

## Defective Products / Mass Torts

Defective products unnecessarily injure and kill countless consumers each year. Consumers have the right to use products free of design or manufacturing defects. Many products are mass produced, so a single defect in design or manufacture often presents a risk of harm to the masses.

For years, CPM has been on the forefront of defective product litigation, fighting for those injured by dangerous products such as pharmaceuticals, automobiles, and machinery. Dating back to 1971, when Joe Cotchett first published his seminal book on Product Liability law (*California Product Liability Actions*), the skilled attorneys at CPM have amassed a vast knowledge of product liability law, and have served as lead and co-lead counsel in numerous class action and multi-district litigation cases involving defective products.

For those whose lives have been harmed by a defective product, it can be difficult to know where to turn to hold manufacturers accountable and seek justice. CPM has represented hundreds of plaintiffs harmed by dangerous products, and exhibited proven success in securing compensation for those who have been injured or lost loved ones because of defective products.

If you would like to discuss your potential or pending product liability case, please follow up with Frank Pitre, Robert Hutchinson, Gary Praglin or Kelly Weil.

### Noteworthy Cases

#### ***Boeing Air Disaster Litigation***

CPM is co-lead counsel in representing families of victims of the horrific March 10, 2019 crash of Ethiopian Airlines Flight 302, in which 157 people lost their lives. Flight 302 was a Boeing 737 Max 8. This crash came less than five months after the crash of Lion Air Flight JT610- another Boeing 737 Max 8, that killed all 189 on board. The case alleges the Boeing 737 Max 8 was designed and sold with a defective MCAS flight control system. The system was used to boost Boeing's sales and

### Key Contacts

Frank M. Pitre  
fpitre@cpmlegal.com

Robert B. Hutchinson  
rhutchinson@cpmlegal.com

Gary A. Praglin  
gpraglin@cpmlegal.com

Kelly Winter Weil  
kweil@cpmlegal.com

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profits, at the expense of passenger safety.

### ***Bolde v. Navistar***

#### **Los Angeles Superior Court**

CPM represents a young woman who was struck in the head by a seven-foot-long, 15-pound steel tube while driving her car. The steel tube was designed and assembled by Navistar as part of an exhaust system on a heavy-duty truck. The truck was travelling on the highway at highway speeds when the steel tube dislodged and became airborne, due to a design defect of the exhaust system. The tube crashed through Plaintiff's windshield and struck her head, causing severe brain damage.

### ***Boyce v. Thomas Built School Bus, et al.***

#### **Riverside Superior Court**

CPM represents a career school bus driver who suffered burns to her inner thigh while driving a yellow school bus with a child aboard. The burn was caused by hot coolant from the bus's heating system. The hot coolant burned the plaintiff when a rubber hose on the outside of the bus ruptured and allowed the hot coolant to enter the inside of the bus through a gap near the driver's acceleration pedal.

### ***In re: General Motors LLC Defective Ignition Switch Litigation***

#### **USDC, Southern District of New York**

CPM represented a number of individuals in a class action lawsuit against General Motors for installing a dangerous ignition switch in over 6 million vehicles from 2003 to 2011. The ignition switch defect caused the engine motor to abruptly turn off, including electrical components such as power-assisted steering, anti-lock brakes, and airbags. The lawsuits allege that, for over a decade, General Motors knew the ignition switch contained a design defect but did not notify the public until its first of many recalls in February 7, 2014.

