

Mass Tort and Product Liability

Overview

Carlton Fields defends *Fortune* 100 manufacturers in high-stakes mass tort and product liability litigation in state and federal courts nationwide. Our attorneys maintain lead roles in virtually every mass tort portfolio of cases pending in Florida. Examples include the emerging talc and opioid mass tort litigation, as well as asbestos, tobacco, automotive, and a host of pharmaceutical and medical device mass torts. Additionally, we serve our clients as both national and regional counsel, helping to manage, simplify, and globally resolve significant mass torts across jurisdictions.

For more than 30 years, we have helped market-leading clients win or resolve these lawsuits from beginning to end. We have tried more than 100 cases to juries in courts around the country, and work closely with Carlton Fields' appellate lawyers, many of whom are board certified in appellate law and focus on mass tort and product liability issues.

Our approach emphasizes strategy and case management to minimize the overall financial and reputational costs of these often headline-making cases, which frequently number in the thousands. With so much at stake, we take a holistic approach to each engagement, weighing the national and global impact of individual case decisions across the entire portfolio to advance our clients' business and litigation priorities.



Insights

03.20.2024

AI Self-Driving Cars Present a Host of New Legal Issues

08.03.2023

You Keep Using That Word, I Do Not Think It Means What You Think It Means: Accountant-Client “Privileged” Communications May Not Be Privileged as a Conflict of Law Matter

12.22.2022

High Crimes and Misdemeanors: The FAA and Pilot DUIs

11.01.2022

High Crimes and Misdemeanors: Busted by the Feds: The Anatomy of a Federal Criminal Prosecution of a Drone Pilot

09.15.2022

Classified: The Class Action Blog Podcast - Eleventh Circuit Stands on Principle in TCPA Settlement Case

08.12.2022

High Crimes and Misdemeanors: Unruly Passengers on Flights

11.10.2021

Tips and Strategies for Successful Mass Tort Management

06.10.2021

5 Steps to Successful Mass Tort Management

10.21.2020

Pennsylvania Court Sets Out New Work Product Privilege Considerations for Medical Providers' PSQIA Information

07.21.2020

Defending the Producers: Examining Product Liability Protection for Compelled Manufacturing Under the Defense Production Act

04.09.2019

Food for Thought: A Review of 2018 Litigation

03.18.2019

Trial Checklist

12.11.2018

Food for Thought: Does Cheez-It Decision Establish a Concerning Precedent for Packaged-Food Makers?

10.14.2018

Food for Thought: Ninth Circuit Reverses Dismissal of Putative Class Action Alleging Misleading Label on Kroger Bread Crumbs

10.12.2018

Food for Thought: Plaintiff's Claim Still Has Some Muscle – Ninth Circuit Reverses Class Action Against Protein Powder Manufacturer Alleging Source of Protein Was Misrepresented

08.10.2018

Food for Thought: Fast-Track to Trans Fat Removal Not Required for “Fast Bites”

04.23.2018

More Product Liability and Antitrust Class Actions, Rising Class Action Spending Among Trends in Latest Class Action Survey

05.30.2017

Ninth Circuit Expands American Pipe Tolling to Subsequent Securities Class Action by Unnamed Class Members, but Leaves Related Comity and Issue Preclusion Questions for Another Day

12.01.2016

Food for Thought: Ninth Circuit Rejects GMO and Pesticide Bans in Three Hawaii Counties Because State and Federal Laws Preempt the Local Regulations

11.17.2016

Food for Thought: Motion to Dismiss Denied in False “GMO” Advertising Suit Against Chipotle

11.04.2016

Food for Thought: Motion to Dismiss Denied in Renewed False “GMO” Advertising Class Action Against Chipotle

10.04.2016

Food for Thought: Ninth Circuit: Food Manufacturers May be Liable for Misleading Consumers if They Label Foods Containing Synthetic Citric and Ascorbic Acid “Natural”

09.27.2016

Food for Thought: Summary Judgment for Tito's Vodka Makers in Case Alleging Their Product is Not Made in an Old-Fashioned Pot Still

07.15.2016

Food for Thought: Olive Oil Manufacturer's "Imported from Italy" Representation On Product Label Results in Certification of Consumer Fraud Class Action

07.08.2016

Food for Thought: Ninth Circuit Addresses Standing, State Claims, Preemption, and Primary Jurisdiction in Consumer Class Action Against Energy Drink Manufacturer

06.07.2016

Food for Thought: Ninth Circuit Revives Proposed Class Action Against Convenience Store Regarding Nutritional Content of Private Brand Potato Chips

05.16.2016

Food for Thought: Sixth Circuit Affirms Dismissal of Putative Class Action Claims Against Kraft Foods Global, Inc. and Starbucks

