlatching.

During the trial, lead attorney Tom Branigan had argued there was substantial proof through physical evidence showing neither Dukes nor co-plaintiff Brandon Ellis were wearing their seat belts at the time of the crash, additionally pointing out that the buckle at issue had been used for two decades by major automakers.

The firm then notched its second major auto industry win in October, when the Fifth Circuit upheld the dismissal of a suit brought by the family of a Texas man who burned to death in a 2010 Kia Soul due to an allegedly defective fuel tank, saving Kia Motors millions in potential liability.

Relatives of Henry Sims Sr. accused Kia of designing a defective fuel tank that ruptured during a two-car accident in 2013 after it struck the protruding stump of a dislodged street sign. In late May 2015 though, just weeks before trial was set to begin, Bowman & Brooke executive managing partner Kurt Kern was able to talk a notoriously strict Texas federal judge into excluding the plaintiff's experts' testimony for lack of a reliable theory.

On appeal, Kurn and his team endured a "hot panel" of judges who asked a number of questions that certainly seemed to favor the the plaintiffs' position, so much so that the opposing lawyers began reaching out to renew settlement talks, until the appellate court affirmed and ended the case.

**"With high-profile media coverage, high-profile involvement of the plaintiffs bar, and the unfortunate death associated with fire — which is always a challenging consideration — there was a lot at stake for the company," Kern said. "Fortunately Kia was committed to the defense, and with our resources,**



**we got the result the client wanted."**

The auto industry wasn't the only one to benefit from Bowman & Brooke's deep team of nearly 200 product liability lawyers last year either.

Back in 2011, a proposed class of patients launched a suit accusing medical device maker Breg Inc. of hiding the potential dangers of its Polar Care 500 cold therapy machine, but those claims effectively ended in October when firm chairman Paul Cereghini convinced a California federal judge that too many individual questions defeated certification. The case was dismissed with prejudice on Jan. 5.

Cereghini last year also went to bat for football helmet maker Riddell Inc. in a high-stakes case brought by a group of athletes who claimed it was liable for the concussions they suffered playing college football, and walked away with a permanent dismissal of the group's manufacturing defect liability claim in late September, ending Riddell's involvement in the suit.

Though the win was significant in its own right, Cereghini saw it as simply another sign of Bowman & Brooke's growth and emergence as a leader defending not just the auto industry but a broad array of product manufacturers.

**"We've defended highly complex products cases since the founding of the firm 32 years ago; it's what we do day in and day out, and when you do something every day for over 30 years you tend to get really good at it," Cereghini said.**

As Bowman & Brooke's focus expanded in 2016, so too did the growth of the firm itself. Seeing an opportunity to provide resources in the Southeast, the firm last year opened offices in Orlando and Miami and added nearly two-dozen new product liability attorneys, Cereghini said.

"We're not interested in growth for growth's sake. We want to grow where it will add resources that are beneficial to our clients," the firm chairman added. "We're committed to our clients for the long haul, so in order to do that effectively, we are very committed to developing the next generation of product defense lawyers."

--Additional reporting by Y. Peter Kang, Braden Campbell and Emily Field. Editing by Mark Lebetkin.

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