THOMPSONHINE

SUMMER.2010

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THOMPSONHINE WELCOME!

SUMMER.2010

A Word from Our Product Liability Litigation Practice Group Leader . . .

On behalf of the **Thompson Hine Product Liability Litigation** practice group, I am pleased to share with you our first Thompson Hine Product Liability e-Newsletter. We hope you find that it contains valuable information for your business regarding emerging trends and developments in product liability law, as well as insight from peers such as ***Donald Evans***, Deputy General Counsel of the American Chemistry Council.

We also will use this e-Newsletter to let you know about developments in our practice group. I am excited to share that our group is expanding through the addition of two new partners: ***Fern Phillips O'Brian*** and ***Beth Davis***. ***Fern***, a partner in our Washington, D.C. office, focuses her practice on litigation and regulatory matters involving product liability, toxic tort, nanotechnology, and homeland defense. Fern also has an extensive litigation background in medical devices and pharmaceuticals, consumer products, and environmental exposures to chemicals and heavy metals. ***Beth***, a partner in our Atlanta office, has extensive experience with counseling and litigation in all aspects of federal and state laws related to hazardous waste, underground storage tanks, water, air, and occupational safety and health. Beth also regularly counsels clients regarding compliance with consumer product safety requirements, including designing and managing recalls of consumer products and defending related product liability claims. In addition, partner ***Jennifer Mountcastle*** recently relocated from the Cleveland office to our Columbus office, where she will continue to focus her practice on pharmaceutical and medical device, automotive, and complex consumer class action litigation. You will find more information about our group in the pages that follow, including information on topics about which our members have spoken or will speak later this year that may be of interest to you and your business.

We plan to publish this e-Newsletter twice a year and want it to focus on what you, our clients and friends, find valuable. So please feel free to contact us with your feedback on this inaugural issue, or if you would like more information on any of the topics in it.

We look forward to hearing from you!

Missy Wright

FOCUS ON NANOTECHNOLOGY

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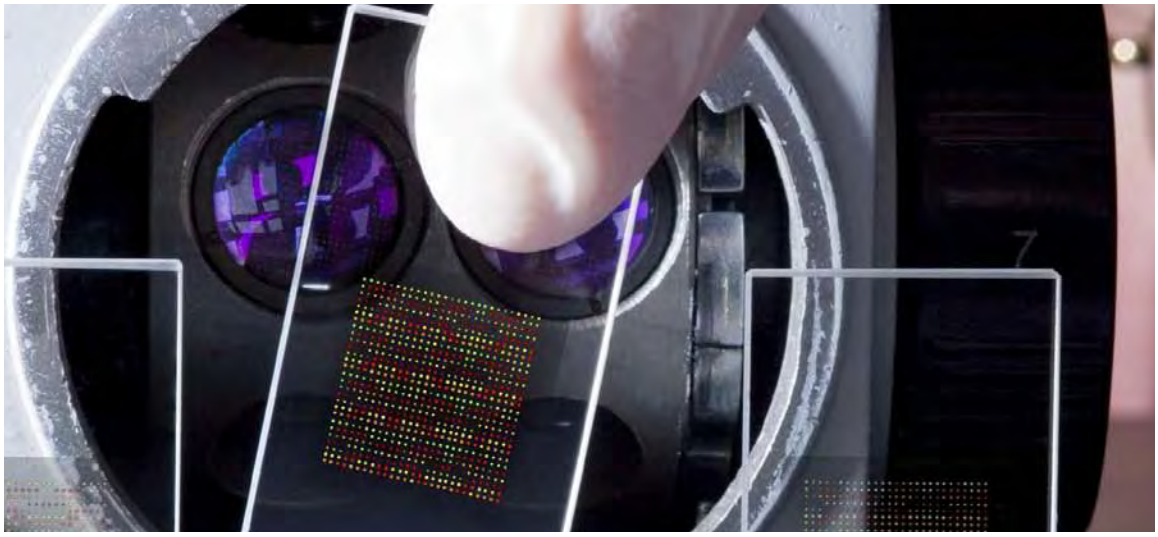
EPA Proposes New Rules Regarding Regulation of Nanomaterials

