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Kathleen Strickland has been a trial attorney for more than 27 years. She has tried over 30 civil cases in 14 states, all to a defense verdict. Before turning to civil law, Ms. Strickland prosecuted more than 150 criminal trials. Due to her extensive trial experience, she has been retained as a first chair trial lawyer and punitive damages specialist in many "bet the company" cases. She is a sustaining member of PLAC, Product Liability Advisory Counsel. She is a certified Mediator, ADR neutral.

Ms. Strickland's practice focuses on complex litigation, class actions, and mass toxic torts. Her toxic tort litigation practice has consisted primarily of defending large multi-national corporations in mass tort and "putative class" cases in which hundreds of plaintiffs seek recovery for injuries allegedly arising from exposure to air or water contamination or from chemical, pharmaceutical or health products.

She has served as national trial counsel in litigation involving asbestos, breast implants, drinking water and groundwater, and has acted as regional counsel in lead paint and l-tryptophan cases. Ms. Strickland has been brought in to try cases at the eleventh hour when settlement efforts have failed, and has been retained to prepare the punitive damages defense for mass tort cases.

Ms. Strickland's trial abilities have garnered her membership in the American Board of Trial Advocates (ABOTA) at the highest rank, that of *Advocate*. For more than a decade she has held the highest rating assigned by Martindale-Hubbell and has counseled clients on loss prevention. She is professionally active and continues to write and lecture frequently to many industry and professional groups on these topics.

For more than 25 years she has been active in the Tort Trial and Insurance Practice Section (TIPS) of the American Bar Association's Toxic Tort and Environmental Law Committee. After serving as Vice-Chair of that committee for more than 18 years, she was also recently appointed by ABA TIPS to Chair their [Task Force on Disaster Preparedness and Response](#), a recognition of her leadership abilities and years of hard work and dedication to both the ABA and to the legal community.

CONCENTRATION

- Jury Trial Practice
- Mass Torts, including Toxic Torts and Drug, Medical Device and Product Liability

- Complex Litigation
- Class Actions
- Consumer Litigation Defense, including B&P 17200 and Prop 65
- White Collar Criminal Defense, including Internal Corporate Investigation
- Construction Litigation
- Environment
- Food & Drug
- Water Law

SIGNIFICANT REPRESENTATIONS

- *In re Remy International, Inc.*

We were retained to represent Remy International, Inc. ("Remy") in the bankruptcy proceeding commenced by General Motors Corporation ("GM"). Remy purchased the assets of the former Delco Remy Division of GM pursuant to an Asset Purchase Agreement ("APA"). The APA, executed by and between Remy and GM, placed certain ongoing indemnity obligations on GM in connection with various litigation and potential claims relating to GM products manufactured and premises occupied during the time period prior to the APA. In the bankruptcy, we assisted Remy secure testimony and documents needed to defend itself in a number of active cases, and subsequently obtained dismissals in all of those actions. We also assisted Remy in successfully pursuing a claim in the bankruptcy for its costs of defense regarding those actions. More importantly we obtained for Remy, as part of GM's confirmed bankruptcy plan, protection from liability for asbestos claims relating to GM products manufactured and premises occupied during the time period prior to the APA. This is a relatively unprecedented achievement in a bankruptcy that does not involve a Section 524(g) trust.
- *Landtec Investments, LLC v. City of Center Line and Marquee Investments, LLC v. South Macomb Disposal Authority* (Michigan Cir. Ct. for the County of Macomb):

Defended an environmental contractor, municipal authority and five cities in an action by developers of properties neighboring a landfill who allege that contamination from the landfills has migrated onto their properties and prevented development. The plaintiffs seek millions of dollars in claims for cost recovery and contribution pursuant to the Natural Resources and Environmental Protection Act (Michigan's version of CERCLA), as well as tort claims for negligence, trespass and nuisance. Obtained summary judgment on all of the plaintiffs' claims – cost recovery, contribution, injunctive relief, breach of contract, negligence, nuisance, trespass and fraud – resulting in dismissal of the action.
- *JCCP 4135 - In re Groundwater Cases*

Served as shared counsel to three international corporations, Exxon/Mobil, Fairchild, Hartwell, and as Liaison Counsel to the court in 15 mass tort actions coordinated before the LA Superior Court's Complex Litigation Department in Central Civil West. The 15 actions were filed by over 1,000 plaintiffs, alleging personal injury, wrongful death and property damage, and named as defendants over 50 industrial manufacturing companies and 7 public and private water purveyors. The injuries were alleged to have been caused by contaminated drinking water due to underground TCE, PCE percholorate, dioxane and NDMA as the primary contaminants. After the trial court sustained a demurrer based on

the issues of primary jurisdiction and preemption, the case went before the California Supreme Court on those issues. Ms. Strickland's display of leadership skills resulted in her invitation to participate in the Complex Litigation Symposium II presented by the Los Angeles Superior Court Judges handling complex litigation with her role that of critiquing the Judges re: their handling of complex litigation in California courts.

