

Product Liability Group Of The Year: Bowman And Brooke

By **Rachel Graf**

Law360, New York (January 29, 2018, 1:14 PM EST) -- Bowman and Brooke LLP's representation of clients in high-profile multidistrict litigation in 2017, such as the cases against Honda over Takata's exploding airbags and lawsuits against Riddell over head trauma in football players, helped earn the firm a place on Law360's list of Product Liability Groups of the Year.

Founded more than 30 years ago as a product liability defense firm, Bowman and Brooke through its roughly 200 attorneys has defended clients within a range of industries in cases spanning warranty matters and sprawling multidistrict litigation.

"When you do something for as long as we've defended product cases, you get really good at it," firm Chair Paul Cereghini said.

Bowman and Brooke is currently lead counsel defending Honda in litigation over vehicles equipped with Takata Corp. airbags that pose an explosion risk. The automaker has recalled almost 12 million Honda and Acura automobiles because of the defect so far, with the airbags causing at least 11 deaths in Honda vehicles.

The firm has managed aspects of the litigation including bankruptcy, attorney general actions, and state and federal multidistrict litigation and lawsuits. Specifically, Bowman and Brooke prepared corporate witnesses, coordinated state court discovery and managed meetings with the National Highway Traffic Safety Administration.

Bowman and Brooke is defending BMW against Takata-related allegations as well. Detroit office managing partner Thomas Branigan and his team are overseeing multidistrict litigation and state court product liability suits, as well as aspects of state attorney general cases alleging unfair trade practices and consumer warranty violations.

This past year, both automakers reached settlements to exit the multidistrict litigation.

In May, BMW said it would pay \$131 million to end claims involving 2.3 million of its vehicles. Honda separately agreed in September to pay \$605 million to end allegations against it. A fairness hearing about the agreement is scheduled for early February, Cereghini noted.



Additionally, the firm is defending football helmet-maker Riddell Inc. against allegations by former professional, collegiate and high school players who say the company didn't take the proper precautions to protect them from concussions that could cause brain injuries. Bowman and Brooke is representing the company in multidistrict litigation brought by hundreds of former NFL players, a proposed class action brought by former collegiate players and an Illinois state court case brought by former NFL players.

Bowman and Brooke has helped reduce the number of former NFL players in the Illinois state court litigation to 39 from 99, Cereghini said. The court dismissed with prejudice 53 plaintiffs' claims in June and dismissed another two plaintiffs from the suit in January based on the statute of limitations. Five other plaintiffs have voluntarily dismissed their claims.

"One thing that's common across all these cases is clients want resolutions," Cereghini said. "They want favorable resolutions, and they want to obtain them efficiently and cost effectively."

The firm's attorneys strive to not only resolve pending litigation but also prevent future litigation.

"We try to work ourselves out of a job," Cereghini said. "Our clients don't want to be easy targets."

The attorneys are adept at case development and management, discovery and discovery coordination, and product liability prevention counseling, but the firm is perhaps best known for its deep bench of trial lawyers, Cereghini said. The firm has more than two dozen attorneys with first-chair experience at big-exposure trials.

In one such trial, the firm defended Polaris Industries Inc. against claims that an "unreasonably dangerous" design of one of the company's off-road vehicles caused a child to lose her hand when the vehicle tipped over and landed on her arm. The 2013 Ranger XP 900 should have been designed so that its upper frame would be incapable of pinning limbs to the ground if the vehicle tips, the 2014 complaint alleged.

After a two-week trial, a New York federal jury cleared Polaris in August of the three design-defect, negligent-design and inadequate-warnings claims.

"We're committed to [our clients]," Cereghini said, noting this commitment is reflected in the results the firm achieves for them.

Cereghini said that in the near term the firm will focus on growing its recently opened office in New Brunswick, New Jersey, as well as adding resources that will benefit clients in its other 12 offices. These resources include not only attorneys but also the support that attorneys require to be successful, such as a capable IT department, communications resources, and relationships with expert witnesses and others who help the firm defend cases, Cereghini said.

This type of strategy mirrors the approach the company has taken the past 30 years.

"That's how we grew an original group of 14 lawyers that opened an office in Minneapolis and Phoenix to where we are today," Cereghini said.

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