Nanotechnology involves the ability to create and control matter at the subatomic level. The chemical substances involved in these processes, nanomaterials, offer limitless applications and uses for a variety of materials and products in many new and existing manufacturing areas. In its May 26, 2010 report analyzing the U.S. Environmental Protection Agency's (EPA) regulation of nanomaterials, the U.S. Government Accountability Office (GAO) identified products from eight different industry sectors that currently incorporate nanomaterials: automotive; defense and aerospace; electronics and computers; energy and environment; food and agriculture; housing and construction; medical and pharmaceutical; and personal care, cosmetics and other products. Within these industries, the GAO identified a wide variety of future uses for nanomaterials and estimated that the world market for products containing them may reach $2.6 trillion by 2015.

With such large-scale and diverse use of nanomaterials, the EPA faces many challenges in exercising its authority to regulate them under the Toxic Substances Control Act of 1976 (TSCA), under which the EPA has the authority to regulate many chemical substances. TSCA Section 8 requires the EPA to compile, keep current and publish an inventory of each chemical substance manufactured or processed in the United States. TSCA Section 6 grants the EPA authority to prohibit, limit or restrict the processing or distribution of any chemical substance on its Section 8 inventory that presents an unreasonable risk of injury to health or the environment. If a chemical substance is not on the Section 8 inventory, the EPA considers it to be a new substance, and it is subject to the notice and approval requirements of TSCA Section 5. Section 5's notice and approval requirements also extend to the manufacture or processing of chemical substances already on the Section 8 inventory that involve significant new uses of those substances. Under its TSCA authority, the EPA has the ability to require health and safety testing of both new chemical substances or significant new uses of existing substances. Because the particles involved are the size of a nanometer (one billionth of a meter) and there only has been limited research and study of nanomaterials, the EPA is concerned that many of its existing regulations do not fully address the potential health and safety risks associated with the use of nanomaterials in everyday society.

FOCUS ON NANOTECHNOLOGY



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EPA Proposes New Rules Regarding Regulation of Nanomaterials (Cont.)

The question in recent years has been whether nanomaterials should be regulated under TSCA as existing chemical substances, new chemical substances or significant new uses of chemical substances in light of the limited understanding of the extent to which nanomaterials may present a risk to human health. To date, the EPA has evaluated nanomaterials on a case-by-case basis, depending on the particular properties of the chemical substance at issue. This approach has resulted in the agency regulating some, but not all, nanomaterials.

The EPA has determined that its best regulatory approach is to develop significant new use rules (SNUR) for nanomaterials. In the fall of 2009, the EPA announced that it planned to develop a SNUR to regulate nanoscale versions of chemical substances that were already on the TSCA inventory. This allows the agency to regulate nano-versions of chemicals already on the Section 8 inventory in the same manner that it would regulate a new chemical substance. The EPA will continue to issue SNURs for nanoscale materials that are new chemical substances on a case-by-case basis, as appropriate.

Additionally, under Section 8(a) of TSCA, the EPA intends to require manufacturers to provide information on production volume, methods of manufacture and processing, exposure, and release and available health and safety studies to the EPA. This rule will enable the agency to collect information on nanomaterials not covered by the proposed SNUR. The agency will then be able to consider if action is needed under TSCA to reduce unreasonable risks to human health.

The EPA intends to promulgate both of these rules in December 2010.

For more information about nanotechnology regulations and risks, **click here**.

For more information about services that Thompson Hine can provide to nanotechnology companies, **click here**.

The Consumer Product Safety Commission Database

On May 24, 2010, the U.S. Consumer Product Safety Commission (CPSC) issued a proposed rule to establish a publicly available consumer product safety information database. The public comment period for the proposed rule ended on July 23, 2010.