### ***Toyota Litigation***

#### **USDC Central District of California**

CPM was Co-Lead counsel in a class action against Toyota Motor Corporation and its U.S. sales and marketing arms, Toyota Motor Sales, U.S.A., Inc. and Toyota Motor North America, Inc. arising from defective acceleration claims. United States District Judge James V. Selna appointed Frank M. Pitre as Co-Lead Counsel for the economic loss committee in the Toyota lawsuits. The multidistrict litigation involved

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more than 200 lawsuits divided into two groups: those seeking losses on behalf of consumers and others who have lost value on their Toyotas; and those seeking damages for people who have been injured or killed in a Toyota vehicle. On July 24, 2013, United States District Judge James V. Selna granted final approval of the settlement wherein Toyota agreed to pay a total of \$1.3 billion over financial losses associated with acceleration problems reported in some Toyota and Lexus vehicles. Under the settlement, Toyota agreed to provide installation of brake override systems for many Toyota and Lexus models and agreed to establish a \$250 million fund to compensate class members for economic losses suffered because they sold or traded in a vehicle or terminated a lease during a period when the car's value was diminished due to negative publicity.

### ***Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation***

#### **USDC Northern District of California**

CPM was Co-lead trial counsel in the *In Re: Bextra and Celebrex Mktg., Sales Practices & Product Liability Litigation*, which culminated in Pfizer agreeing to pay \$894 million to settle consolidated injury and class action cases related to its painkillers Bextra & Celebrex.

### ***Vioxx Product Liability Litigation***

#### **USDC Northern District of New York**

CPM successfully represented a number of individuals who suffered medical injuries such as heart attacks and strokes after taking the prescription drug Vioxx. The drug was withdrawn from the market by its manufacturer and distributor, Merck & Co., Inc., after evidence emerged linking the drug to heart attacks, strokes, sudden cardiac death and other serious cardiovascular risks.

### ***In re: Porsche Cars North America, Inc. Plastic Coolant Tubes Products Liability Litigation***

#### **USDC Southern District of Ohio**

CPM was co-Lead Counsel in a class action lawsuit against Porsche Cars North America, Inc. ("Porsche"), regarding defective coolant pipes in Porsche Cayenne model vehicles. The lawsuits alleged that Porsche knowingly manufactured Cayenne models with plastic coolant tubes that degrade and fracture--causing engine coolant to leak into the engine, leading to significant engine damage--and hid its knowledge of the defect from Cayenne owners. Porsche settled the class action, agreeing to payments and fixes worth up to \$45 million.

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## ***Diet Drug Litigation***

Los Angeles County Superior Court  
USDC Eastern District of Pennsylvania

CPM successfully represented approximately 100 individuals in consumer fraud and product liability individual actions.

## ***Rhonda Albom, et al. v. Ford Motor Company/Firestone Tires***

Los Angeles Superior Court

CPM represented a young child and her mother who were injured when their Ford Explorer veered out of control and rolled over in Half Moon Bay, California. The case was one of several against Ford Motor Company and Firestone Tires consolidated before the Superior Court of Los Angeles.

## ***Swine Flu Immunization Products Litigation***

*Adleson v. United States*  
USDC Northern District of California  
USDC District of Columbia

MDL actions for product liability.

## ***Bausch & Lomb Contact Lens Solution Product Liability Litigation***

USDC District of South Carolina

CPM represented individuals who sustained serious eye injuries from the use of the contact lens solution ReNu with MoistureLoc. The product was withdrawn from the market by its manufacturer and distributor, Bausch & Lomb, after it was associated with fungal keratitis (a rare type of eye infection).

## ***Dephlia Davis, et al. v. Actavis Group, et al.***

USDC Northern District of California

CPM represented individuals who were injured or killed after injecting the drug Digitek, which was formulated and distributed by the manufacturers and suppliers at a level more than double the FDA-prescribed maximum.

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### ***Trawick v. Parker-Hammifin, et al.***

#### Monterey County Superior Court

CPM successfully prosecuted a product liability claim against the manufacturer and supplier of a defective rubber hose coupling installed on a forklift which failed and killed a construction foreman at the Monterey Plaza Hotel.

### ***Munoz, et al. v. Bayer Corporation, et al.***

#### San Joaquin County Superior Court

PM successfully represented multiple individuals who were killed or injured after ingesting the drug Baycol, which was promoted by Bayer Pharmaceutical without alerting users of a severe muscle adverse reaction known as rhabdomyolysis.