04.20.2016

Food for Thought: Motion to Dismiss Denied in False "GMO" Advertising Suit Against Chipotle

03.29.2016

Food for Thought: Manufacturer Obtains Partial Summary Judgment in Lawsuit Alleging it Violated Consumer Protection Statutes by Labeling and Selling its House-Brand Baked Goods as "All Natural"

03.24.2016

Food for Thought: Putative Class Action Against Yogurt Maker Revived by the Ninth Circuit with Directions to Stay the Proceedings in Light of Ongoing FDA Proceedings

03.22.2016

Food for Thought: Sixth Circuit Affirms Dismissal of Class Action Complaints Against Anheuser-Busch for Intentionally Overstating Alcohol Content of its Malt Beverages

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Food for Thought: Ninth Circuit Affirms Dismissal of Putative Class Action Against Lip Balm Manufacturer Accused of Deceiving Customers as to Product Amount

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Food for Thought: California Court Prevents Second Bite at the ~~Apple~~ Yogurt

03.01.2016

Recent Developments in Product Liability

02.22.2016

Food for Thought: Ninth Circuit Reinstates 'Natural' Labeling Class Suit Against Hain Celestial

02.15.2016

Food for Thought: 2015 Litigation Annual Review

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Food for Thought: Ninth Circuit Holds California's Nonfunctional Slack Fill Regulations for Meat and Poultry Are Preempted by Federal Law

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Food for Thought: Consumer Class Action Against Juice Manufacturers Squeezes Through Summary Judgment as District Court Denies Parties' Cross-Motions

12.14.2015

Food for Thought: Court Denies Food Manufacturer's Preemption Arguments

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California Supreme Court Endorses More Consumer False Advertising Litigation in Organic Food Decision

12.07.2015

Food for Thought: Organic Food Act Doesn't Preempt Certain State Law Mislabeling Claims

11.23.2015

Food for Thought: FDA Approves Genetically Engineered Salmon

08.17.2015

Ninth Circuit Addresses Preemption in Recent Labeling Cases

08.01.2015

Food for Thought: N.D. of California Finds Plaintiffs in Del Monte Case Didn't Meet All Rule 23 Requirements

07.08.2015

Food for Thought: Ninth Circuit Holds Food Manufacturers Can Label Honey as "Honey"

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Food for Thought: Ninth Circuit Holds Cosmetic Labeling Claims Not Preempted by FDCA, Primary Jurisdiction Appropriately Invoked

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Food for Thought: Jail Sentences Send Strong Message to Food Industry

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FAA Proposes Framework of Regulations For Small-Scale Commercial Drones

03.19.2015

Food for Thought: Florida District Court Denies Class Certification Based on Failure to Show Ascertainability

03.01.2015

Food for Thought: Partial Class Certification of "100% Natural" Cooking Oil Consolidated Action Affects 11 States

02.26.2015

Food for Thought: California Court Grants Summary Judgment in Class Action Aimed at 100 Percent Juice & "No Sugar Added" Labels

02.24.2015

Food for Thought: 2014 Litigation Annual Review

11.24.2014

Court Finds Article III Standing for Food Labeling Class Action Plaintiffs

11.20.2014

A Pilot's Guide to FAA Enforcement Actions

10.01.2014

The Corporate Representative's Deposition Bill Of Rights (And Wrongs)

04.01.2014

Suggesting a Damages Amount to the Jury during Closing Arguments in Cases Involving Intangible or Liquidated Damages

02.11.2014

Facebook Fishing Expeditions Prohibited

12.26.2013

CMS and OIG Release Final Rules Extending Stark Law Exception and Anti-Kickback Statute Safe Harbor for Donations of Electronic Health Records Technology

10.02.2013

Data Collection Under the Sunshine Act

09.09.2013

Square Pegs in Round Holes: Class Certification in GMO Food Products Cases

09.03.2013

Florida's Third DCA Limits Scope of Discovery in Premises Liability Cases

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A Double Play for Prescription Drug Manufacturers in the Eleventh Circuit

07.02.2013

Florida Medicaid Liens after *Wos*

07.02.2013

Does Florida Recognize a Duty to Warn in Spanish or Additional Languages Other Than English?