The database as described in the proposed rule creates a new repository of information immediately available to the general public regarding consumer complaints and alleged product issues. It will include reports of harm submitted by consumers, governmental agencies, health care professionals, child service providers, and public safety entities. "Harm," which is defined as "injury, illness, or death" or risk thereof, will be determined by the CPSC. Incident reports must describe the product, identify the manufacturer or private labeler, describe the harm, include the submitter's contact information, and verify that the information is true and accurate. The CPSC also may include "any additional information it determines to be in the public interest."

The CPSC's reported policy behind the rule creating the database is transparency. There is a risk, however, that the database will be populated with false or misleading allegations. Although the CPSC plans to review the reports to verify their authenticity, it is unclear how it will do so.

Where a manufacturer has registered with the CPSC, the manufacturer will receive alerts of reported incidents immediately via email or, ideally, text message. The manufacturer then will have 10 business days to investigate and respond to the report. Manufacturers must be vigilant about investigating and responding to the incident reports for two reasons. First, based upon a manufacturer's response, the CPSC could decide not to post an incident report on the database. Second, even if the CPSC decides to post the incident report, the manufacturer's response to the report will be posted along with the report, creating a more accurate database.

For more information about the CPSC database, **click here**.

Preemption Cases in the United States Supreme Court

Two cases highlight that preemption continues to be a hot topic in product liability cases in general, and in drug and medical device cases in particular. The U.S. Supreme Court recently granted certiorari in *Williamson v. Mazda Motor of America*, Case No. 08-1314. In *Williamson*, a case involving a fatal car accident, the plaintiffs brought common-law tort claims against Mazda, alleging that "the forces generated by th[e] collision caused [the decedent's] body to 'jackknife' around her defective lap belt, causing severe abdominal injuries and internal bleeding." The California state courts rejected these common-law claims on preemption grounds, focusing specifically on Federal Motor Vehicle Safety Standard (FMVSS) 208, which "specifies performance requirements for the protection of vehicle occupants in crashes."

The Supreme Court agreed to decide whether federal regulations setting vehicle-safety standards preclude state law product liability suits against vehicle manufacturers for installing lap-only seat belts (which were permitted by FMVSS 208 at the time). It is worth noting that the U.S. Solicitor General filed an amicus brief urging the Court to hear the case. The U.S. Solicitor General argued that state courts have interpreted federal law too broadly, and that the federal regulations were meant only as minimum standards.

In a second case, *PLIVA, Inc. v. Mensing*, Case No. 09-993, defendants, generic-drug manufacturers, have asked the Supreme Court to decide whether a claim may be asserted against them for providing allegedly inadequate warnings on product labels. In their brief in support of certiorari, the defendants argued that the consequences to the pharmaceutical industry could be devastating if the Eighth Circuit's ruling rejecting preemption is allowed to stand, noting that makers of generic drugs are generally unequipped to conduct the intensive studies required for initial drug applications. The Court's decision whether to grant the petition for certiorari is still pending, but the Court recently invited the U.S. Solicitor General to file an amicus brief.

Medicare Reporting Obligations Update

During the last year and a half, new requirements under Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 have been implemented. These requirements potentially impact every business or liability insurer that pays a settlement or judgment to a personal injury or wrongful death claimant. In brief, a paying entity is required to determine whether the claimant is entitled to Medicare benefits, and, if so, report information about the payment to Medicare. Failure to comply with the mandatory reporting requirement can result in a civil penalty of $1,000 for each day of noncompliance per claimant.

Until 2003, most courts considering Medicare reimbursement lawsuits ruled that Medicare was permitted to recover only from insurers, not tortfeasors who settle with and pay claimants from their own funds. But in 2003, Congress amended the Medicare as Secondary Payer Act (MSP) to expand the definition of "self-insured plan," stating that any "entity that engages in a business, trade, or profession shall be deemed to have a self-insured plan if it carries its own risk (whether by a failure to obtain insurance, or otherwise) in whole or in part." The Centers for Medicare & Medicaid Services (CMS), the federal agency charged with administering the Medicare program, takes the position that this definition "includes responsibility for deductibles." Thus, a business that pays a settlement or judgment, including any deductible or co-pay, to a tort claimant is deemed to be self-insured, even if the business can obtain reimbursement for some or all of its payment later from an insurer.