### ***Winburn v. Michelin et al.***

#### Monterey County Superior Court

CPM successfully prosecuted a product liability claim against the manufacturer and retailer of a defective tire. Plaintiffs were driving on highway US-101 when the defective tire suffered a tread separation, causing the driver to lose complete control of his truck and crash head-on into a car travelling the opposite direction, tragically killing the driver and passenger in the other vehicle.

## News

CPM Files Class Action Against ARC Automotive and Various Automobile Manufacturers for Defective Airbag Inflators Using Ammonium Nitrate  
05.24.2022

After Years of Support from CPM, California Counties and Cities Announce Groundbreaking \$305 Million Settlement of Landmark Lead Paint Litigation  
*SF Chronicle*, 2020

United States Supreme Court Denies Defendant Paint Companies Review of Lead Paint Poisoning Case (Plaintiffs Represented by CPM)  
10.15.2018

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Judge Appoints CPM Founder Joe Cotchett as Co-Lead Counsel in the Apple Device Battery Throttling Case

05.15.2018

CPM Victory for Clients as California Supreme Court Denies Defendant Paint Companies Hearing In Lead Paint Poisoning Case

02.15.2018

Court Upholds Landmark Judgment for CPM Clients Against Sherwin-Williams, Conagra and NL Industries Ordering Removal of Lead Paint from Homes

11.16.2017

CPM Partner: Exploding Samsung 7 Phones Are Just the Tip of the Iceberg

10.19.2016

CPM Files Product Liability Lawsuit Against Mentor Worldwide Over Mentor MemoryGel Silicone Breast Implants

09.28.2016

CPM Partner Frank Pitre Chosen as One of Two of State's Top Consumer Lawyers Among Dream Team to Lead Nationwide Class Action Cases Against Volkswagen

2016

CPM Files Lawsuit Against Volkswagen on Behalf of Stanford Professors for Allegedly Using Software to Circumvent Emissions Testing

09.25.2015

In Defective Airbags Product Liability Case, CPM Represents Numerous Owners of Honda and BMW Cars with Defective Takata Airbags

CPM Defends \$1.15 Billion Lead Paint Judgment on Appeal for Children Around State

CPM Files Lawsuits on Behalf of Individuals Who Had Counterfeit, Non-FDA-Approved Medical Devices Implanted

CPM Obtains Top Verdict of 2014

*Law360*, 07.14.2014

CPM Partners Cotchett, Fineman and Schnarr Win San Francisco Trial Lawyers Association Trial Lawyer of the Year Award

04.17.2014

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CPM Prevails as Judge Holds Companies Liable for Lead Paint  
*Manhattan Beach Patch*, 01.08.2014

CPM Prevails as Court Makes Final Ruling on \$1.15 Billion Award to Remove Lead Paint from Homes in CA Counties  
2014

San Mateo County's \$55M settlement would go into lead program  
*San Mateo Daily Journal*, 12.19.2013

California Judge Orders Lead Paint Cleanup  
*Wall Street Journal*, 12.16.2013

Companies told to pay \$1.1 billion in lead paint cleanup  
*San Francisco Chronicle*, 12.16.2013

CPM Name Partner Frank Pitre is Consumer Attorneys of California's 2013 Consumer Attorney of the Year  
11.17.2013

CPM client Northern California city sues Chevron over refinery fire  
*Reuters*, 08.02.2013

Hazardous lead paint: Legal battle comes to trial in California  
*San Jose Mercury News*, 07.14.2013

CPM Selected to the National Law Journal Litigation Boutique Top 10 Hot List  
02.11.2013

CPM Achieves \$1.3 Billion Settlement in Toyota Acceleration Class Action  
12.26.2012

Frank Pitre Receives Edward I. Pollock Award

CPM Selected as Co-Lead Counsel for Toyota Class Action