

Brian D. Gross

Partner
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PRACTICE AREAS

Asbestos Litigation
Aviation Litigation
Business Litigation + Counseling
Class Action Litigation
Environmental Litigation
Food + Beverage Liability
General Liability
Per- and Polyfluoroalkyl Substances (PFAS)
Premises Liability
Products Liability
Toxic Tort Liability
Transactional
Transportation

EDUCATION

Northeastern University School of Law, JD
University of Maryland, College Park, BS

BAR ADMISSIONS

Massachusetts
New Hampshire
Rhode Island
US Court of Appeals for the First Circuit
US Court of Appeals for the Second Circuit
US Court of Appeals for the Third Circuit
US Court of Appeals for the Eighth Circuit
US Court of Appeals for the Ninth Circuit
US District Court, District of Massachusetts
US District Court, District of New Hampshire
US District Court, District of Rhode Island
US District Court, Eastern District of Wisconsin

Overview

Brian Gross has an exceptional track record of finding client-oriented solutions to complex legal issues. Drawing on almost three decades of courtroom experience, he handles a broad spectrum of litigation, including environmental litigation, products liability, asbestos and other toxic tort litigation, pharmaceutical and medical device claims, and business disputes for clients across the United States. He is accomplished in the defense of both conventional and novel claims, including those involving per-and polyfluoroalkyl substances (PFAS).

As counsel for several entities facing government enforcement and civil class actions relating to multiple contaminants, including PFAS, Brian develops strategies not only to eliminate or mitigate the liability of his clients, but also to recover the costs associated with investigation and remediation. In addition, Brian counsels clients concerning environmental contamination and potential liabilities that may arise from industrial, manufacturing and other processes. This includes the development of programs for compliance with federal, state and local environmental regulations and the counseling of companies and investment firms concerning environmental issues, including PFAS, for corporate transactions, investment decisions, and to avoid future litigation.

As National Coordinating Counsel for multiple companies, including those facing environmental, toxic tort and product liability claims, Brian develops defense themes, prepares expert and corporate witnesses, selects and manages local counsel, tries cases, and handles settlement negotiations. As a result of these efforts, many of his clients have experienced a decrease in the defense and indemnity costs associated with their defense.

Brian believes success is ultimately defined by his clients' needs. He invests time to understand your business, industry and values, and to develop strategies tailored to your priorities and minimize the impact on your business' reputation, resources and operations. Whether he is trying an individual case or managing national litigation, clients trust Brian to keep their best interests firmly in his sights.

A popular and sought-after lecturer, Brian speaks at numerous conferences and continuing legal education events. He has also written

extensively on numerous legal topics, including PFAS.

Experience

+ Obtained a dismissal for a wire manufacturing company against claims that its prior operations contributed to PFAS contamination of the water supply on Long Island, New York. Our initial investigation of historic corporate records revealed that the defendant did not have liability for the facility at issue. Moreover, the investigation revealed that the New York Department of Environmental Conservation had previously determined: (1) that PFAS on the property was not the result of the historic industrial operations on the property, but were instead the result of migration from other properties; (2) the public water supply is not affected by PFAS contamination of the property; and (3) the site does not pose a significant threat to public health or the environment. Based on the foregoing, plaintiff did not oppose our motion to dismiss.
+ Successfully moved to dismiss a Massachusetts federal court class action suit in which plaintiffs alleged that waste delivered by the client contaminated their drinking water and soil with PFAS. The plaintiff class sought damages for the investigation and remediation of their drinking water wells and soil, the alleged diminution of their property value, and medical monitoring. Based on an aggressive investigation and product testing, we were able to demonstrate to the court that plaintiffs' allegations were insufficient to state a claim because they failed to plausibly allege that the waste at issue actually contained PFAS and, thus, the client's waste caused their injuries. The client's dismissal, at this early stage of the litigation, eliminated any liability risk and saved it a great deal of money in defense costs.
+ Based on environmental investigative activities, brought and successfully resolved claims against potentially responsible party that resulted in client's full recovery of costs associated with its investigatory and remedial efforts concerning PFAS contamination at site.
+ As a result of legal challenge to State Water Board's draconian PFAS Cleanup and Abatement Order, negotiated Voluntary Cleanup and Abatement Agreement for client that provides effective remedial measures while saving the client millions of dollars.
+ Won a court ruling that a state department of environmental protection's ban on sales of the client's septic system additive/restorative product was arbitrary and capricious, based in part on an environmental impact study commissioned as part of the case strategy. As a result, the product was restored to the market.
+ Prevailed on motion to consolidate, preventing the consolidation of PFAS and 1,4 Dioxane cases that allege contamination of the same water supply wells.
+ Represented product manufacturer in PFAS class action seeking property and personal injury damages as a result of alleged contamination.
+ Obtained summary judgment on behalf of a military contractor based on the government contractor defense. The court agreed that the government approved reasonably precise specifications, the military equipment conformed to those specifications and the contractor had

