

Toxic and Mass Tort



Lathrop Gage has a long history and considerable experience representing manufacturers, food production operations, distributors, formulators and applicators of agrichemical products in chemical exposure and toxic tort cases, with single plaintiffs and in class action cases. At the intersection of law and science, we are adept at dealing with complex scientific issues and have defended hundreds of personal injury and property damage claims involving various chemicals, and claims of toxic exposure, including:

- Animal waste and odor
- Chromium
- Zinc
- Anhydrous ammonia
- Oil spills
- Asbestos
- Occupational diseases

Our team often serves as national trial counsel, along with providing assistance as local counsel in some instances. We have the legal skills and administrative experience to manage your work.

We have the experience and relationships to keep client litigation costs down by identifying competent local counsel, managing the administrative aspects of long distance relationships and coordinating the legal positions of various local counsel. In some instances, we manage these processes for our clients.

We also have extensive technical knowledge in the fields of soil and groundwater contamination, risk assessment and epidemiology, and we regularly defend toxic tort claims asserted in connection with Superfund sites.

Representative Experience:

- Successfully defended a national waste management companies Superfund site, negotiating with the Environmental Protection Agency (EPA), the Missouri Department of Natural Resources (MDNR), and St. Louis County. The entire court process was completed in 10 months and limited future litigation for the client.
- Represented a national waste management company against a number of personal injury claims. The claims alleging exposure to radioactive waste in St. Louis County, represented by two lead plaintiffs, resulted in voluntary dismissal by request of the plaintiffs.
- Represented large food production company in a case that alleged company executives had destroyed computer backup tapes containing information needed in EPA civil investigation.
- Served as co-lead counsel in a bench trial defending a national food retailer in a complex breach of contract action brought by a telecommunications auditing company. The damage award was 90 percent less than plaintiff's initial demand. We conducted extensive and tedious analysis of hundreds of thousands of pages of phone and data bills in order to develop a defense for client.
- Proactively assisted a large chemical manufacturing company following an alleged anhydrous ammonia leak. We conducted a next-day response to the site to interview and investigate the claim. The investigation was completed and recommended next steps were provided within days of the incident.
- Executed a state-of-the-art-defense for a major railroad company against a plaintiff represented by a leading personal injury firm specializing in asbestos claims. We addressed the employee's personal injury claim by establishing that asbestos exposure occurred prior to employment with our client and successfully exhibiting that the client had responded responsibly and appropriately to known information about exposure. The jury awarded less than 8% of the plaintiff's original request.
- Defeated an effort to certify a class of potentially more than 1,000 homeowners whose property surrounded a landfill on nuisance and trespass claims. Nine plaintiffs filed a property damage lawsuit against our client, a major waste services company, alleging nuisance and trespass due to dust, dirt, debris, litter and noxious odors, allegedly emanating from the Mallard Lake Landfill in DuPage County, Illinois. The plaintiffs moved to certify a class. DuPage County Judge Terence M. Sheen denied their motion, and the case soon settled.
- Negotiated voluntary dismissals, without any payment to plaintiffs, for an alleged successor to a chemical company as a defendant in

two multi-party toxic tort lawsuits.