▫ *In Re: Breast Implant National Litigation:*

As national trial counsel, worked with a team of attorneys assembled nationwide to defend 3M in Pharmaceutical litigation involving silicon gel breast implants. Ms. Strickland's role, in addition to serving as trial counsel, was to retain and prepare scientific and medical experts as well as to assist in preparing a punitive damage defense for the company.

▫ *In Re: RadioFrequency Litigation*

Retained by the "home office" of a Fortune 50 large international company who manufactured cell phones sold in the US to nationally defend and monitor six class actions, consolidated in USDC, in Baltimore, Md. filed by plaintiffs in state and federal court who alleged in addition to personal injury, also alleged unfair business practices. The plaintiffs asserted defendants manufactured, supplied, promoted, sold, leased and provided service for wireless handheld telephones when they knew or should have known that their products generate and emit radio frequency radiation that causes an adverse cellular reaction and/or cellular dysfunction ("biological injury"). A critical part of the defense involved intensive medical analysis as plaintiffs claimed a full range of injuries including brain cancer and systemic illnesses allegedly associated with the product. The case turned on Daubert hearings. After a successful Daubert challenge, also prepared product insert labels for handheld devices.

▫ *Consumer Cause v. Sony, Inc., et al.*

Retained by the CEA, on behalf of their members to defend a class action filed by Consumer Cause, Inc. in LASC against Sony Electronics, Inc. and 56 co-defendants alleging unfair and fraudulent business practices under California Business and Professions Code section 17200, 17500 et seq. According to the suit, was no standard effective piston area to outside diameter ratio upon which a consumer can rely in assessing the quality and power of a speaker. Therefore, a consumer cannot extrapolate the size of a speaker's EPA and, consequently, its quality and power. The market for these speakers included portable audio, car audio, home audio, and home theater. Case resolved for less than negligence value after successful motion practice.

▫ *York International v. Lawrence Livermore Lab*

Retained on behalf of national HVAC manufacturer, York International ("York"), in a suit claiming contract damages and construction delay damages regarding installation of air handlers at the Lawrence Livermore Laboratory (the "University"), in Alameda County, California. The air handlers were installed to provide temperature control for nuclear work involving lasers. York sought recovery of extra costs and other damages incurred while constructing and assembling Built Up Air Handling Units (AHUs) according to design

specifications provided by the University for inclusion in the Laser Building build-out, Site and Central Plant, and CSP-9 portions of the National Ignition Facility Project. After a one-day mediation, York obtained a \$1.8 million settlement, representing costs and damages generated by the defective design and changes required by the University.

▫ *LePrino Foods v. Big D Construction*

Retained by national construction client, York International ("York", to defend a \$26 million construction delay damage claim in federal district court in Colorado. This dispute arose during construction of the largest mozzarella cheese manufacturing facility in the United States, for which client York was contracted to install air handlers and chillers. York was dismissed after the court granted York's motion to dismiss based on a forum selection clause. Thereafter, due to a successful defense at a series of material depositions of York personnel, no party brought action against York in the proper forum and ultimately the plaintiff reached a satisfactory settlement with the other defendants remaining in the case.

