WEINBERG WHEELER
HUDGINS GUNN & DIAL

Environmental and Toxic Tort

Our Attorneys

The Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC ("WWHGD") Environmental & Toxic Tort practice group is spearheaded by trial lawyers with over 80 years of experience. Our attorneys have experience with the full range of environmental, health and safety laws that relate to litigation, transactional and regulatory compliance matters.

This experience is critical, as environmental awareness, legislation and litigation are now of global concern. Our clients depend on our expertise and counsel to protect their interests and rights and to help them understand and manage all of their environmental legal issues, including claims, investigations and litigation. What sets our attorneys apart is our ability to aggressively handle very difficult, complex high-exposure cases. To accomplish this, we have institutionalized the capabilities and resources necessary to effectively manage and handle any manner of toxic tort claims, including the ability to take them to trial.

Our attorneys help clients in the U.S. and abroad comply with complex laws and regulations pertaining to solid and hazardous waste, air emissions, water quality and employee health and safety. Given the scientific complexity of these matters, the experience of our lawyers in disciplines involving chemistry, toxicology, ecological and human risk assessment, hydrogeology, engineering and epidemiology strongly complements their in-depth trial experience. Consequently, our practice lawyers possess an invaluable combination of skills and experiences from which our clients can draw. In addition, our attorneys attend and speak at professional symposia involving various facets of environmental issues.

OUR PRACTICE

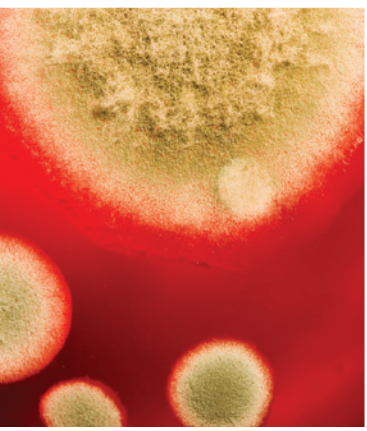
The Environmental & Toxic Tort Practice Group represents clients in a wide range of industries, such as chemical manufacture, distribution and transportation; waste management; product design, manufacture and distribution; medical and food processing; and commercial and residential construction. Our practice has included the defense of criminal and civil investigations and prosecutions throughout the U.S., as well as litigation arising from private citizen suits, natural resource damage claims, Superfund cost recovery proceedings, public nuisance claims and class action and individual toxic tort cases.

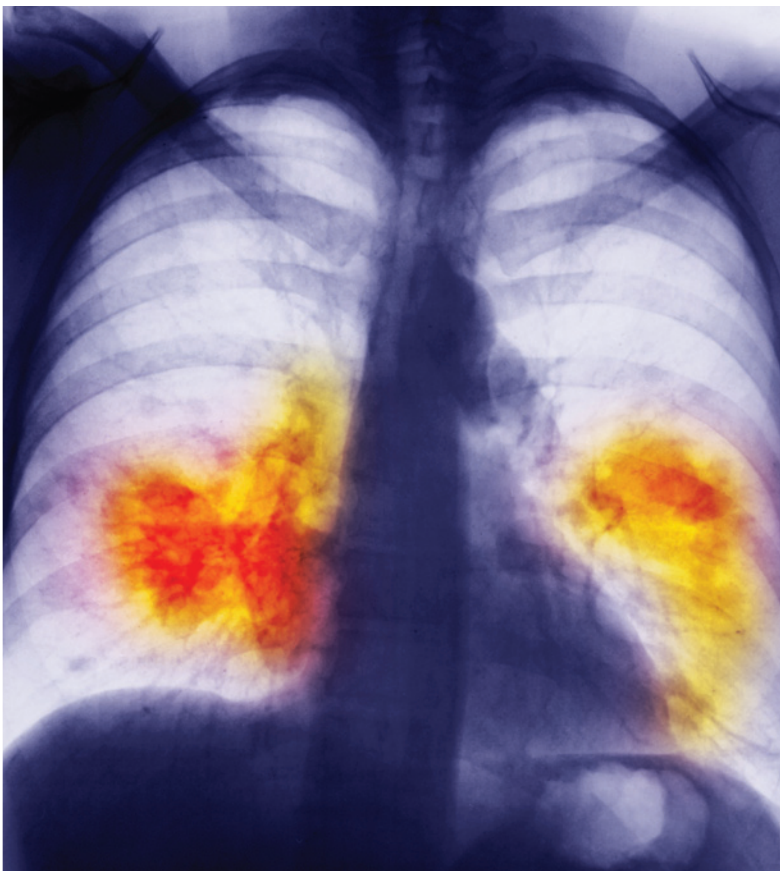
The breadth of the experience and expertise of our practice lawyers has contributed to our success in defending toxic tort claims involving exposure affecting a large or indeterminate number of plaintiffs and property damage claims involving widespread environmental contamination. Our lawyers have successfully handled claims involving a wide range of allegations, including personal injury and property damage alleged to have been caused by a wide variety of contaminants and environmental media (e.g., asbestos, mold, lead, formaldehyde, PCBs, fiberglass, benzene, TCE and other solvents, heavy metals, mercury and welding rod fumes).

