Asbestos Litigation



MG+M is an established leader in the field of asbestos defense. Over the past quarter-century, we have defended household-name companies in products and premises cases in all 50 states, as well as Guam, American Samoa, the Mariana Islands, the Virgin Islands, and Puerto Rico. We serve as National Coordinating Counsel, National Trial Counsel, National Settlement Counsel, National Discovery Counsel, Regional Coordinating Counsel, and Local Counsel. In these capacities, we have successfully represented defendants at all stages of litigation in state and federal courts throughout the country and abroad. All told, our attorneys have collectively investigated, litigated, directed strategy for, and resolved literally hundreds of thousands of asbestos claims, without ever taking a “cookie cutter” approach.

Dedicated to optimal outcomes

In the overwhelming majority of our cases, we have obtained voluntary dismissals, summary judgments, and favorable settlements. We have also taken scores of cases to verdict. We work tenaciously to achieve optimal case resolutions using all the tools at our command, including early evaluations, thorough investigation, “good company story” development, corporate and expert witness development, effective cross examinations, motion practice, and jury selection.

Investigations that win cases

Our extensive case work-ups and vigorous investigations are the stuff of legend. More than a decade ago, we moved away from defending asbestos cases based solely on medical and/or industrial hygiene defenses. Instead, we attack the credibility and product identification evidence of plaintiffs' witnesses, and affirmatively develop evidence of alternative exposures and causation. In the face of our overwhelming fact evidence, even the most aggressive asbestos plaintiffs' law firms often back down. Our innovative approach has enabled us to win dismissals and verdicts in many cases and resolve others for low values.

A fully-integrated team

Although we have partners located and practicing in several different offices, we work collaboratively as a unified team. As a result, we develop collective institutional knowledge that is used to benefit all our clients. In addition, our team approach ensures that the best- qualified attorney will handle each aspect of your case, without the internal competition and territoriality often present in large law firms.

Experience

+ Oversaw the defense of approximately 350 asbestos cases as National Coordinating Counsel for a large manufacturer of commercial jetliners and military aircraft. Since beginning this representation, we have significantly strengthened the company's defenses, streamlined reporting, established critical defense strategies, reset settlement values with prominent plaintiff's firms, reviewed approximately 400,000 documents and reduced the client's indemnity and defense costs.
+ Oversaw the investigation into the manufacture and sale of ceramic products over three decades to assess a manufacturer and distributor's potential liability and formulate its defense. Our investigation revealed that the vast majority of our client's products do not contain asbestos. As National Coordinating Counsel, we have used this information to limit filings and obtain dismissals in all but a single case, which was resolved for nuisance value.
+ Won a defense verdict for a joint compound manufacturer in a Delaware mesothelioma case with no alternative exposures to asbestos products by convincing the court to exclude plaintiffs' general negligence and design defect claims, leaving only a failure to warn claim (against a defendant that had provided adequate warnings).
+ Won a defense verdict in a Massachusetts case after only three hours of deliberation by attacking the plaintiff's credibility and product identification based on an intensive pre-trial investigation that refuted the plaintiff's claim of having worked with and around asbestos.

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- Obtained summary judgment for a contractor defendant in a seven-figure California case by attacking the credibility of the materials expert who testified that the defendant's products contained asbestos.
- Successfully argued that the government contractor defense applies to failure to warn claims, which is an unsettled issue around the country.
- Successfully argued that a West Virginia state court should apply the substantive law of Kansas in a case involving claims based on alleged exposure in Kansas, and then for summary judgment on those claims based on Kansas' workers' compensation law.
- Obtained a defense verdict in favor of our client in a living pleural mesothelioma lawsuit in Portland, Oregon, involving a spontaneous etiology defense. The jury unanimously found that there was no defect in our client's cosmetic talc product, and that our client was not negligent.
- Obtained summary judgment in a New York Asbestos Litigation (NYCAL) matter based upon the Juni decision on causation, on behalf of our client, a floor tile manufacturer. The court found that defendant had demonstrated a lack of both general and specific causation finding its experts properly relied on scientific studies.
- Obtained defense verdict in the United States District Court for the District of Delaware. The plaintiff in the case alleged that he developed mesothelioma as a result of working with asbestos-containing products while serving aboard U.S. Navy ships and through home automotive work. The jury concluded that the plaintiff had not met the prima facie burden of establishing that our client had any role in causing decedent's mesothelioma and returned a defense verdict after 40 minutes of deliberation.
- Won summary judgment in a New York City Asbestos Litigation (NYCAL) matter based upon causation on behalf of our client, a floor tile manufacturer. The plaintiff alleged that he was exposed to asbestos from his work installing the defendant's vinyl asbestos floor tiles. Our client moved for summary judgment contending that the plaintiff failed to present any expert opinion or evidence that established general and/or specific causation that the floor tiles caused the mesothelioma. Because the defendant had made a prima facie case demonstrating a lack of causation, and the plaintiff did not properly establish causation, the court granted summary judgment.
- Secured a defense verdict for industrial manufacturer American Biltrite after a two-week asbestos litigation trial. In a unanimous decision, the jury of 12 found that the plaintiff's exposure to asbestos from the defendant's floor tile was not a substantial factor in causing his mesothelioma.
- Won summary judgment on behalf of a construction equipment manufacturer in a low-shares asbestos action governed by Kansas substantive law, arguing successfully that the Kansas Product Liability Act implies a “bare metal defense” to bar liability for allegedly injury-causing component parts manufactured and sold exclusively by third parties.
- Won summary judgment for a contractor in an Alameda County asbestos wrongful death action by successfully establishing that plaintiffs lacked evidence identifying exposure to the client's products, resulting in dismissal of all claims.

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