In an effort to enhance enforcement of Medicare's reimbursement rights under MSP, Section 111 adds new mandatory reporting requirements for liability insurance (including self-insurance), no-fault insurance, and workers' compensation. Below are some highlights:

- Responsible reporting entities (RREs) must report the full amount of their settlements, judgments, awards, or other payments. If medical expenses are claimed or released, an RRE cannot avoid its reporting requirement by agreeing with the claimant that "no medicals" are being paid. CMS is not bound by any allocation by the parties of the amounts paid, even if the court has approved such an allocation.

- RREs must report settlements, judgments, awards, or other payments regardless of whether there has been an admission or determination of liability (and even if the RRE disputed liability).

- For claims involving "exposure" (presumably, to a toxic substance or environment), if there was no exposure to the claimant "on or after December 5, 1980, alleged, established and/or released," then there is no obligation to report the settlement or payment.

For more information about Medicare reporting obligations, **click here**.

Ohio Law Developments

The Ohio Supreme Court issued three decisions this year favorable for defendants in product liability and workplace injury cases.

On March 23, 2010, the Court upheld the constitutionality of a provision of Ohio's 2005 tort reform statute, Ohio Revised Code § 2745.01, which provides that an employee cannot recover against an employer for an employment intentional tort unless the employee proves that the employer deliberately intended to harm the employee. *Kaminski v. Metal & Wire Prods. Co.*, 2010-Ohio-1027; companion case, *Stetter v. R.J. Corman Derailment Servs., L.L.C.*, 2010-Ohio-1029. Prior to the enactment of the current § 2745.01, an employer's intent to injure an employee could be proven by conduct that was far less than deliberate or intentional through a common-law "substantial certainty" test. Now there is no question under Ohio law that an employment intentional tort can only be proven with evidence of deliberate intentional conduct.

On May 4, 2010, the Court settled an open question regarding whether, post–tort reform, "write-offs" of medical bills are admissible to prove the actual value of medical services. *Jacques v. Manton*, 2010-Ohio-1838. Once a medical provider bills for its services, insurance companies typically negotiate a significant reduction for what they will pay for those services; the provider then "writes off" the remaining balance. The Court held that those write-offs and the negotiated reduced payment are admissible as evidence of the actual amount of plaintiff's damages. This holding will be helpful in reducing a plaintiff's damage claim.

In another tort reform victory, on June 10, 2010, the Court ruled that a premises owner is not liable in tort for "take-home" asbestos, i.e., exposure of spouses or children to asbestos brought home from the workplace on a worker's clothing. *Boley v. Goodyear Tire & Rubber Co.*, 2010-Ohio-2550. Ohio Revised Code § 2307.941(A)(1) provides that in "all tort actions for asbestos claims brought against a premises owner to recover damages . . . for exposure to asbestos on the premises owner's property . . . [a] premises owner is not liable for any injury to any individual resulting from asbestos exposure unless that individual's alleged exposure occurred while the individual was at the premises owner's property." In *Boley*, plaintiffs challenged a trial court's grant of summary judgment to an employer/premises owner sued not by its employee, but by the employee's spouse, who claimed that she inhaled asbestos dust at home while shaking out her husband's work clothes before laundering them. The Court rejected the plaintiffs' challenge and made clear that "take-home" asbestos claims no longer can be pursued against Ohio premises owners.

Green Products Litigation

As more consumers carry canvas bags to the grocery store and purchase energy-efficient appliances, cars, and light bulbs, companies are making their products more "environmentally friendly" and "green" to adjust to consumer preferences and remain competitive. Yet, what it means to be environmentally friendly or green is not clear. Moreover, legislation governing the manufacture, sale, and distribution of green products changes daily on the local, state, and national levels, with global requirements to "go green" being even more daunting and complex. For example, in March 2010, a group of prominent construction industry associations published for public comment the International Green Construction Code (IGCC), the first comprehensive set of building codes targeted specifically at green and sustainable safety concepts. The IGCC would regulate construction of new and existing commercial buildings and require all construction to meet certain green standards.

