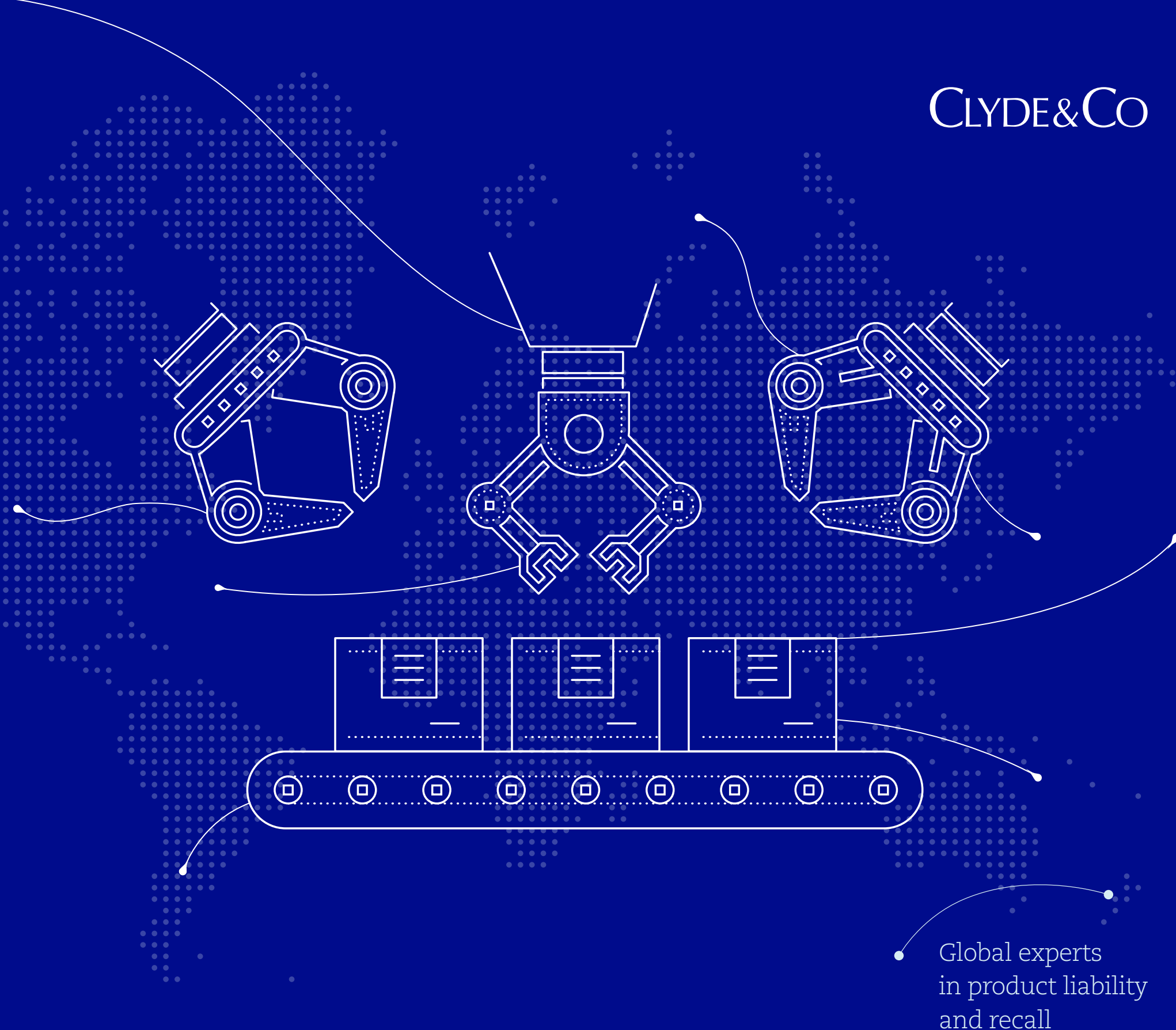




Our Global Product Liability and Recall practice where we join the dots across the globe

Our product liability and recall teams work across a global network of over 50 offices, giving us a unique ability to advise on multi-jurisdictional issues and claims. We act for insurers and manufacturers in a wide variety of specialist areas and we are adept at handling cases where reputations are at stake.

Click below to discover more about our Global Product Liability and Recall regions, sectors and Policy coverage.



Regions



Sectors



Policy Coverage &
Product Recall



Our global practice

Click on the map to view practices in your region.



The Americas

UK & Europe

Middle East & Africa

Asia Pacific

The Americas

Click below to view practices
in your country.

- Canada
- United States of America
- Latin America



Canada

With offices in Canada’s two most populated cities - Montreal and Toronto - Clyde & Co’s Canadian team can respond quickly and efficiently to product liability claims regardless of size and complexity.

Expertise

We help companies to minimize exposure and we coordinate strategies across multiple jurisdictions. Whether in court or at the negotiating table, we handle claims sensibly and realistically to ensure that our clients benefit from the best legal services.

We regularly work for insurers and for manufacturers. In recent years we have represented a number of manufacturers in the automotive industry such as Hyundai (since 2002) and Daimler Trucks (since 2011), the aeronautics industry, and numerous other areas such as appliances, electronics and retail chains. The diversity of our product liability practice makes us a law firm of choice for our clients.

Recent experience

- Defending an aircraft manufacturer on behalf of its insurers against wrongful death claims following the crash of a chartered aircraft
- Counsel to a glass manufacturer in actions alleging the systemic failure of curtain walls
- Defence counsel for a manufacturer of light bulbs in a multi-million dollar and multi-party case following a fire that destroyed a warehouse causing extensive property damage
- Coverage advice in numerous matters re: US consumer class actions for alleged misleading labelling and/or bodily injury due to contamination of health supplements
- Defending a car manufacturer against three consumer protection class actions
- Defending a US manufacturer on behalf of its insurers against a product liability claim arising out of in-flight damage to an aircraft
- Defending manufacturers in many actions involving salmonella contamination, consumer appliances, alleged defective children’s car seats and defective windows



Louis-Philippe Constant

Partner, Montreal

+1 514 764 3650
louis-philippe.constant@clydeco.ca

A 17-year veteran litigator, Louis-Philippe’s experience spans a broad range of commercial matters with an emphasis on product liability, class action defence, insurance and credit insurance disputes, media liability and international debt recovery.

He represents clients in industries ranging from insurance, automotive and aviation to consumer products, media and banking. Louis-Philippe takes a pragmatic and result-oriented approach to every file. In 2014 and 2015, Benchmark Litigation has recognised Louis-Philippe as one of Quebec’s Rising Litigation Stars. Fluent in both English and French, Louis-Philippe frequently speaks at events on issues relating to class actions, product liability, insurance and credit insurance.

USA

Our team in the US includes nearly 250 legal professionals across our offices in Atlanta, Chicago, Los Angeles, Miami, New Jersey, New York, Orange County, San Francisco and Washington, DC.

