

## ***Products Liability & Mass Torts***

The world's biggest companies turn to Sullivan & Cromwell for our products liability and mass torts litigation counsel, trusting us to guide them through their toughest problems across multiple jurisdictions and disparate issues. We partner with our clients to quickly gain a comprehensive understanding of the facts underlying a case and the client's business objectives. Every client's situation is given a tailored approach.

As high-stakes products liability and mass torts litigation has threatened different industries, S&C has been at the forefront of finding creative and effective strategies to resolve these matters, most recently, in the automotive realm with our representation of Volkswagen, Audi and Fiat Chrysler in diesel emissions matters.

For Volkswagen, which chose us as national coordinating counsel, we swiftly eliminated most of the company's liability with a series of settlements that allowed the auto giant to focus on its core business objectives and put the past behind it. For consumers who chose to opt out of the settlements, we are vigorously defending Volkswagen, including in a three-week bellwether trial where the 10 opt-out consumers ultimately recovered less than what they would have been entitled to under the class settlements. Our clients trust us to effectively manage and resolve the corporate uncertainty created by these matters.

Clients frequently rely on our skills as national coordinating counsel or as senior advisors in their largest matters. Our lawyers, who are trained as generalist practitioners, have the skill and professional agility to pivot quickly and expertly among versatile legal issues that can arise. Moreover, we prioritize coordination and efficiency in implementing an effective strategy.

Our lawyers have handled a broad array of environmental and toxic tort litigations under a variety of federal and state laws, foreign national and multinational regulations, and international conventions. S&C lawyers are well suited to handle a diverse selection of matters covering a multitude of industries, which have included not just automotive, but also pharmaceuticals and medical devices, asbestos and lead paint, as well as construction materials and manufacturing equipment.

### **SELECTED REPRESENTATIONS**

Sullivan & Cromwell's recent experience includes representations of:

- **Volkswagen AG**, as lead counsel in numerous federal and state actions, including a multidistrict litigation in San Francisco, as well as regulatory investigations, regarding allegations that its diesel vehicles emitted nitrogen oxides in excess of the limits imposed by applicable U.S. law.
- **Volkswagen AG**, in a three-week bench and two-phase jury trial in San Francisco, California. Following 11 days of trial, the jury rejected bellwether consumers seeking millions of dollars in damages after opting out of the landmark consumer class action settlements arising out of Volkswagen's sale of diesel cars that violated emissions laws. The 10 consumers ultimately recovered approximately \$28,000 in the aggregate – less than what they would have been entitled to under the class settlements.

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### PRACTICES & CAPABILITIES

**Litigation**

**Antitrust**

**Arbitration**

**Bankruptcy Litigation**

**Commodities, Futures & Derivatives**

**Congressional Investigations**

**Corporate Culture, Workplace Investigations & Whistleblower Litigation**

**Corporate Governance Litigation**

**Criminal Defense & Investigations**

**Environmental Litigation**

**European Competition**

**FCPA & Anti-Corruption**

**Financial Services Investigations & Litigation**

**Intellectual Property & Technology Litigation**

**Labor & Employment**

**Products Liability & Mass Torts**

**Securities & Commodities Investigations & Enforcement Practice**

**Securities Litigation**

**Supreme Court and Appellate**

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- **Fiat Chrysler Automobiles**, in civil litigation and government investigations regarding its vehicle sales reporting methodologies and disclosures, and civil and government investigations related to emissions levels.
- **Philips Electronics North America Corp.**, in connection with a \$1 billion consumer class-action fraud claim relating to the industry-wide use of the controversial chemical Bisphenol-A (BPA) in baby feeding products. The matter was ultimately resolved favorably through a settlement that provided a “most favored nations” clause in favor of Philips Electronics.
- **Philips Oral Healthcare, Inc.**, in consolidated nationwide class actions related to an alleged defect in the entire new platform of next-generation Sonicare products. Class action status was denied by the district court and summary judgment entered against plaintiffs.
- **Philips**, in nationwide consumer litigation challenging defective parts in approximately \$2 billion in television sales. S&C was brought in to replace existing counsel to represent Philips and Magnavox. The matter was successfully settled, with total consideration to the class and counsel of less than \$1.3 million.
- **Diageo**, ending four years of litigation relating to allegations that Diageo’s advertising practices “targeted” persons under the legal drinking age. After plaintiffs’ legal theories were repeatedly rejected by trial and appellate courts in a series of decisions in class actions filed across the U.S., plaintiffs agreed to terminate all remaining actions and appeals. Diageo paid nothing.
- **Building Materials Corporation of America (d/b/a GAF Corporation)**, in class actions filed in federal court arising out of allegedly defective roofing shingles. The matter was ultimately resolved favorably through a settlement.
- **CSR**, as senior lead counsel in national asbestos litigation, developing and spearheading a defense strategy resulting in dismissals of CSR for lack of personal jurisdiction from tens of thousands of actions resulting in important precedential decisions.
- **Chadbourne & Parke**, in obtaining dismissals of tobacco litigation against it in several jurisdictions.
- **Thomas Weisel**, founder and one-time part-owner of the U.S. Postal Service Cycling Team, in a class action in the U.S. District Court for the Eastern District of California brought on behalf of a putative class of purchasers of Lance Armstrong’s books. S&C obtained dismissal of the complaint.
- **Solvay S.A.**, in connection with a multi-district litigation concerning hormone replacement therapy (“HRT”) products that plaintiffs alleged caused cancer and other ailments. The matter was ultimately resolved favorably through a settlement.

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