06.27.2013

Florida's Supreme Court Limits the Economic Loss Rule

06.17.2013

Personal Injury: Defendants May Conduct Multiple Independent Medical Examinations with Good Cause

04.12.2013

Q&A With Carlton Fields' Gregory Cesarano

12.18.2012

Personal Injury Defendant Entitled to Discovery Regarding Extent of Relationship Between Plaintiff's Lawyer and Plaintiff's Doctor

12.17.2012

Proposals for Settlement: How to draft ones that will stick and how to deal with them when they land on your desk

07.12.2012

Premises Liability – No Duty to Preserve Surveillance Videos Without a Specific Written Request

07.02.2012

Heaters: No Duty to Supply Bilingual Warnings for Heater Not Targeted at Hispanic Market

03.30.2012

Taking and Defending Rule 30(b)(6) Depositions for Young Lawyers

03.08.2012

Florida Offers of Judgment: A New Trend To Uphold

02.12.2012

FDA Denies Petition to Ban BPA in Food and Beverage Packaging

01.06.2012

Changes to Removal and Remand Procedures for Civil Actions

05.02.2011

Time For A Legislative Overhaul Of The Sunshine In Litigation Act

02.01.2011

The Good Faith, Bad Faith, and Ugly Set-up of Insurance Claims Settlement

10.26.2010

The Third District Reaffirms the General Admissibility of "No Accident" Evidence

10.04.2010

Sales Reps in the OR: The Hunt for Non-Preempted Claims

08.05.2010

The Third DCA Clarifies The Bounds of Opening Statements and Final Arguments

06.01.2010

A Response to Plaintiffs' Call to Abolish the Learned Intermediary Doctrine

11.09.2009

An Overview of Florida's New Complex Litigation Rule - Fla. R. Civ. P. 1.201

09.30.2009

A Shot in the Arm: "Procedural Preemption" of Vaccine Claims

07.01.2009

The Learned Intermediary Landscape: A View From the Patient's Perspective

06.19.2009

Case Study: Using the Virtual Law Firm Concept and a Fixed Fee Arrangement in a Mass Tort Setting

06.03.2009

New Case on Class Action Settlement

04.06.2009

California Green Chemistry Program

01.01.2009

Plaintiff's Medical Care and Treatment—Discovery and Evidentiary Issues

11.03.2008

"I Must Dissent." Why?

10.31.2008

Finding, Building, and Marketing a Niche: It's Never Too Early to Start

06.02.2008

Vicarious Liability of Motor Vehicle Rental Companies - The Graves Amendment

08.01.2007

Opening Statements in Jury Trials: Just How Important Are They?

07.02.2007

Joint Proposals for Settlement and Vicarious Liability – Rule 1.442(c)(3)

02.05.2007

Mass Tort or Mass Fraud?

12.01.2006

A Lot of No Evidence is Still No Evidence

09.01.2006

Class Action Counsel Evaluate Impact of Milberg Weiss Indictment

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AIDS: Implications for Pregnancy

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Confronting Experts Whose Opinions Are Neither Supported nor Directly Contradicted by Scientific Literature

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Cross-Appeals in Civil Cases

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Cross Examine That Doctor Without a Deposition

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Motions to Dismiss

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Federal Preemption in Class III Medical Device Cases

01.01.2006

Monograph of State Warnings Law (a 50 state survey) - FLORIDA

01.01.2006

Alaska Law Regarding the Restatement and Pharmaceutical and Medical Device Products Liability

09.01.2005

Litigation 101: Preparing a Bill of Costs

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A 50-State Review of State Warnings Law

08.02.2004

Service on the Foreign Defendant Pursuant to FRCP 4

01.12.2004

Opening Your Closing Argument

11.05.2003

Products Liability Case of the Month - October 2003

09.26.2003

Products Liability Case of the Month - September 2003

08.04.2003

Products Liability Case of the Month - August 2003

07.02.2003

Products Liability Case of the Month - July 2003

06.17.2003

Florida Punitive Damages Advisory - June 2003

05.13.2003

Products Liability Case of the Month - May 2003

04.21.2003

The Implications of Expert Testimony in the Wake of Daubert v. Merrell Dow Pharmaceuticals

02.20.2003

Products Liability Case of the Month - February 2003

12.18.2002

Products Liability Case of the Month - December 2002

12.12.2002

Pro Bono for Paralegals Reference Guide

12.11.2002

Unavoidably Unsafe Products: The Future of Comment K

12.11.2002

How Does Florida Handle Toxic Torts (chapter)

01.01.2000

Consumer and Customer Disputes with Goods or Services Providers

01.01.2000

Consumer and Customer Disputes with Goods or Services Providers

11.01.1999

Pointers on Preserving the Record

10.10.1999

Course Materials for panel presentation on Florida Tort Reform Act of 1999

08.01.1999

State-by-State Summary of the Law on Liability for Off Label Use of Drugs and Medical Devices
(Florida Section)

01.01.1998

Lone Pine Orders: A Wolf in Sheep's Clothing for Environmental and Toxic Tort Litigation

01.01.1995

Clean Air Act, Federal and State Enforcement Provisions

09.30.1994

Sick Building Syndrome and Building-Related Illness Claims: Defining the Practical and Legal
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