In light of this uncertain landscape, the marketing and labeling of green products may result in significant potential liability, with green claims already making their way to the courtroom. Increased consumer expectations have raised new issues, such as whether being green means a product is safe and whether being sustainable indicates a longer useful life and no maintenance. Although certifications may provide support for the argument that a manufacturer's claims are accurate, they do not provide immunity from future suits when such claims are challenged. Traditional legal theories are being applied to new situations, with one of the greatest risks to manufacturers of green products being large, consumer class actions.

In order to protect themselves, manufacturers and suppliers of green products or services should review their advertising, warranties, and contracts with customers to make sure that their representations regarding the green attributes of those products or services are accurate and verifiable. Manufacturers should similarly review their contracts with their suppliers with an eye toward these same issues, as well as to ensure that the risks are properly allocated in the event such representations prove to be inaccurate.

For more information about the regulations and risks associated with "going green," **click here**.

BPA Regulation and Litigation

Bisphenol-A (BPA) is a hardening additive used primarily to make polycarbonate plastic and epoxy resins. Some studies reportedly show that BPA, at a sufficiently high dose, acts as an endocrine disruptor in animals, possibly resulting in the early onset of sexual maturation, altered development and tissue organization of the mammary gland, or decreased sperm production in offspring.

While numerous national and international regulatory bodies continue to support the use of BPA in food contact materials, more than 20 states, numerous municipalities, the District of Columbia, the U.S. Congress, Denmark, and France have introduced or enacted legislation banning the use of BPA in certain products. The bans vary, but primarily target BPA's use in baby bottles, sippy cups, and baby formula containers, as well as other food containers. The EPA has published a "BPA Action Plan" to consider identifying BPA as a substance that may present an unreasonable risk to the environment because of its potential long-term effect on aquatic life. Although the EPA has yet to express an intent to regulate BPA on the basis of risks to human health, it may only be a matter of time. Meanwhile, the U.S. Food and Drug Administration currently is reviewing the use of BPA in food and beverage containers.

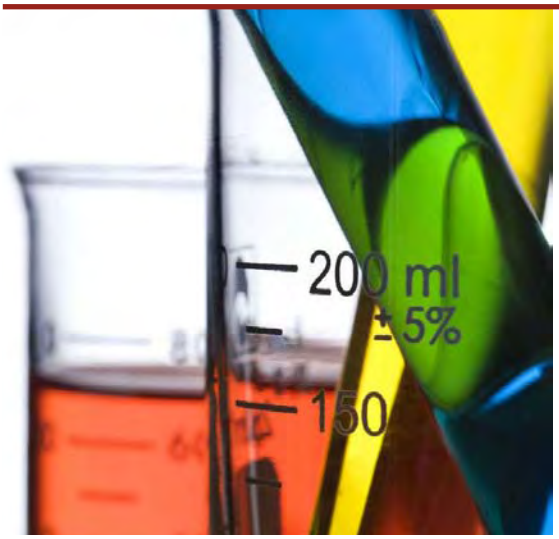
BPA litigation already has begun, and promises to not only continue, but expand. In May 2010, in a consumer class action MDL against manufacturers and retailers of baby bottles, sippy cups, and baby formula, the U.S. District Court for the Western District of Missouri ordered discovery into defendants' knowledge of BPA health effects and communications with consumers about the presence or absence of BPA (*In Re: Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation*, MDL No. 1967). A second BPA MDL has been consolidated in the Western District of Kentucky involving suits against an aluminum bottle manufacturer that claimed its products were BPA-free when they were, in fact, lined with BPA-containing resins *(In Re: Sigg Switzerland (USA), Inc., Aluminum Bottles Marketing and Sales Practices Litigation*, MDL No. 2137). Given that BPA is used in a wide variety of products in addition to food containers, including medical equipment, bicycle helmets, safety glasses, automobile bumpers, compact discs, and DVDs, it is important for manufacturers to know whether their products contain BPA and be aware of studies that are driving the current attention to its use.