Expertise

We regularly work with manufacturers (including OEMs), importers, distributors and retailers on all aspects of product liability claims, with a core focus on:

- Defective design, manufacture, testing, warnings, sale and distribution
- Product safety and personal injury
- Defence of mass tort and class action cases
- Contractual liabilities and exclusions
- Claims for financial and consequential loss
- Subrogated recoveries

We work extensively with insurer clients on policy wordings, including writing and advising on many of the standard wordings in the domestic and international markets, as well as wordings for specific industry sectors. Our expertise includes defending various insureds for all types of product liability related matters as well as advising product liability insurers on claims involving defective products and product recall, monitoring product liability class actions for excess insurers, and advising clients with regard to standard exclusions in these policies.

In addition, we have significant experience dealing with US regulatory authorities, such as the Department of Transportation, (DOT) the Federal Aviation Administration (FAA) and the Office of Foreign Asset Control (OFAC). Our lawyers wrote the amicus brief for the General Aviation Manufacturers Association (GAMA) on behalf of all its worldwide members as to whether the Federal Aviation Administration (FAA) certification of aviation product design pre-empts common law product liability claims. We have subsequently argued, and won, the first cases to establish various key pre-emption defences.



Fred Fein
Miami Managing Partner
& US Head of Product Liability

+1 305 329 1797
fred.fein@clydeco.com

Fred Fein has acted as lead trial counsel in numerous complex civil litigation matters, involving all types of high exposure damages such as wrongful death, brain damage and quadriplegia. Among them are products liability cases involving tires, automotive components, household appliances and automatic doors, aviation disasters, medical malpractice, nursing home, premises liability and insurance coverage claims.

Fred has been called upon to serve as national and regional coordinating counsel and local counsel. He also serves as faculty for The Florida Bar-approved seminars on Florida trial practice.



Kevin Sutherland
Partner, San Francisco

+1 415 365 9850
kevin.sutherland@clydeco.us

Kevin Sutherland has 25 years of experience representing manufacturers, retailers and insurers of consumer, commercial, military and aerospace products. He has been lead counsel in high value cases involving a variety of products, including telecommunications satellites, generators, aircraft engines, consumer and commercial tools, fastening systems as well as general aviation, experimental and sub-orbital aircraft. Kevin also advises on commercial and regulatory issues, including those involving warranty conditions, purchase agreements and product recall. Kevin has represented clients in litigation in several Western states and is licensed to practice in California, New York, the District of Columbia and before the US Supreme Court.

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USA cont.

Recent experience

- Obtaining numerous defence verdicts and dismissals for automotive component manufacturers involving rollovers and tire tread separations involving significant high exposure damages including quadriplegia, paraplegia and multiple deaths
- Obtaining a defence verdict for Hewlett Packard in defective design and manufacture of a laptop computer and its lithium-ion battery case that allegedly resulted in a massive building fire
- Obtaining a defence verdict for a mixer manufacturer in a concrete mixer death claim
- Obtaining the first defence verdict in the US for a tire manufacturer involving a tire tread separation on a Ford Explorer
- Obtaining a defence verdict for a race car manufacturer in a USD 60 million wrongful death claim arising from the decapitation of a race car driver during a qualifying run at a Grand Am racing event
- Obtaining a defence verdict for Zicam LLC in a claim for loss of smell and taste arising from the allegedly negligent design and manufacturing of nasal gel
- Obtaining a defence verdict and summary judgments for Cordis Corp in cardiac stent “migration” claims
- Obtaining summary judgment for a truck manufacturer in an engine fire case where over 75% of the Plaintiff’s body was burnt
- Obtaining summary judgment for a commercial refuse truck manufacturer in a “crush death” case
- Obtaining summary judgment and nominal settlements for Zimmer Corporation in multiple Harrington Rod cases
- Obtaining summary judgment for Actavis in a wrongful death case involving the online sale of diet drugs
- Obtaining summary judgment for Ethicon Inc. in alleged defective Prolene suture cases
- Obtaining summary judgment for Leksell in a wrongful death case alleging defective design of a Gamma Knife Perfexion radiosurgery device
- Obtaining summary judgment for a hurricane shutter manufacturer/installer on commercial product defect claims involving thousands of residential units
- Securing dismissal during trial of a claim against a roofing materials manufacturer in a case involving allegedly defective underlayment which was claimed to have destroyed a residential building
- Representing a Dutch solar array manufacturer in defence of litigation involving breach of contract, breach of warranty and tort claims arising out of alleged anomalies in nine commercial satellites; and successfully securing dismissal for a client in the Ninth Circuit Court of Appeals following dismissal by the trial court
- Securing dismissal of a US manufacturer of an aerospace fastening system in a lawsuit for negligence and strict product liability arising from the crash of a US Navy helicopter engaged in a training mission off the coast of California
- Securing dismissal of wrongful death claims against turbine engine manufacturer in connection with lawsuit arising from crash of a Robinson R22 helicopter in Minnesota

Latin America

With a dedicated team of lawyers focused on Latin America for over 25 years, Clyde & Co LLP is described by the Latin Lawyer 250 as “something of a pioneer” in the region for international firms.

Expertise

Our offices in Miami, Mexico City, Sao Paolo and Caracas provide advice to clients across the firm’s core sectors, including product liability and recall. They are supported by specialist Latin American desks in London and other Clyde & Co offices, which include Spanish and Portuguese-speaking and dual-qualified lawyers.



Peter Hirst

Partner, London

+44 (0) 20 7876 4425
peter.hirst@clydeco.com

Peter is the head of the London and São Paulo teams with a team of 15 lawyers and has arbitrated and litigated in more than 50 international jurisdictions, from the Far East, Middle East, Central Asia, North Africa, US and South America where he has wide variety of experience in all arbitral institutions and areas of commercial law.

Peter has acted in arbitrations in excess of 50 international jurisdictions, including all South American countries and the majority of Central American countries.

Peter sits as an arbitrator and mediator and as well as being an accredited CEDR mediator is a Fellow of the Chartered Institute of Arbitrators.

He has been appointed to the ICC Taskforce for Emergency Arbitrator Proceedings and is a registered foreign lawyer of the Brazilian Bar (OAB).

UK & Europe

Click below to view practices
in your country.

- UK & Ireland
- France
- Germany
- Spain



UK & Ireland

Our product liability and recall practice in the UK and Ireland is unequalled in its capacity and scope. We have 19 specialist partners in England and Wales, five in Scotland and a strong presence in Ireland.

Expertise

Our office in London is the hub of the global network. We work for almost every major insurer and for many manufacturers and retailers, servicing claims at all levels from the routine to the largest and most high profile cases in the market.

Our teams in London focus on:

- Specialist sectors (e.g. automotive, aviation, marine and pharmaceutical)
- Cross-border and multi-jurisdictional claims
- Insurance policy wording and coverage
- Excess liability and the Bermuda Form
- Product recall coverage and crisis response

We also have teams in Manchester and Oxford which focus on:

- The defence of UK liability claims
- Claims involving injury and catastrophic loss
- The defence of regulatory proceedings
- Subrogated recoveries

In Scotland our teams are based in Edinburgh and Glasgow. We defend product liability claims in all sectors, including automotive, agriculture and food, consumer, industrial, medical and pharmaceutical. In recent years we have defended claims in relation to products as diverse as chocolate, cheese, nicotine patches, herbal remedies, sun cream and flight socks. We also act on behalf of insurers in subrogated recovery cases arising out of property damage.

