

Innovative Mass Tort Team Resolves Hundreds of Cases and Slashes Defense Costs

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A *Fortune* 100 manufacturer faced a daunting litigation scenario: it was a named defendant in over 1,000 mass tort actions. Those actions, previously dormant, were now being activated by the court. Specifically, the court proposed setting them on trial dockets in groups of up to 100 cases, with only a three- to six-month discovery schedule. The manufacturer hired Carlton Fields' mass tort team to solve the problem.

A traditional defense strategy would have been time-consuming and costly. Our team had a better idea. We recognized that the backlog of cases was illusory—many of the plaintiffs had no disease, no evidence to pursue a claim against our client, or simply no desire to pursue their suit. Based on this reality, we developed an alternative to mass trial settings. Our team presented this alternative to the court, with a recommendation that it enter a case management order (CMO) requiring upfront disclosures from the plaintiffs (medical evidence, product identification, and a written verification of each plaintiffs' desire to proceed) before any trials were set.

Ultimately, the court agreed. The result? Over 50 percent of the cases were dismissed, either voluntarily by plaintiffs or by the court for failure to comply with its CMO, and all before our client incurred substantial costs to defend the cases.

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