For more information about BPA regulations and risks, **click here**.

We also are following other emerging trends. For information on potential product liability risks associated with phthalates, **click here**.

For information on potential risks associated with formaldehyde, **click here**.

FOCUS ON THE AMERICAN CHEMISTRY COUNCIL



For our inaugural issue, we spoke with Donald Evans, deputy general counsel of the ***American Chemistry Council (ACC)***. Don provides insight on the current climate affecting the chemical industry and how ACC is handling the ever-changing economic and legal environments.

Tell me about ACC.

ACC is a national trade association that represents the leading companies engaged in the business of chemistry. ACC members apply the science of chemistry to make innovative products that make people's lives better, healthier, and safer. The business of chemistry is a $689 billion enterprise and a key element of the nation's economy. It is the nation's largest exporter, accounting for 10 cents out of every dollar in U.S. exports.

How long has ACC existed?

ACC is one of the oldest trade associations in North America. It was founded in 1872 as the Manufacturing Chemists' Association.

What is your role and how long have you been in it?

I am ACC's deputy general counsel. I have been employed with the organization for the past three decades (1979 to present).

What initiatives is ACC currently engaged in to assist its members?

ACC's flagship initiative is Responsible Care®, a performance improvement initiative that is designed to help our member companies continuously improve their health, safety, environmental, and security performance. First adopted in 1988, all ACC members are required to implement this initiative. And the Responsible Care program has a proven track record of success. To cite just one example, recent data demonstrate that Responsible Care companies have achieved worker safety records that are more than four times safer than the average of the U.S. manufacturing sector and three times safer than the business of chemistry overall.

Advocacy also is a top priority for the association. We constructively engage all levels of government to advance policies that will maintain a strong and innovative American chemical industry. This year our highest priorities include climate change, energy, chemical management, site security, rail competition, and tax.

How has the global economic crisis affected your members?

It was the worst downturn in production since the 1930s. However, the chemical industry is now experiencing a strong recovery driven by exports, inventory restocking, and increased consumer spending.

FOCUS ON THE AMERICAN CHEMISTRY COUNCIL

How have you seen the legal environment change over the last decade?

ACC handles a lot more of its legal work in house. Our in-house attorneys frequently are the ones who write regulatory comments and conduct advocacy with the federal agencies, Capitol Hill, and the White House. Also, there is much more of a partnership with outside counsel. Rather than simply assigning the work to outside counsel, ACC's in-house attorneys want to take the lead, with outside counsel playing a key support role and providing special experience as needed.

What are your law firms doing to work with you in the current economic climate? How have you asked them to assist you?

A little over two years ago, we conducted a top-to-bottom review of the legal needs of the association and the outside law firms that we were using to meet ACC's service requirements. Our goal was to obtain the best possible service value for ACC in the interests of its membership. At the end of this process, we selected a small number of law firms as Preferred Providers to the association. These firms provide substantial price discounts in return for a greater share of ACC's legal work.

How has Thompson Hine helped you to achieve the goals of ACC and its members?

Thompson Hine has provided ACC with effective representation in ongoing toxic tort litigation involving vinyl chloride. From the very beginning, the firm pulled together a strong legal team to contest these lawsuits. This team pursued an aggressive strategy to deal with a mounting case inventory and excessive settlement demands. As a result of this effort, ACC's case inventory has been virtually eliminated and settlement costs are a fraction of what they had been earlier.

For additional information on ACC, **click here**.

WHAT'S HAPPENING?

Our lawyers speak at various industry and legal conferences around the country. Here are some of the places we have been so far this year:

Kip Bollin presented at the Defense Research Institute's Product Liability Conference in Las Vegas on *Best Practices on Managing Mass Torts: Exploring the Virtual Law Firm, Cost Controls, Alternative Fee Arrangements and Early Case Dispositions*.