Our Scottish team has particular expertise in the medical and pharmaceutical sectors. We are instructed on behalf of a global manufacturer in one of the largest and most political cases of recent years arising out of the use of surgical mesh products. In Scotland, we have represented pharmaceutical companies in defence of product liability claims since 1982.

Our Irish team specialises in product liability coverage and defence work, as well as in product recall. We have extensive experience regarding the defence, and subrogated pursuit of, product liability claims in the agricultural, horticultural, aviation, industrial, cosmetic and health/safety sectors, including contaminated porcine and seed products, aviation navigational equipment, faulty heating appliances, defective emergency lighting and cosmetics.

Legal 500 2015 refers to our UK product liability practice as being “top notch for both service and technical knowledge”.

Recent experience

- Advising London market insurers in connection with US class actions valued in excess of USD 1 billion arising from the use of perfluorinated compounds in fire-fighting foam
- Defending manufacturers of PIP breast implants, metal-on-metal hip implants and mesh products against multiple injury claims
- Advising insurers on the policy coverage implications of faulty implant claims
- Defending a high street coffee shop chain against regulatory action after a piece of wire was allegedly found in its food
- Defending the supplier of horse feed to HM The Queen following the disqualification of Her Majesty’s horse from the Ascot Gold Cup
- Defending an animal genetics company in a dispute concerning allegedly contaminated breeding stock
- Advising London market insurers in connection with a major dairy product recall in New Zealand
- Defending a significant product liability claim arising out of allegedly defective seed produce supplied to a commercial Irish purchaser
- Advising on the prospects for subrogated recovery against a parts manufacturer arising out of an aviation incident in Ireland

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UK & Ireland cont.



Neil Beresford
Partner, London
+44 (0) 20 7876 4495
neil.beresford@clydeco.com

Neil leads the international product liability practice. He specialises in policy coverage, liability defence and subrogated recoveries with a particular focus on agriculture, food and environmental claims. He is recognised by the legal directories as a leading lawyer in the fields of product liability, insurance, reinsurance and dispute resolution.

Before entering practice, Neil was a Fellow of Robinson College, Cambridge and a speechwriter to the Lord Chancellor, Lord Irvine of Lairg. He maintains active ties with Cambridge University, teaching Tort and product liability.



Duncan Batchelor
Partner, Edinburgh
+44 (0) 131 525 861
duncan.batchelor@clydeco.com

Duncan leads our Scottish product liability practice and has a particular interest in healthcare related litigation. He has extensive experience of defending complex group litigation in relation to medical products.

Duncan is a Law Society of Scotland Accredited Specialist in Medical Negligence (Defender) and is recommended by both Chambers and Legal 500 directories. Duncan is also a qualified solicitor advocate with extended rights of audience. In 2009 he appeared on behalf of the manufacturer in a tragic and high-profile case arising out of the death of a toddler strangled in a window blind.

He also appears regularly before Scotland’s higher civil courts in personal injury litigation.



Garrett Moore
Partner, London & Dublin
+ 353 1 234 2515, +44 (0) 20 7876 4436
garrett.moore@clydeco.com

Garrett is dual qualified in the Republic of Ireland and England and Wales, and leads our Irish product liability and recall practice. He has extensive product liability coverage, defence and subrogation experience in the Irish Courts, specifically in the agricultural, horticultural, industrial, aviation and health/safety sectors. His experience also extends to product recall, particularly as regards cosmetic products.

Garrett also has considerable experience advising in European and various Asian jurisdictions, particularly Japan in the context of global product liability, product recall and reinsurance issues. Having lived in Japan for over 2 years he speaks social Japanese, with a working knowledge for business purposes, holding a Level 2 Japanese proficiency test certification.

France

Clyde & Co’s office in Paris has 11 partners and 12 legal professionals. Our product liability specialists work for insurers and their insureds in defending claims and bringing subrogated actions.

Expertise

We have sector-specific experience in agriculture and food, automotive, aviation, industrial and pharmaceutical claims. We have assisted clients with product recalls and related recoveries.

Recent experience

- Advising French product recall insurers on policy coverage following a recall of 8,000 vehicles
- Defending Japanese insurers following the deaths of users of defective safety belts
- Defending the manufacturers of a ski tow following the death of a user
- Defending French juice manufacturers and their insurers following a recall in the USA
- Defending a French insurer of a manufacturer of defective radiators which led to multi-jurisdictional claims in Europe (France, Belgium, Italy, Spain)
- Assisting South Korean insurers of the manufacturer of a detective life raft which caused the death of three crew
- Defending the English manufacturer of a horsebox against a personal injury claim brought in the French Courts



Gildas Rostain

Partner, Paris

+33 1 44 43 83 56
gildas.rostain@clydeco.fr

Gildas is the Senior Partner of our Paris office where he leads the litigation team. Gildas has an in-depth expertise of litigating claims before all Courts in France. He focuses on P&C, product liability and personal injury claims.

Germany

Our office in Dusseldorf is highly recommended in the market for its expertise in the fields of product liability and recall.

Expertise

We handle domestic and international product liability claims under German law and the UN Convention on the international Sale of Goods (CISG). As preferred contact known for excellent and efficient service we represent insurers and insureds in court proceedings as well as in domestic and international arbitrations. We also act as coverage and monitoring counsel, providing advice to German and international insurers with regard to product liability and recall.

Recent experience

- Advising insurers under US local and German master policy with respect to product liability claims in Canada
- Monitoring product liability claims brought in France under a German product liability policy
- Defending product liability claims in Germany and enforcing subrogation rights in Italy
- Defending an insured automotive supplier in product liability proceedings in Germany



Dr Henning Schaloske

Partner, Dusseldorf

+49 (0) 211 8822 8801

henning.schaloske@clydeco.com

Recognised as a leading expert for insurance and reinsurance, Henning’s practice focuses on the handling of complex and often international claims, including product liability and recall. He is experienced as a litigator as well as in arbitration work, both as counsel and arbitrator.

Spain

Our Madrid office has six partners and 29 legal professionals.

Expertise

We defend clients in relation to products disputes and advise on issues such as the enforceability of warranty clauses and limitations of liability. We have specific experience in several industry sectors, including agriculture and food, automotive, fireworks and explosives, pharmaceutical products and toys. We have advised on product recall and management of related issues as correct labelling of products, management of product safety reporting and management of asbestos duties.

Recent experience

- Advising and defending auto manufacturers and their liability insurers in product liability claims based upon alleged defects in vehicle safety systems
- Advising and defending liability insurers involved in an infant milk ink contamination episode which led to a multijurisdictional recall
- Defending the producer of vegetable seeds in a multimillion Euro claim brought by the Spanish growers of tomato as a consequence of an alleged seed contamination
- Defending the manufacturer of plastic bottles and its insurer in a large litigated claim in Portugal following the contamination of bottle caps during transportation
- Defending a French oenologist products company in a large litigated claim in Spain
- Advising a manufacturer of electric equipment on liability allegedly arising from the use of adulterated connectivity grease



Ricardo Garrido

Partner, Madrid

+ 34 91 793 4502
ricardo.garrido@clydeco.com

Ricardo specialises in industrial risks (engineering, energy, construction, product liability and environmental law). He acts for major national and international insurance companies in both contentious and non-contentious matters. He has been involved in several high profile cases defending insurers and their insureds and has substantial tribunal experience. He also drafts and adapts insurance policies to Spanish law.