In addition, our practice lawyers have handled matters such as serving as National Coordinating Defense Counsel for a leading building products manufacturer regarding formaldehyde personal injury and property damage claims; representing asbestos product manufacturers, suppliers and contractors in courts throughout the country, including serving as Regional Trial Counsel for a major manufacturer of asbestos-containing products; and representing developers, contractors, property owners and managers and landlords in personal injury and property damage claims alleging “Sick Building Syndrome,” “Building Related Illness” and toxic mold.

OUR SUCCESS

Our success speaks for itself. We have built a solid history of obtaining numerous defense verdicts and constructing favorable settlement agreements on behalf of our clients. We have also obtained defense verdicts in child lead poisoning, asbestos, formaldehyde, toxic mold and mercury exposure personal injury litigation.





Our practice attorneys have obtained many favorable settlements in mediations and pre-trial negotiations. We have negotiated the settlement of asbestos personal injury class action claims, recouped settlement awards via indemnification from co-defendants and even obtained dismissal of all consolidated claims in complex cases.

Other matters our practice lawyers have handled include:

- Defending CERCLA, RCRA and related state litigation and administrative proceedings and defending and prosecuting private contribution actions
- Defending employers in OSHA administrative proceedings
- L.U.S.T. compliance and litigation
- Counseling businesses in state and federal regulatory compliance
- Property acquisition due diligence
- Counseling businesses and municipalities in “Brownfield” administrative proceedings
- Prosecuting and defending environmental insurance coverage claims and declaratory judgment actions
- Representing property owners and managers in child lead poisoning claims
- Representing manufacturers, contractors and property owners in claims involving alleged residential and occupational exposure to a wide variety of toxins including: benzene, pesticides, fiberglass, formaldehyde, arsenic, tungsten cobalt and other heavy metals, TCE and other solvents, PBB and PCB

THE FOLLOWING IS A SAMPLE OF WWHGD'S ENVIRONMENTAL AND TOXIC TORT EXPERIENCE:

- Retonia Knott-Smith, et al. v. Adamo Demolition, et al., Wayne County Circuit Court, Detroit, MI. School demolition/asbestos exposure class action by 253 students. Issues included causation in terms of friability of asbestos containing materials and extrapolation of possible exposure/fiber-load; scientific and legal viability of medical monitoring claims; numerous Daubert challenges.

- Albert, et al. v. Tosco Refining Co., et al., Superior Court of California, County of Contra Costa, CA. Mass tort litigation by approximately 800 plaintiffs alleging bodily injury, increased risk of cancer and medical monitoring as result of chemical plant fire. Issues included substantial similarity of claims/severance, indemnity and toxicity of subject chemicals, causation and warning claims amongst defendants.