- Represented corporate defendant in mass tort case in Southern California where large number of plaintiffs are suing for personal injury, property damage, wrongful death and requesting medical monitoring due to underground TCE, PCE contamination. Allegations of vapor intrusion in homes causing risk of cancer, fear of cancer, decline in property values and request for medical monitoring in separate lawsuits filed.
- Represented client in personal injury, property damage cases in which 435 plaintiffs sued alleging personal injuries, wrongful death and decline in property value due to groundwater contamination arising from a landfill in Louisiana. The case has been pending for 10 years in Louisiana state court. Ms. Strickland was retained as trial counsel 6 weeks before trial. The case was dismissed when Ms. Strickland disqualified plaintiffs' causation expert.
- For national client, analyzed the impact of the EPA regulatory case on pending toxic tort cases or threatened toxic tort cases filed arising from 11 separate EPA Superfund sites located throughout the country. Plaintiffs in these cases were alleging personal injuries and property damage as well as requesting medical monitoring because of air and water contamination from underground plumes and landfills containing chlorinated solvents as well as other contaminants.
- Represented pharmacists as retailers in L-tryptophan litigation sued over allegations of personal injury and death due to contaminated batch of drugs.
- National trial counsel for the major defendants in the asbestos litigation, the Asbestos Claims Facility. Tried cases throughout the country for these clients as well as manages large dockets of cases in many states jurisdictions.
- Western Regional trial counsel and manager of all cases west of the Mississippi for corporate defendant in Asbestos litigation.
- Represented and continue to represent defendants in cases claiming personal injury from benzene exposure.
- Represented manufacturer in defending multiple consumer class actions for economic

damages and injunctive relief brought on behalf of consumers who purchased certain appliances.

- Successfully represent defendants in Prop 65 lawsuits. Clients have been manufacturers of wine, imported candies and jewelry products as well as users of PCE and TCE, since this allegation has been made in groundwater contamination cases as well.
- Conducted internal corporate investigation related to charges against corporation and employee of altering test results in the drug approval process in order to gain FDA approval.
- Ms. Strickland has also been retained to monitor certain proceeding for certain clients concerned that they may be "brought into" litigation. These clients have involved both federal forums and regulatory forums.

ARTICLES, PUBLICATIONS & LECTURES

Articles

- Author, "[Be Prepared for When Disaster Strikes](#)" *KCBA Bar Bulletin*, Volume 30, Issue 5, January 2012
- Author, "[Reach: A Timely Overview](#)" *Chemical Engineering, Cover Story* - www.che.com , March 2008
- Author, "[European Union's REACH Will Affect All Manufacturers, Users of Chemicals](#)" *BNA, Inc. International Environmental Reporter* Vol. 30, No.10, May 16, 2007
- Author, "[European Union's REACH Will Affect All Manufacturers, Users of Chemicals](#)" *BNA, Inc. Chemical Regulation Reporter* Vol. 31, No. 21, May 21, 2007
- Author, "[European Union's REACH Will Affect All Manufacturers, Users of Chemicals](#)" *BNA, Inc. Daily Environment Reporter* No. 97, May 21, 2007
- Author, "[Attorneys Say New EU Chemicals Rules Demand Involvement of Corporate Leaders](#)" *BNA, Inc. Chemical Regulation Reporter* Vol. 31, No. 6, February 5, 2007
- Author, "FDA Final Rule on Prescription Drug Labeling", *Food and Drug Law*, Spring 2006, Volume 3, Issue 1
- Author, "Daubert: Where Are We and How To Do It", *National Groundwater Conference*, July 2005
- Author, "[Lessons Learned: A Practical Guide in Case Management for Mass Tort Practitioners](#)", *Toxics Law Reporter*, November 18, 2004
- Author, "[Case Management in 2004: Practical Guide for Mass Tort Practitioners](#)", *Class Action Litigation*, December 10, 2004
- Author, "Litigation 101: A Huge Toxic Tort Case Provides Lessons in Litigation and Case Management", *The Recorder*, May 3, 2004
- Author, "How to Make Your Daubert Motion", *Continuing Education of the Bar*, Bay Area Counties, July 2003
- Author, "Media Management: Before, During and After", *ABA Toxic Tort and Environmental Law Conference*, 1999
- Author, "Risk Assessment and Risk Characterization, Does It Work?", *DRI Toxic Tort and Environmental Law Program*, May 1999
- Author, "Trial Techniques: Presenting Yourself and Your Case in the Best Light", *National*