Ricardo is experienced in international issues and has been particularly active in several jurisdictions in Latin America.

Middle East & Africa

Click below to view practices
in your country.

- Middle East
- South Africa



Middle East

Clyde & Co in the Middle East offers an unparalleled litigation, arbitration and dispute resolution practice and is ranked as top tier by all major legal industry directories.

Expertise

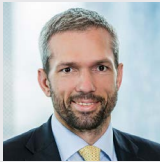
Our dispute resolution group has the largest number of lawyers of any international firm in the region, with lawyers experienced and qualified to advise on every aspect of commercial litigation and dispute resolution.

The team has an outstanding reputation in successfully resolving product liability claims. Our product liability experience includes advising, monitoring, preventing and defending claims associated with products supplied to the consumer market. We are experienced in product recall and we frequently advise on product safety regulation and compliance, including criminal prosecutions under consumer legislation.

Our strong relationship with authorities such as the Ministry of Economy gives us a unique insight into current practice and market position. We partner with some of the most well-respected technical experts across a variety of industry sectors to build the best possible case for clients at all points of the supply chain: manufacturers, importers, sellers and distributors.

Recent experience

- Advising a vehicle manufacturer under the Consumer Protection Laws of the UAE, Qatar, KSA and Bahrain on recall procedures and the legal consequences of a defect in a model of vehicle
- Advising a food manufacturer on civil and criminal liability for mislabelling products
- Defending a complaint against a vehicle manufacturer before the Consumer Protection Department at the Ministry of Economy and preventing litigation
- Defending court claims for allegedly defective and dangerous products which resulted in injury and damage to property
- Negotiating a manufacturer’s warranty conditions with the Ministry of Economy and amending their warranty booklet to comply with the Ministry’s requirements
- Acting as coverage and monitoring counsel in relation to a significant number of product liability claims involving a Japanese automotive manufacturer



Mark Beswetherick

Partner, Dubai
+971 4 384 4650
mark.beswetherick@clydeco.com

Mark is a partner in the Dispute Resolution Group and has been based in the Dubai office since 2008. He has extensive experience of commercial litigation both in the UK and across the MENA region, acting for insurance companies; financial institutions, a wide range of professionals and company directors/senior management.

His insurance experience includes advising and defending insurers and reinsurers on a wide range of complex policy issues and litigated coverage disputes, including: Banker’s Blanket Bond; Commercial Crime; Directors’ and Management Liability; Professional Indemnity; Trade Credit; Speciality and Property Insurance.



Michael Ducker

Senior Associate, Dubai
+971 4 384 4277
michael.ducker@clydeco.com

Michael is a Senior Associate in the Insurance and Dispute Resolution group in Clyde & Co’s Dubai office. He has over 6 years’ experience, advising and defending insurers, reinsurers and their insured’s on complex liability and coverage disputes, with a particular focus on litigation, investigations and claims arising out of Property and Casualty classes of insurance. Michael also has experience advising insurers and reinsurers on subrogated recovery actions in the Middle East, as well as in other jurisdictions.

South Africa

Johannesburg and Cape Town offices provide a strong base for activity across the whole of Sub-Saharan Africa.

Expertise

Our South Africa team advises domestic and international clients, including insurers, reinsurers, brokers, underwriting managers, banks and insureds, across all lines of insurance and reinsurance business. We advise in relation to a range of matters, from small claims to large complex losses, and on policy drafting and review, coverage issues, corporate and commercial transactions and regulatory matters.

Recent experience

- Advising with regards to a defective spinning mop claim
- Defending multiple food poisoning claims for a major airline
- Defending a food poisoning claim for a major fast-food chain
- Advising with regards to a claim for defective feed for dairy cows



Amelia Costa

Partner, Johannesburg

+27 10 286 0345
amelia.costa@clydeo.com

Amelia's litigation dispute resolution practice specialises in insurance law and medical malpractice. Her expertise includes advice on insurance regulatory aspects, insurance claims (including marine) and cover disputes, subrogated recoveries, broker liability, dental and medical disputes and consumer protection. Amelia represents the majority of the leading insurance companies, health care providers and security service providers in the country.

Asia Pacific

Click below to view practices
in your country.

- Australia
- China
- Hong Kong & Singapore
- India



Australia

We have four offices in Australia – in Brisbane, Melbourne, Perth and Sydney.
We specialise in heavy mining equipment, the automotive industry and consumer products.

Expertise

Our expertise includes advising insurers on multi-jurisdictional claims; drafting and reviewing policy wordings; advising clients in relation to exclusions and extensions; providing product compliance survey advice; product recall; defending liability claims; and advising on subrogated recovery against manufacturers of defective products, materials and components.

We are appointed by an international insurer as sole legal provider for a pharmaceutical insured for recall and defence matters. We also deal with the injury aspects of product liability claims.

Recent experience

- Defending a portfolio of personal injury claims arising from defective power tools
- Defending a multi-million dollar fire claim made against a manufacturer and its insurer following the destruction of a mining dump truck by fire
- Defending a wrongful death claim against a manufacturer and its insurer following the failure of an O-ring mechanism of a mining dump truck tyre
- Defending an AUD 9 million fire claim made against the supplier of motor homes
- Advising a manufacturer in relation to a faulty car park sealant product which failed and wore prematurely, requiring complete replacement
- Representing a company whose helmet was being worn by a world champion water skier who died participating in a water skiing race
- Advising a company which issued a safety recall in respect of its motorcycles. Several customers failed to respond to the recall notices and were injured whilst riding



Jacinta Long
Partner, Brisbane

+61 7 3234 3002
jacinta.long@clydeco.com

Jacinta has considerable expertise in commercial and insurance-related litigated matters having practised exclusively in these areas for 21 years. Jacinta has extensive experience in all areas of product liability coverage and defence. She is regularly instructed in high profile product liability inquests such as the Australian Federal Government's failed Home Insulation Scheme and the recent Inquest into the cause of a fatal racetrack incident involving a prominent English race car driver. Jacinta's expertise was recognised by Australian Best Lawyers for Insurance Law, 2018.

China

In the Greater China region we have four offices and an onshore capability via Clyde & Co Westlink JLV, Clyde & Co’s joint venture with Chinese local law firm Westlink Partnership.

Expertise

The joint venture draws together Clyde & Co’s international expertise with the full domestic Chinese law capability of Westlink Partnership. It is licensed by the PRC Ministry of Justice and able to provide seamless onshore and offshore advice as a single entity, including representation in the Chinese courts. We therefore offer clients a ‘one-stop-shop’ for product liability issues in China.

Our experienced lawyers are familiar with pursuing subrogated recoveries against the Chinese manufacturers of defective products, materials and components. We are also involved in an increasing volume of domestic consumer litigation.