Tim Coughlin spoke at the 32nd Annual Conference of the Ohio Chemistry and Technology Council in Columbus on the *TSCA Update: The Toxic Substances Control Act (TSCA) - What Are the Big Threats to Chemical Manufacturers as Congress Considers Changes?* He also spoke at the American Conference Institute's Chemical Products Liability & Environmental Litigation forum in Chicago on *Strengthening Defense Positions Despite Regulatory Changes Made by the Obama Administration: Overcoming Preemption Hurdles, Accepting Proposed TSCA Changes, and Coming to Terms with Chemical Bans*.

Andrew Cox presented *Effective Electronic Case Management* at the Litigation Management in a New York Minute seminar held by The Network of Trial Law Firms.

Gary Glass discussed *Taming the Product Liability Beast: Ten Things You Can Do to Protect Yourself* at Industry Week's Best Plants Conference that was held in Cleveland.

Heidi Goldstein presented *Don't Pull Your Response Out of Thin Air: How to Manage All Aspects of Vapor Intrusion* at the DRI Toxic Tort & Environmental Law forum in New Orleans.

John Mitchell presented at The Ohio Innovation Summit OIS 10: Materials and Energy: The Building Blocks for Ohio's Economic Future in Dayton on *Nanotechnology Litigation in the Future: An Ounce of Prevention Is Worth a Pound of Cure*.

Brian Troyer spoke at Marcus Evans' Drug and Medical Device Litigation Forum in Philadelphia on *Trends and Strategies in Consumer/Payor Class Actions*.

Missy Wright presented *A Focus on Expert Testimony: Special Nuances in the Selection of Experts, Strategically Preparing & Defending Daubert Challenges, and Debunking Junk Science* at the American Conference Institute's Defending and Managing Aviation Litigation Forum in Boston. She also moderated *Judicial Insights on Drug and Medical Device Litigation* at Marcus Evans' Drug and Medical Device Litigation Forum in Philadelphia, which she co-chaired.

WHAT'S HAPPENING?

And here are some of the places you can see us before the end of 2010:

Tim Coughlin is speaking at the Defense Research Institute's Annual Meeting in San Diego, October 20-24, on *Bottles, Cans and Bans - The Latest Dispatch from the BPA Battlefield*. **Click here** for more information.

Tim also is speaking on September 23 at the National Business Institute seminar Winning Your First Civil Trial. Tim's presentation is *Win with the Most Successful Litigation Strategies*. **Click here** for more information.

Bill Hubbard will be speaking on *Going Green Safely: The Potential Risks and How Best to Avoid Them* at the Green Building Alliance's Green Building Products Summit to be held on September 17 at the Doubletree Hotel in Monroeville, Pennsylvania. **Click here** for more information.

Bill will be giving a similar presentation at Cincinnati's 3E (Energy Economics Environment) Summit on September 28. **Click here** for more information.

For more information on any of these seminar topics, you can contact the speaker by email by clicking on his or her name above.

In addition, we regularly offer complimentary education, training, and presentations on legal topics, trends, and changes in the law. We currently offer more than 250 courses, many of which focus on litigation, including 25 related to product liability and major tort issues. Any of the courses can be provided upon request at your location or in one of our offices. Most are designed to be presented in 60 to 90-minute sessions but can be tailored to your needs.

For more information or a current listing of all available courses, please contact your Thompson Hine lawyer or send an email to **Courses@ThompsonHine.com**

THOMPSON HINE

Our Client Service Pledge

What Our Clients Can Expect From Us . . .

1. We will know your business.

We make it our business to understand your business. We will invest our time and resources to develop and maintain knowledge of the dynamics that impact both your industry and your organization. Understanding your business will help us provide better counsel to you.

2. We will plan our engagements with you.

We know that clients differ in their goals, risk tolerance and a variety of other factors that must be taken into consideration before work can begin on any matter. At the beginning of every significant matter, we will work with you to develop a plan to meet your strategic goals. By agreeing on a plan at the beginning—and adjusting it as needed—we will stay focused on what is most important to you.