no duty to warn due to the government's demonstrated knowledge of the hazard.

+ On an issue of first impression, the Court of Appeals overturned a district court's remand order. In reversing the remand decision, the court adopted the argument presented, which created a new standard in the circuit for triggering removal. The court held that the 30-day removal clock is not triggered until “an amended pleading, motion, order, or other paper” makes the grounds for removal “unequivocally clear and certain.”
+ On an issue of first impression in Rhode Island, obtained a dismissal on behalf of several insurance companies that faced a direct claim by a plaintiff who claimed that the insurance companies' former insured manufactured asbestos-containing products which caused the death of plaintiff's decedent. The Court agreed with the argument that the language of R.I. General Laws § 27-7-2 and its exceptions are clear and unambiguous and, therefore, the Court must apply the “natural and generally accepted meaning” of the term bankruptcy, which does not encompass dissolution. Accordingly, the plaintiff's claims were barred as a matter of law, and the Court granted the insurers' motion to dismiss.
+ Obtained dismissals of more than 60 asbestos claims against an aerospace company in cases throughout the United States. As National Coordinating Counsel for the company's products liability litigation, MG+M developed and implemented an innovative government contractor defense that has greatly reduced the client's potential exposure.
+ Won summary judgment dismissing more than $3 million in wrongful death claims against a multi-national plastics manufacturer by establishing that the client had no duty to warn and that the decedent had not relied on any representations by the client.
+ Won a jury verdict in a multi-million-dollar trial against a 54-year-old plaintiff with pleural mesothelioma. By devoting the appropriate resources to pretrial investigation, MG+M was able to identify a significant weakness inherent in the plaintiff's claim and called witnesses who impugned plaintiff's credibility concerning his alleged use of the client's product. After an 11-day trial, the jury returned a defense verdict in approximately three hours.
+ Successfully defended a corrugated board manufacturer in a suit by a seriously injured interstate truck driver. Through intimate knowledge of federal and state trucking regulations, MG+M was able to demonstrate that the plaintiff's injuries were barred by his own negligence.
+ Obtained summary judgment on behalf of officers and directors of a professional sports league. Convinced the judge to divide discovery into phases, and allow discovery concerning plaintiffs' alleged damages to proceed first. Following the conclusion of the first phase of discovery, convinced the court that plaintiffs could not prove an essential element of their claims, namely that they suffered monetary damages as a result of defendants' actions.
+ Successfully represented a multinational aircraft company in the appeal of a remand decision by the United States District Court for the Central District of California. The Ninth Circuit Court of Appeals

reversed the district court's remand order and adopted MG+M's argument that established a new standard for the Ninth Circuit whereby the thirty-day removal clock is not triggered until "an amended pleading, motion, order or other paper" makes the grounds for removal "unequivocally clear and certain."

Recognition

+ *Best Lawyers in America*, Product Liability Litigation—Defendants, 2022–2027; Mass Tort Litigation / Class Actions—Defendants, 2026–2027
+ Massachusetts Go To Lawyers for Environmental/Energy Law, *Massachusetts Lawyers Weekly*, 2023
+ AM Best Insurance Recommended Attorney
+ AV Rated Martindale Hubbell
+ JD Supra Readers' Choice Awards, Top Author–Product Liability, 2024, 2026
+ Thomson Reuters, *Super Lawyers Rising Star*, 2007

Involvement

+ International Association of Defense Counsel
+ Massachusetts Bar Association, Member
+ Rhode Island Bar Association, Member
+ American Bar Association, Vice Chair
+ New Hampshire Bar Association, Member
+ ABA Toxic Tort & Environmental Litigation Committee, Former Chair

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