Recent experience

- Pursuing a recovery on behalf of an international insurer against the Chinese manufacturer of defective electrical appliances which were supplied to the United States
- Pursuing a recovery against a Chinese manufacturer of defective plastic pallets
- Pursuing a recovery against a Chinese manufacturer of defective water pipes
- Pursuing a recovery on behalf of a fruit juice manufacturer against a Chinese supplier of defective oranges
- Defending claims against a dehumidifier component manufacturer following a factory fire in China
- Defending personal injury claims brought against an inflatable swimming pool manufacturer
- Advising an insurer on policy coverage in respect of proceedings brought against a Chinese manufacturer in California



Ik Wei Chong
Partner / Managing Director, Asia
+86 21 6035 6100 (Shanghai) / +65 6544 6500 (Singapore)
ikwei.chong@clydeco.com

Ik Wei leads Clyde & Co’s insurance, shipping and dispute resolution practice in China. He also spearheads the development of the firm’s business across Asia. Ik Wei regularly represents insurers on policy coverage issues and pursuing and defending claims arising from various lines of insurance business including product liability, product safety and recall.

Hong Kong & Singapore

For many years we have been involved in the largest and most high profile product liability cases in Hong Kong, Singapore, Asia and the wider Asia Pacific region. Clients come to us for the successful resolution of their most sensitive matters.

Expertise

Our core expertise includes advising international product liability insurers on the effect and application of policy coverage, advising on liability and recall events and pursuing recoveries against the manufacturers of defective products, materials and components. We have extensive experience in dealing with the injury aspects of product liability claims.

Recent experience

- Acting for an international insurer in 21 claims relating to exploding lamps. The claims involved Hong Kong and US law and included allegations of bad faith and competing entitlements to the limit of indemnity by the manufacturer and a US retailer
- Acting for a Japanese insurer in a claim relating to defective sanitary ware manufactured in Japan
- Acting for a Hong Kong insurer in a claim relating to a defective heater. The case involved a claim in the US and a recovery action in the US and Italy
- Acting for an international insurer on cross-border product liability issues involving industrial products manufactured in Malaysia and sold in China and Germany
- Advising a multi-jurisdictional travel corporation on liability and policy coverage following a fatal road traffic accident in Bali
- Acting for an insurer in a personal injury claim valued at more than USD 100 million which was brought against a Chinese auto parts manufacturer



Mun Yeow

Partner, Hong Kong

+ 852 2287 2722

mun.yeow@clydeco.com

Mun specialises in dispute resolution with a focus on insurance and reinsurance, in particular product liability work where she has experience in a range of complex and significant product liability matters, acting for international insurers who have issued insurance cover for goods manufactured in Asia or China and exported to various countries, including to the United States.



Ian Roberts

Partner, Singapore

+65 6544 6516

ian.roberts@clydeco.com

Ian leads the Non-Marine Insurance team at Clyde & Co Clasis Singapore. Ian is an experienced commercial litigator and international arbitration practitioner with a particular focus on [re]insurance coverage issues, defence and subrogated recovery including in connection with product liability matters. He has extensive experience in handling Financial Lines and general liability claims (coverage, monitoring and defence) on behalf of insurers including FI, PI, D&O and BBB matters. Another significant area of focus for Ian is the political and credit risk sector for which he regularly advises insurers on coverage and recoveries issues involving all types of policies.

India

Our associated Indian office CSL Chambers is regularly engaged by insurers/re-insurers and manufacturers to defend product liability claims before the Indian Courts and Tribunals. A large number of these cases are brought before the Consumer Forums under the Consumer Protection Act 1986.

Expertise

We assist our clients by providing legal advice to avoid litigation, pre-litigation strategy, drafting court pleadings, appearing as counsels for defending claims before all courts up to and including the Supreme Court of India.

We recognise that our success is intrinsically linked to our clients’ success. The ability to provide pragmatic solutions, take strategic decisions and render creative advice has always helped us achieve the best results for our clients’ in line with the rapidly transforming economic environment.

Our global experience is pivotal to our strong association with Clyde & Co which in turn supplements our endeavours to serve our clients’ and better assist them with the most complex issues.

Recent experience

- Defending a number of foreign luxury automobile manufacturers in proceedings before various courts and forums in India
- Extensively advising a foreign automobile manufacturer in proceedings before the National Green Tribunal (the Environment Tribunal) in relation to alleged violation of emission norms in India caused by alleged non-conforming vehicles
- Coverage advice to re-insurers, in relation to a product liability claim made by an Insured under a Comprehensive General Liability Insurance Policy
- Providing coverage advice to a reinsurer for Bodily Injury caused by an alleged faulty vehicle manufactured in India
- Advised a foreign reinsurer on a Public Policy and Product Liability Insurance Policy in relation to manufacturing defect in a product supplied in India
- Representing foreign motorcycle manufacturers in proceedings before Consumer Forums in relation to alleged manufacturing defects



Sumeet Lall
Partner - CSL Chambers, New Delhi
+91 11 4005 4550
sumeet.lall@cschlchambers.com

Sumeet heads CSL Chambers and has over 18 years of experience in contentious insurance and international dispute resolution. He is qualified as a Solicitor of the Hon’ble Supreme Court of India since 2007.

He has extensive experience in handling complex commercial disputes in diverse sectors ranging from insurance/reinsurance, infrastructure, energy, aviation and international trade. Sumeet also possesses deep understanding and know-how of sectors such as construction, oil and gas, commercial litigation, infrastructure disputes, oil and gas disputes, unfair trade practice, consumer complaints and competition law

He represents clients in both domestic and international commercial arbitrations. He regularly appears and represents both domestic and foreign clients in a variety of high value, complex disputes with a cross border element before the Supreme Court and various High Courts in India besides regulatory bodies and tribunals.

Sumeet’s name is regularly featured in Chambers and Partners and Legal 500. The Individual’s Ranking in Chambers Asia-Pacific 2017 mentions him as a ‘Recognised Practitioner’ in the field of insurance. He also finds mention in Legal 500 as a key name in the insurance sector in India.

Our expertise

Click on the sections
to read about our expertise.

Agriculture and food

Automotive

Building and construction

Mining

Pharmaceuticals and medical



Agriculture & food

Automotive

Building & construction

Mining

Pharmaceuticals & medical

Agriculture and food

Clyde & Co has a large and busy group of lawyers specialising in agriculture and the food industry.

Expertise

We are familiar with crop, livestock and contractors' insurances and have drafted agri-insurance policies of all types. We have also assisted in the development of parametric products.

We regularly bring and defend claims involving arable and livestock farming, dairy farms and animal genetics. We have close links with specialist veterinarians, agricultural scientists and crop cultivation experts.

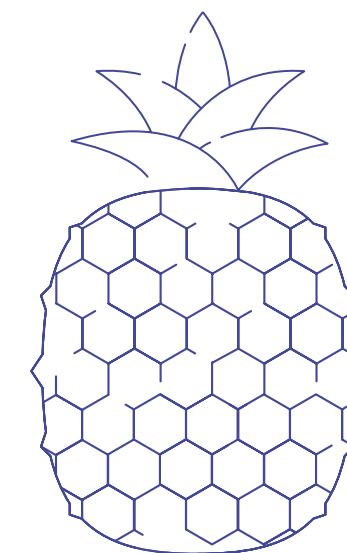
We work with insurers and their clients in the food industry. We have drafted many of the standard wordings used in the sector including mixing endorsements, product contamination covers and financial loss wordings. We understand the dynamics of claims involving supermarkets and we have particular experience of managing the consequences of large-scale food poisoning outbreaks.

We work extensively with product recall insurers and we have expert capability to advise on crisis management, product safety regulations, risk assessment, risk management and enforcement.