3. We will manage your work as if we were the client.

We will work with you to manage your costs. We will staff every matter with the right resources, and we will manage the work as if we were the client—delivering the highest quality of service on time and in the most cost-effective manner.

4. We will be available when you need us.

We recognize that you often need to make swift decisions and act quickly. We will be ready to act for you when you need us, and we will make ourselves available wherever and whenever necessary.

5. We will communicate often.

Our goal is that you will never be surprised about developments in anything we are handling. We will provide regular updates on the progress of your matters, including all significant developments and changes to scope, timeline or budget.

6. We will provide the highest-quality counsel.

Above all else, we stand for the highest quality. Our lawyers, paralegals and staff take pride in the work they do. From the boardroom to the courtroom, you can count on Thompson Hine for the highest-quality service.

What Our Clients Can Do To Help . . .

1. We ask you to share your goals.

The more we know about your goals, the better we can manage our services to help you attain them. If your goals change as a matter progresses, we ask that you tell us, so we can adjust our approach to meet your expectations.

2. We want to know your preferences for working with us.

We ask you to tell us your preferred methods of communication, invoice and billing procedures, and anything else that is important to you, so that we can deliver our service the way you want it.

3. We need your feedback.

We want your feedback on our performance so that we can continue to meet and exceed your expectations.

About the Group

Our Product Liability and Major Tort lawyers have handled tens of thousands of cases throughout the United States and abroad involving all facets of product liability law. We have litigated product liability and major tort matters in a wide range of industries, including admiralty and maritime, aerospace, automotive, chemicals, commercial and consumer products, electrical, food equipment, mechanical, medical devices, nanotechnology, pharmaceuticals, and plastics.

Our trial lawyers are actively involved in national product liability organizations and have lectured and written extensively on product liability matters. We act as national and regional product liability counsel for Fortune 500 companies, protecting their interests throughout the United States and abroad. Our practice covers all aspects of product liability matters, from preventive counseling and alternative dispute resolution through trial and appeals.

For more information about our practice group and its services, contact:
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About Thompson Hine

Established in 1911, Thompson Hine is a business law firm dedicated to providing superior client service. The firm has been recognized as one of the Best Corporate Law Firms in America in an annual survey of corporate directors conducted by *Corporate Board Member* magazine. With approximately 400 lawyers in offices in **Atlanta**, **Cincinnati**, **Columbus**, **Cleveland**, **Dayton**, **New York**, and **Washington, D.C.**, Thompson Hine serves premier businesses worldwide, including:

Akzo Nobel Inc.
American Chemistry Council, Inc.
American Steamship Company
Avery Dennison Corporation
Buckeye Power, Inc.
Central Gulf Lines, Inc.
Central Hudson Gas & Electric Corporation
CH Energy Group, Inc.
Chiquita Brands International, Inc.
Columbus Zoo and Aquarium/Zoombezi Bay
Crown Equipment Corporation
The Davey Tree Expert Company
Developers Diversified Realty Corporation
Eaton Corporation
Energizer/Eveready
Exxon Mobil Corporation
Fifth Third Bank
Ford Motor Company
Formica Corporation
Goodrich Corporation
The Goodyear Tire & Rubber Company
The Hartford
Jo-Ann Stores, Inc.
KeyCorp/KeyBank
LexisNexis
Limited Brands
The Lubrizol Corporation
MeadWestvaco Corporation
Milacron Inc.
Mission Essential Personnel LLC
Morgan Stanley
Nationwide Mutual Insurance Company
NetJets Inc.
Newell Rubbermaid Inc.
Nordson Corporation
Office Depot, Inc.
Parker Hannifin Corporation
PolyOne Corporation
PPG Industries
The Procter & Gamble Company
R+L Carriers, Inc.
S.C. Johnson & Son, Inc.
Shell Oil Company
The Sherwin-Williams Company
Solvay S.A.
STERIS Corporation
The Toro Company
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