- Joinder v. Dennis Welding Supply, et al., Fulton County State Court, Atlanta, GA. Seven cases involving 221 plaintiffs alleging Parkinson-like symptoms and other neurological deficits from alleged exposure to magnesium released from welding rod fumes. Issues included duty to warn, warning adequacy and causation.

- Marion Environmental Inc. v. Dow Reichhold Specialty Latex, LLC, et al., Gordon County Superior Court, Calhoun, GA. Liquid latex chemical spill involved issues and claims brought under Georgia's state law version of CERCLA (Georgia's Hazardous Response Act).

- Flanders, et al. v. Erb Lumber, Inc., Macomb County Circuit Court, Mt. Clemens, MI. Issues included claims for neurological deficits and increased risk of cancer by minors allegedly exposed to chromated copper arsenic ("CCA") from playground equipment.

- Anderson Colombia Environmental, Inc. v. Golder Associates Inc., United States District Court for the Northern District of Florida, Jacksonville Division, Jacksonville, FL. Issues involved claims by Anderson Columbia Environmental, Inc. for damages arising out of a landfill remediation project designed by Golder Associates Inc. for the Pickettville Landfill Group in Jacksonville, Florida.

- Gracie S. Atkins, et al. v. Harcros Chemicals, Inc., Civil District Court for the Parish of Orleans, New Orleans, LA. Issues involved the representation of Golder Associates Inc. to provide professional environmental engineering and other services including, in part, the transportation, handling or disposal of hazardous materials.

- Central Environmental, Inc. v. California State University-Hayward, Superior Court of California in and for the County of Orange, Sacramento, CA. Handled issues, claims and disputes arising out of asbestos abatement at McClellan Air Force Base.

OUR CLIENTS

Clients for whom we handled environmental and toxic tort matters include:

- ACE USA
- Investors Underwriting
- Controlled Demolition, Inc.
- Central Mutual Ins. Co.
- CNA Insurance
- Crum & Forester
- Federated Mutual Ins. Co.
- Golder Associates Inc.
- Chartis Inc.
- Liberty Mutual Ins. Co.
- Zurich North America
- Amerisure Mutual Insurance Company
- Chubb Group of Insurance Companies
- The Travelers Companies, Inc.
- Selective Insurance Group, Inc.
- One Beacon Insurance
- Central Environmental, Inc.
- Echelon Resorts
- Unimin Corporation
- Southern Talc Company
- Raybestos Products Company
- Norris Cylinder Company
- Allen Bradley
- Rockwell Automation, Inc.
- Albion Kaolin Company
- Flowserve, Inc.
- Invensys PLC
- SeaHill Construction, Inc.

OUR COMMITMENT

WWHGD is committed to providing our clients with the highest level of legal expertise and customer service.

Toward that end, we have implemented unique management practices designed to enhance our ability to most effectively and efficiently serve the needs of our clients. We have the equipment and technology necessary to successfully and economically handle all manner of toxic tort claims. To most effectively address medical causation issues, we employ licensed nurses to assist in reviewing medical records and coordinating medical discovery.

In addition, we have long since implemented and regularly update cost reducing technologies, programs and processes to streamline our practice. For example, we have purchased and utilize numerous software programs, such as Summation, CaseMap and TimeMap, which provide significant cost savings in handling any complex or mass litigation, including toxic tort claims. Our attorneys even provide specialized training services for clients and offer clients in-house seminars and pertinent written materials where needed. We also regularly publish papers and speak at and attend various environmental and toxic tort seminars and continuing legal education ("CLE") programs.

Most importantly, while our litigation and trial experience is unparalleled and a major source of our strength, our lawyers have the experience and sound judgment to know when and how our clients' objectives can most appropriately be achieved through settlement. Our lawyers have structured numerous creative settlements and pursued alternative methods of dispute resolution to successfully resolve our clients' most challenging environmental and toxic tort legal issues. Our wealth of experience in a wide range of cases has provided our attorneys with the expertise required to continue to successfully serve our clients in the rapidly evolving world of environmental and toxic tort law.

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