- Business Institute*, 1999; *The Women Corporate Counsel Newsletter*, April/May 1997
- Author, "Practical Tips on Trying Punitive Damage Cases", *ABA Toxic Tort and Environmental Law Conference*, 1998
 - Author, "Trying Cases to Maximize Results", *The Litigation Management Institute*, April 1998
 - Author, "Adverse Use of Your Public Domain Documents," *DRI Toxic Tort and Environmental Law Conference*, April 1998
 - Author, "Dealing with the Media, the Industry of Law", *ABA Women as Trial Advocates Seminar*, March 1998
 - Author, "If Daubert Doesn't Work Here, Where Does It Work?", *DRI Toxic Tort & Environmental Law Program*, May 1997
 - Author, "Appealing to the Jury of Public Opinion-Dealing with the Media in an Ethical Way", *DRI Toxic Tort and Environmental Law Conference*, March 1997
 - Author, "The Substantial Factor Analysis as Applied to Environmental Toxic Torts Post-Asbestos", *Shepard's Expert and Scientific Evidence Quarterly*, Vol. 3, Summer 1995
 - Author, "Applying Toxic Tort Economics to Construction Litigation-It Can Be Done", *Shepard's Calif. Shepard's California Construction Law Reporter*, May 1995
 - Author, "Creating and Coordinating a Defense Strategy Among Multiple Defendants and Case Management Issues", *ABA Toxic and Hazardous Substances and Environmental Law Committee*, Spring Meeting, April 1995
 - Author, "Managing Litigation to Reduce Costs", *ABA National Toxic & Hazardous Substances Institute*, 1993
 - Author, "[Reducing Costs in Toxic Tort Litigation with Case Management and Defense Cooperation \(Part 2 of 2\)](#)", *Toxics Law Reporter*, March 1993
 - Author, "[Reducing Costs in Toxic Tort Litigation with Case Management and Defense Cooperation \(Part 1 of 2\)](#)", *Toxics Law Reporter*, March 1993
 - Author, "Defense Costs in Toxic Tort Litigation Through Case Management and Defendant Cooperation", *ABA Tort & Insurance Practice Section, Toxic and Hazardous Substances and Environmental Law Committee*, Annual Meeting, April 1993
 - Author, "Toxic Tort Case Essentials, Strategies, Experts, Motions and ADA Practice," *Practicing Law Practicing Law Institute*, November 1992
 - Author, "How to Structure a Mass Toxic Tort Trial-- Trifurcation, Bifurcation or Neither: Practical Considerations", *PLI Litigation & Administrative Practice Course Handbook*, Series No. H4-5103, 1991
 - Author, "The Overlap Between the Regulatory and Toxic Tort Case", *DRI Toxic Tort and Environmental Law Conference*

Lectures

- Moderator, "Homeland Security 10 Years Later — How Innovation and Technology Have Changed the Approach to Homeland Security Since the 9/11 Attack", *ABA TIPS Fall Leadership Meeting, Seattle*, October 13, 2011
- Moderator, "Port Program — Protecting Our Ports: Security Measures and Business Impacts:", *ABA TIPS Fall Leadership Meeting, Seattle*, October 14, 2011
- Moderator, "September 11th, Ten Years Later, Where Are We In The Handling Of Mass Claims Within The Legal System?", *ABA TIPS Task Force on Disaster Preparedness and*

Response Webinar, September 8, 2011

- Panelist, "Quelling Plaintiffs' Causation Arguments: Strengthening Defense Tactics by Using Experts and Advancements in Science Effectively and Convincing Courts to Apply the Cause in Fact Standard", *Chemical Products Liability and Environmental Litigation hosted by American Conference Institute, Chicago, April 2010.*
- Moderator, "Recent Developments & Ethical Issues in Class Actions", *ABA Tips Toxic Tort and Environmental Law Program, Arizona, April 2010.*
- Panelist, "Globalization and Litigation: Challenges Presented in Domestic Litigation Involving Foreign Products", *ABA Tips Toxic Tort and Environmental Law Program, Arizona, April 2010.*
- Participant, "Masters in Cross Examination" *ABOTA San Francisco, June 6, 2008*
- Panelist, "Mock Mediation: Strategies for Successful Mediation of the Kryptonite Toxic Tort Case", *ABA Tips Toxic Tort and Environmental Law Program, April 2008*
- Speaker, "[Ethical Issues Raised in Bulk Settlement Agreements in Mass Torts](#)," *ABA Tips Toxic Tort and Environmental Law Program, April 2007*
- Speaker, "Creating and Adhering to a Viable Exit Strategy", *4th National In-House Counsel Conference on Managing Complex Litigation, New York, February 6-7, 2007*
- Speaker, "Issues for Downstream Users", *REACH Implementation Intensive Workshop, Hosted by American Chemistry Council and Canada's Chemical Producers, Fort Lauderdale, January 30-31, 2007*
- Moderator, "Daubert, From The Judicial Perspective", *ABA Tips Toxic Tort and Environmental Law Program, April 2006*
- Lecturer, "The Art of Cross Examination", presented to *San Francisco District Attorneys Office, January 2006*
- Lecturer, "Elements of a Successful Litigation Game Plan", *CLE, 2005*
- Lecturer, "How to Make Your Daubert Motion", *National Groundwater Association Conference, July 2005, CLE, 2005*
- Lecturer, "Risk Assessment and Risk Characterization, Does It Work?", *National Groundwater Association Conference, July 2005*
- Lecturer, "Toxic Torts: An Overview", *Bridgeport Seminar: Third Annual Toxic Torts in California Conference, October 2004*
- Lecturer, "Toxic Tort Litigation", *Mealey's Skills Series, September 2003*
- Lecturer, "Getting the Most Out of Your Expert Witnesses", *Continuing Education of the Bar, July/August 2003*
- Lecturer, "Expert Witness", *Continuing Education of the Bar, October 14, 2000*
- Lecturer, "Trial Advocacy in California: Trial Techniques", *National Business Institute, 1999*
- Speaker, "If Daubert Doesn't Work Here, Where Does It Work?", *DRI Toxic Tort and Environmental Law Program, May 1997*
- Speaker, "Punitive Damages: An Interactive Jury Demonstration", *American Bar Association, TIPS Section Annual Meeting, 1996*
- Moderator, "Punitive Damages: An Interactive Jury Demonstration", *American Bar Association, TIPS Annual Meeting, August 1996*
- Panelist, "Women Gladiators and Mass Tort Litigation, How Tough Do Women Attorneys Have to Be?", *National Forum for Women Corporate Counsel, May 1996*
- Moderator, "Dealing With The Media: How To Be Ready For And Handle The Media At