Many of our cases have a cross-border element. We have a unique capability to organise teams of experienced international lawyers to advise on global supply chains.

Recent experience

- Drafting a parametric policy for use in the UK sugar beet sector
- Drafting mixing and blending endorsements for use in the food industry
- Drafting bespoke liability coverage for crop spraying contractors
- Acting as coverage counsel in a claim involving the supply of genetically-defective breeding stock to pig farms across the UK
- Defending a shellfish supplier following a major food poisoning outbreak at a Michelin-starred restaurant in the UK
- Defending a multi-million pound claim for damage to raspberry canes allegedly caused by glyphosate
- Advising UK product recall insurers on the policy response to a dairy contamination incident in New Zealand affecting multiple product lines including infant formula
- Advising UK product recall insurers on the policy response to a nationwide recall of dairy products containing listeria monocytogenes



Neil Beresford

Partner, London

+44 (0) 20 7876 4495

neil.beresford@clydeco.com

Automotive

The automotive sector is at the heart of our product liability and recall practice.

Expertise

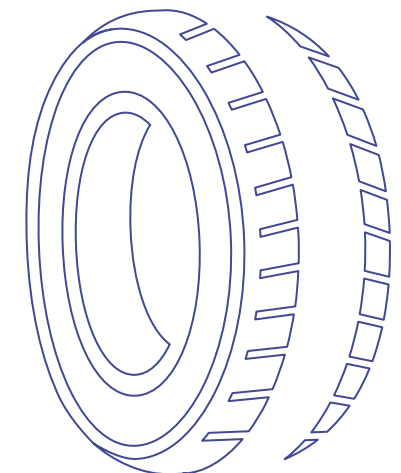
We work for almost every major insurer and for many car manufacturers, OEMs, retailers and distributors in the automotive industry, servicing claims at all levels from the routine to the largest and most prominent cases.

Our global network across all six continents and detailed understanding of the automotive sector allow us to efficiently meet our clients' needs when and where they arise and recognise emerging risks as the pace of technological advancement quickens.

Our team has been one of the first to handle claims associated with autonomous driving and regularly advises on personal injury and product recall cases.

Recent experience

- Advising French product recall insurers on policy coverage following a recall of 8,000 vehicles
- Acting for an insurer in a personal injury claim valued at more than USD 100 million which was brought against a Chinese auto parts manufacturer
- Assisting clients in defending product liability claims arising from defective tyres resulting in car accidents/deaths in Italy
- Defending numerous tyre manufacturers in a broad range of product liability matters, including having obtained several defence verdicts in multiple catastrophic death and injury cases in the US
- Advising an insurer on the coverage afforded by a Master Policy issued to a component manufacturer in respect of its supply of defective parts to a construction equipment manufacturer
- Advising a commercial vehicle manufacturer in respect of a recovery action against a component manufacturer following a series of vehicle fires in the UK
- Defending an insured automotive supplier in product liability proceedings in Germany



Dr Henning Schaloske

Partner, Dusseldorf
+49 (0) 211 8822 8801
henning.schaloske@clydeco.com

Building and construction

Clyde & Co have an international network of building, construction and engineering insurance specialists. Our experience is backed by significant infrastructure capabilities across our offices.

Expertise

Our network of over 50 lawyers located across our offices worldwide who cover the cross-section of building, construction and engineering issues for insurers, insureds and manufacturers. Some aspects include handling the defence of claims against their insureds, and advising on the complex insurance issues that can occur when large scale construction losses arise, we also deal with subrogation and recoveries.

The coverage aspects we advise on include:

- Public liability
- Combined contractors liability policies
- Contractors All Risks/EAR
- Delay in start-up
- LEG/DE clauses
- Drop-down/DIL/DIC clauses
- Breach of warranties
- Deductible and aggregation issues
- Care custody and control
- Bone fide sub-contractors

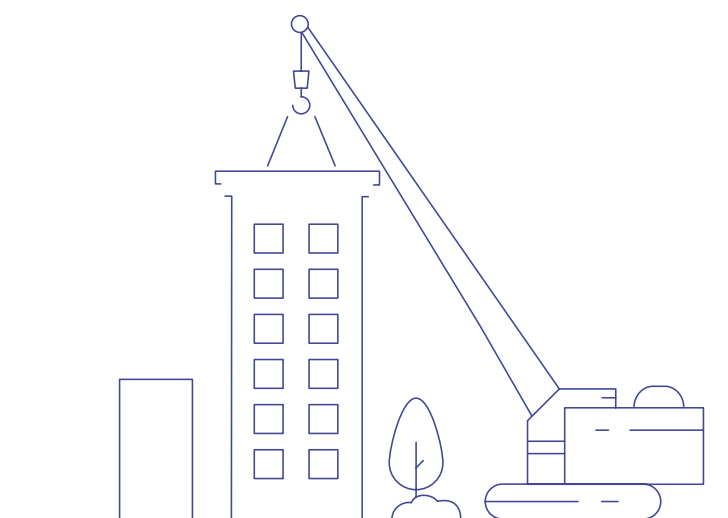
- Pollution extensions/exclusions
- Plant machinery
- Equipment insurances
- NHBC buildmark covers

Our technical infrastructure specialists

- Construction (non-contentious): including international/ regional standard form and bespoke construction and engineering agreements (FIDIC, EPC, JCT), ancillary construction support (building contracts, procurement advisory)
- Construction (dispute resolution): risk management strategies and troubleshooting, traditional and alternative dispute resolution methods (mediation, adjudication, arbitration and litigation), professional indemnity claims and investigations involving construction professionals
- Operational excellence: health & safety (risk mitigation and incident response), employment, commercial and corporate governance, M&A, regulation, transportation and logistics, sanctions and insurance

Recent experience

- Advising and assisting the client pursue a German crane manufacturer for manufacturing and supplying Luffing Jib Crane with defective weld which ultimately resulted in a catastrophic collapse at a construction site in England (valued around GBP 2 million)
- A summary judgment for a national manufacturer of roofing systems and its distributor. The client alleged the manufacturer's roofing adhesive was defective, causing portions of a Bahamian airport building to detach. Valued at USD 2 million in damages
- Representing insurers in relation to damages resulting from water leakage at a hotel causing substantial business interruption losses, defending the alleged claims, pursuing subrogation claims and advising on coverage
- Advising a Hong Kong insurer on a coverage dispute relating to substantial claims and proceedings arising from defective pipework causing wide spread water contamination
- Defending insured in relation to alleged product defects causing a fire at a factory and claims governed under the CISG, Italian and Croatian liability law in arbitration proceedings in London
- Acting for a Spanish insurer in defense of its insured in connection with severe personal injury claims arising out of manufacturing operations in New York



Michelle Crorie

Partner, London

+44 (0) 20 7876 4506

michelle.crorie@clydeco.com

Agriculture & food

Automotive

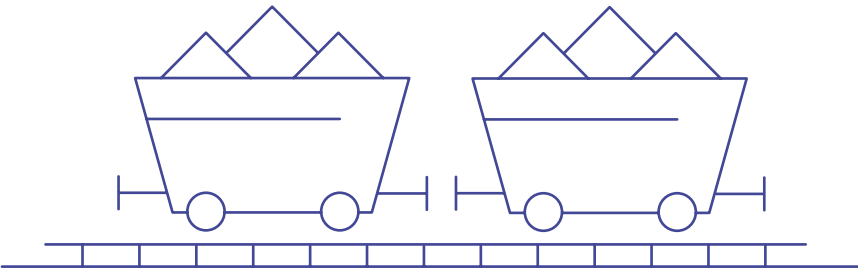
Building & construction

Mining

Pharmaceuticals & medical

Mining

Clyde & Co has an established track record advising product liability insurers in the mining industry globally.