Your Door: What To Do And What To Say", *Toxic and Hazardous Substances and Environmental Law Program*, April 1995

- Speaker, "Laying Evidentiary Foundations", *Continuing Education of the Bar*, Bay Area Counties, March 1994
- Panelist, "Managing Litigation to Reduce Costs", *American Bar Association Annual Spring Meeting*, April 1993
- Lecture/Demonstration, "How to Structure a Mass Tort Toxic Tort Trial: Bifurcation, Trifurcation or Neither: Practical Considerations", *American Bar Association, National Institute*, 1989

Practice Areas

- Class Action/Complex Litigation
- Construction
- Environmental
- Product Liability
- Toxic Tort
- White Collar Crime
- Business And Commercial Litigation
- Proposition 65

Education

- Spring Hill College, B.S.
magna cum laude
- University of San Diego School of Law, J.D.
- Institute of European Studies: Vienna, Austria ,

Court Admissions

- California
- Colorado
- District of Columbia
- New York
- Texas
- US Court of Appeals for the Ninth Circuit
- USDC: Central District of California
- USDC: Eastern District of California
- USDC: Northern District of California
- USDC: Southern District of California

Other Legal Experience

- Shareholder, Greenberg Traurig
- Partner, Holland & Knight

- Partner, Hassard Bonnington
- Assistant District Attorney, San Francisco, CA
- Staff Attorney, Office of Opinions and Review, Federal Communication Commission, Washington DC

Memberships & Associations

- American Bar Association (ABA)
- American Board of Trial Advocates (ABOTA)
- Bar Association of San Francisco
- Lafayette Moraga Youth Association, Basketball Coach
- Los Angeles County Bar Association
- National Charity League
- NCL Basketball
- Product Liability Advisory Council (PLAC)
- SF Superior Court Early Settlement Program, Mediator
- Stanford Law School - Trial Advocacy
- University of San Francisco School of Law, Advocacy Programs

Accomplishments

- US News and World Report, Best Lawyers, Tier 1 National, Personal Injury Litigation - Defendants 2011-2012
- San Francisco's Best Lawyers: Personal Injury Litigation(defense) 11/29/2011 SF Chronicle, 2012 edition
- *The Best Lawyers in America*®, Personal Injury Litigation and Product Liability Litigation, 2009, 2010, 2011 and 2012
- San Francisco's Top Attorneys 2011
- The Best Lawyers in America®, Personal Injury Litigation and Product Liability Litigation, 2008 - 25th Anniversary Edition
- Chambers & Partners USA Guide, National Leader, Recommended in Products Liability, 2006-2007 edition
- The Best Lawyers in America®, Product Liability Litigation and Personal Injury Litigation, 2004-2007
- AV Peer Review Rated, Martindale-Hubbell, 1995-2008
- Bay Area SuperLawyers, Class Action, 2005-2006
- Best Lawyers in the Bay Area, Class Action, December, 2005
- Who's Who in American Law
- Who's Who in the West
- Who's Who Among Women Lawyers
- Distinguished Service Award from the San Francisco District Attorney's Office