Expertise

We understand the challenges and complexities encountered in dealing with product liability and recall matters and are familiar with the key considerations faced by insurers, including:

- Providing advice on claims involving defective products and product recall
- Providing a review of product liability policy standard wordings
- Advising clients in regards to the standard exclusions and extensions to these policies such as pollution, loss of goodwill and other financial losses
- Handling liability defence
- Providing product compliance survey advice
- Advising on subrogated recovery against manufacturers of defective products, materials and components
- Dealing with the injury aspects of product liability claims

Recent experience

- Advising an international insurer and product manufacturer in defending a multi-million dollar claim for replacement of a mining dump truck that was destroyed by fire and consequential economic loss
- Advising both an international insurer and product manufacturer defending a claim that the failure of an O-ring mechanism of a mining dump truck tyre caused or contributed to the death of a mine worker
- Advising international insurer in relation to the defence of a multi-million dollar claim against a drill rig manufacturer. Expert evidence led to early resolution
- Advising on coverage and acting for an international insurer in a litigated dispute in relation to costs its insured had incurred in defending arbitration proceedings. The insured had refurbished a semi-autogenous grinding mill for the principal of a mine which subsequently failed
- Advising on both an international insurer and product manufacturer defending a multi-million dollar claim relating to the failure of hoist trunnions of a mining dump truck
- Acting in relation to the interests of Directors and/or Insurers in coronial inquests concerning injuries allegedly caused by defective products



Jacinta Long
Partner, Brisbane
+61 7 3234 3002
jacinta.long@clydeco.com

Pharmaceuticals and medical

Clyde & Co has a lengthy history of and significant expertise in acting on behalf of medical products and pharmaceutical manufacturers and their insurers in high profile and complex disputes.

Expertise

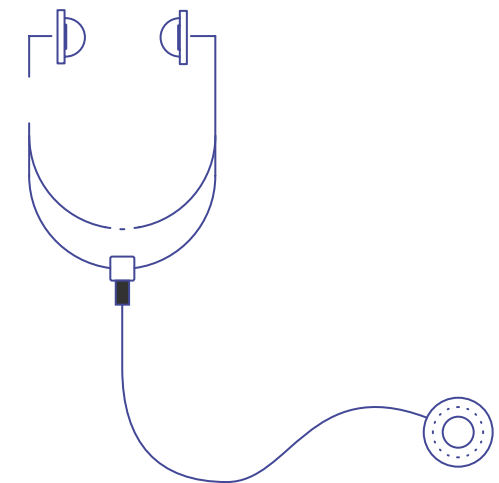
We are well versed in the challenges that litigation of this nature can pose to manufacturers and insurers. Our team are well versed in handling the complex strategic decisions required in cases of this nature.

Reputation management and restricting financial exposure for our clients are central to our tactical thinking in seeking to resolve disputes.

We also offer complimentary expertise in medical product and pharmaceutical regulation and licensing.

Recent experience

- Defending manufacturers of baby feed products in high profile fatal claims
- Acting on behalf of a global manufacturer in defence of hundreds of pelvic mesh claims in Scotland
- Representing insurers of a private medical clinic in the PIP breast implant scandal
- Defending claims against manufacturers of metal on metal hip prostheses
- Obtaining a defence verdict in a claim alleging negligent design and manufacturing of nasal gel
- Achieving summary judgment in a wrongful death case involving online sale of diet drugs
- Obtaining defence verdicts and summary judgments in cardiac stent “migration” claims
- Successfully representing manufacturers in allegedly defective suture case
- Securing summary judgment in a wrongful death case alleging defective design of a gamma knife system



Duncan Batchelor

Partner, Edinburgh

+44 (0) 131 525 8613
duncan.batchelor@clydeco.com



Claire Petts

Partner, London

+44 (0) 20 7876 6067
claire.petts@clydeco.com

Policy Coverage & Recall

Click on the sections
to read about our expertise.

Policy coverage

Product recall

Bermuda Form



Policy coverage

Product recall

Bermuda form

Policy coverage

Clyde & Co is a leading expert in the drafting and application of insurance policies covering product liability and recall.

Expertise

We have helped to draft many of the standard product liability and recall wordings in the marketplace, including:

- Occurrence, claims made and notification wordings
- Covers for third party injury and damage
- Financial loss extensions
- Civil liability wordings
- Contractual liability exclusions and write-backs
- Pollution exclusions and write-backs
- Professional liability exclusions and write-backs
- US liability and retailer endorsements
- Aggregation of limits, deductibles and integrated occurrence language
- Notification and claims conditions
- Retroactive dates
- Excess liability wordings

We have drafted numerous wordings in bespoke and specialist sectors including automotive, agriculture and food, medical devices and pharmaceuticals.

We act as coverage, defence and monitoring counsel for claims arising in all parts of the world. Our work includes the application of policy coverage, the supervision of local defence firms and the control of costs. We understand the importance of enforcing insurers’ legal rights without disturbing established commercial relationships or endangering the successful defence of a claim.

Should it become necessary, we have unrivalled experience of taking coverage cases to arbitration or to trial. Around the world, we have acted in many of the leading coverage cases of recent years.

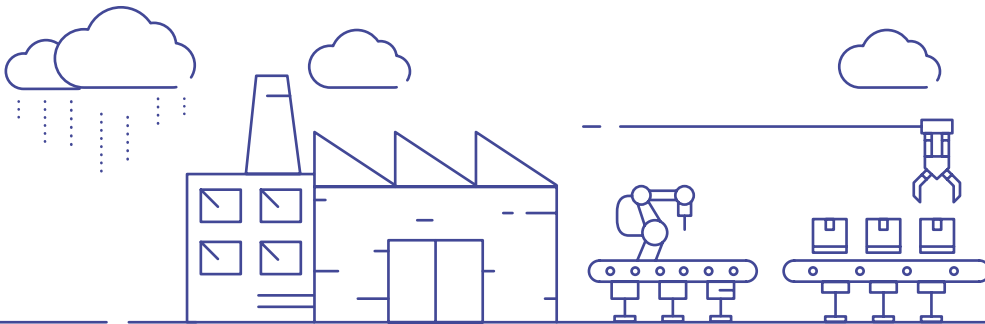
Recent experience

Policy drafting

- Drafting a combined product and professional liability wording for use in the oil and gas sector
- Drafting a historic liability endorsement to give limited ‘claims made’ coverage as an add-on to a ‘losses occurring’ policy
- Acting as specialist advisor to a multinational corporation which was changing from ‘losses occurring’ to ‘claims made’ cover, and implementing the necessary changes of practice and policy wording

Product liability

- Acting as coverage counsel in historic pollution claims in the US following the sale over many decades of products containing Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS)
- Acting as coverage counsel in a claim involving the supply of genetically-defective breeding stock to pig farms across the UK
- Acting as coverage counsel on behalf of an international insurer in relation to products supplied in India
- Coverage advice and litigation on behalf of US general liability insurers for claims arising out of major manufacturer’s sales of defective windows



Policy coverage cont.

- Assisting the client and the insured in dealing with a variety of issues that can arise in connection with a claim on a product liability insurance, including:
- Conduct of proceedings and balancing sometimes different commercial pressures/imperatives of insureds and insurers
 - Supporting the insured and its lawyers notwithstanding can be difficult policy issues such as scope of cover and application of exclusions including failure to take reasonable precautions
 - Objective analysis where insured may refuse to accept at fault
 - Interaction between excess layers
 - Cooperation on PR issues, and with media, government, regulators and claimants and their families

- Product recall**
- Advising UK product recall insurers on the policy response to a nationwide recall of dairy products containing listeria monocytogenes
 - Advising US general liability insurers on coverage for multi-million dollar claims arising out of insured’s flour product contaminated with peanut protein
 - Advising US general liability insurers on coverage for claims arising out of Chinese-made laminate flooring contaminated with formaldehyde



Emma Ager
Partner, London
+44 (0) 20 7876 4491
emma.ager@clydeco.com



Garrett Moore
Partner, London & Dublin
+ 353 1 234 2515, +44 (0)20 7876 4436
garrett.moore@clydeco.com



Michael Payton
(QC) Hon, Chairman, London
+44 (0) 20 7876 4321
michael.payton@clydeco.com



Ian Plumley
Partner, London
+44 (0) 20 7876 6184
ian.plumley@clydeco.com



Jon Turnbull
Consultant, London
+44 (0) 20 7876 4541
jon.turnbull@clydeco.com

Product recall

Clyde & Co has one of the world’s largest product liability and recall practices. Our global team of 390 partners and more than 2,000 legal professionals has been involved in many of the largest and most high-profile product liability and recall cases of the past few years.

Expertise

We have a wealth of experience in product recall, and are well-placed to assist in most major product sectors, including food, automotive, and consumer goods.

We have legal experts worldwide to assist on all issues when incidents arise, including investigations into alleged defects, root cause enquiries, reporting requirements, corrective action decisions, defence of claims for recall losses, and recovery from third parties.

We regularly advise on insurance issues, from policy drafting and advising on policy validity and coverage, through to the resolution of claims for accidental contamination, malicious tamper, and other insured events.

Recent experience

- US recall of food products and shutdown of production facility, because of alleged presence of Listeria monocytogenes in product, on food contact surfaces, and in the facility environment
- Global recall of toys with a design defect
- Pan-European withdrawals of confectionery products due to the possible presence of Salmonella
- International vehicle recall campaign regarding allegedly defective automotive components, giving rise to breach of warranty litigation
- US recall of multiple food product lines due to alleged possible presence of Listeria monocytogenes
- International corrective action campaigns because of allegedly defective industrial bearings
- Litigation defence and subrogation recoveries arising out of English and Irish product liability litigation in the horticultural, agricultural and automotive sectors
- Co-ordinating the defence of product liability litigation in the European foodstuff sector
- Advising on product safety and recall issues under the European General Product Safety Directive and associated UK domestic legislation
- North American recalls of various food products because of undeclared presence of peanut protein in a spice ingredient, and associated recovery actions
- US recalls of dietary supplement products, due to multiple alleged issues, including possible presence of Salmonella
- International campaign regarding alleged weakness and fracture of wheel parts on industrial equipment
- Large-scale loss of infant and toddler nutritionals, due to contamination by metal debris during construction of new processing facility



Garrett Moore
Partner, London & Dublin
+ 353 1 234 2515, +44 (0) 20 7876 4436
garrett.moore@clydeco.com



Jason McNerlin
Legal Director, London
+44 (0) 20 7876 6315
jason.mcnerlin@clydeco.com

Bermuda Form

Clyde & Co has unrivalled expertise in Bermuda Form policy wordings.

Expertise

Bermuda Form wordings require in-depth knowledge of New York substantive law and English procedural law, experience of the Bermudian Courts, and a high degree of familiarity with the wording of the policy form itself.

Since the inception of the Bermuda Form in the mid-1980s, Clyde & Co has been successfully advising and representing insurers and reinsurers in complex arbitration and litigation involving a wide range of areas, including product liability.

We are often retained prior to the commencement of arbitration in order to monitor and track underlying claims, analyse and evaluate potential liability and potential damages; advise on allocation issues; and consider whether or not to consent to proposed settlements, and the reasonableness or otherwise of such.

In terms of New York law, we have several partners who are acknowledged experts in New York law, including as modified by the Bermuda Form language. Our partners have written and spoken widely on New York insurance law and products-related topics. Our London office has

run numerous Bermuda Form arbitrations in London and acted in anti-suit injunctions in the English Courts. We also have substantial experience in arbitrating Bermuda Form coverage disputes and in litigating before the Bermuda Courts.

We have acted for the successful defendants in the first substantive Bermuda Form case to reach the English Courts, AZICO v XL and ACE (2013). The amount in dispute was over USD 200 million and related to around 30,000 underlying personal injury settlements made in respect of a second-generation antipsychotic drug.



Emma Ager
Partner, London
+44 (0) 20 7876 4491
emma.ager@clydeco.com



Daren McNally
Partner, New Jersey
+1 973 210 6710
daren.mcnally@clydeco.us



Paul Koepff
Partner, New York
+1 212 710 3945
paul.koepff@clydeco.us



Michael Payton
(QC) Hon, Chairman, London
+44 (0) 20 7876 4321
michael.payton@clydeco.com



Ian Plumley
Partner, London
+44 (0) 20 7876 6184
ian.plumley@clydeco.com



Jon Turnbull
Consultant, London
+44 (0) 20 7876 4541
jon.turnbull@clydeco.com

[NEXT](#)

Bermuda Form cont.

Recent experience

Includes advising on:

- USD 125 million indemnity claim in respect of personal injury claims arising from respirators/dust masks
- Claims totalling USD 125 million for an indemnity relating to personal injury claims arising from the use of a contraceptive
- Various indemnity claims totalling over USD 400 million arising from breast implant personal injury claims
- USD 100 million indemnity claim in respect of dental adhesive, use of latex gloves and property damage claims arising from hardboard siding
- USD 25 million indemnity claim for personal injury claims made in respect of cardiac rhythm management devices
- USD 200 million indemnity claim in respect of alleged defective design/manufacture of seatbelts
- Claims totalling USD 150 million for advertising liability arising out of food products
- USD 25 million product recall claim in relation to contaminated poultry
- Claims totalling USD 150 million in respect of property damage/personal injury arising from the use of methyl tertiary butyl ether (MTBE)
- USD 100 million indemnity claim in relation to property damage/personal injury arising from polychlorinated biphenyls (PCBs)
- Multi-million dollar claims against manufacturers, distributors and retailers with regard to opioids
- Multi-million dollar claims for personal injury and pollution claims relating to pesticides, asbestos, allegedly defective pacemakers, cosmetic talc and tobacco
- Claims in the billions of dollars in respect of personal injury and public nuisance relating to lead paint

50+

Offices worldwide*

3,800

Total staff

415

Partners

1,800

Lawyers

www.clydeco.com

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