Representative Experience

Practice Area: Business And Commercial Litigation, Class Action/Complex Litigation, Environmental, Toxic Tort

Key Issues: Environmental; Toxic Tort; Landfill; Remediation; Groundwater; Contamination

Venue: Macomb County, Michigan Circuit Court

Client Type: Defendants Environment Contractor & Municipal Authority

The developers of properties neighboring a landfill brought an action against an environmental contractor for the

landfill, municipal authority and five cities alleging that contamination from the landfills has migrated onto their properties and prevented development. The plaintiffs seek millions of dollars in claims from cost recovery for lost profits and contribution pursuant to the Natural Resources and Environmental Protection Act (Michigan's version of CERCLA), as well as tort claims, negligence, trespass and nuisance.

Result:

We obtained summary judgment on all of the plaintiff's claims-cost recovery, contribution, injunctive relief, breach of contract, negligence, nuisance, trespass and fraud-resulting in dismissal of the action

Practice Area: Business And Commercial Litigation, Class Action/Complex Litigation, Product Liability

Key Issues: Cellular Phone; Radio Frequency, Emissions; Unfair Business Practices; Cancer; Systemic Disease, Causation

Venue: Multi District Litigation. USDC Court, Baltimore, Maryland

Client Type: Defendant Fortune 50 Cell Phone Manufacturer

Retained by the "home office" of a Fortune 50 large international company who manufactured cell phones sold in the US to nationally defend and monitor six class actions filed by plaintiffs in state and federal court who alleged in addition to personal injury, also alleged unfair business practices. The plaintiffs asserted defendants manufactured, supplied, promoted, sold, leased and provided service for wireless handheld telephones when they knew or should have known that their products generate and emit radiofrequency radiation that causes an adverse cellular reaction and/or cellular dysfunction ("biological injury"). A critical part of the defense involved intensive medical analysis as plaintiffs claimed a full range of injuries including brain cancer and systemic illnesses allegedly associated with the product.

Result:

The case turned on Daubert hearings. After a successful Daubert challenge, also prepared product insert labels for handheld devices.

Practice Area: Environmental

Key Issues: CERCLA

Client Type: Defendant Environmental Contractor

Currently defending an environmental contractor, municipal authority and five cities in an action by developers of properties neighboring a landfill who allege that contamination from the landfills has migrated onto their properties and prevented development. The plaintiffs seek millions of dollars in claims for cost recovery and contribution pursuant to the Natural Resources and Environmental Protection Act (Michigan's version of CERCLA), as well as tort claims for negligence, trespass and nuisance. Obtained summary judgment on all of the plaintiffs' claims – cost recovery, contribution, injunctive relief, breach of contract, negligence, nuisance, trespass and fraud – resulting in dismissal of the action.

Practice Area:

We have been retained to monitor certain proceedings for certain clients concerned that they may be "brought into" litigation. These clients have involved both federal forums and regulatory forums.

Practice Area:

Key Issues: FDA

Conducted internal corporate investigation related to charges against corporation and employee of altering test

results in the drug approval process in order to gain FDA approval.

Practice Area: Construction

Key Issues: Construction

Client Type: Defendant Construction Company

Successfully represented construction client in case filed in Colorado claiming \$65 million damages in construction delay damages in the largest mozzarella cheese factory in the US.

Result:

Our client was dismissed from the case.

Practice Area: Proposition 65, Toxic Tort

Key Issues: Proposition 65; PCE; TCE

Client Type: Defendants Multiple Industry Clients

Successfully represent defendants in Prop 65 lawsuits. Clients have been manufacturers of wine, imported candies and jewelry products as well as users of PCE and TCE, since this allegation has been made in groundwater contamination cases as well.

Practice Area: Class Action/Complex Litigation

Client Type: Defendant Appliance Manufacturer

Represented manufacturer in defending multiple consumer class actions for economic damages and injunctive relief brought on behalf of consumers who purchased certain appliances.

Practice Area: Catastrophic/Personal Injury

Key Issues: Personal Injury; Property Damage

Venue: Louisiana State Court

Client Type: Defendant

Represented client in personal injury, property damage cases in which 435 plaintiffs sued alleging personal injuries, wrongful death and decline in property value due to groundwater contamination arising from a landfill in Louisiana. The case has been pending for 10 years in Louisiana State Court. We were retained as trial counsel 6 weeks before trial.

Result:

The case was dismissed when we disqualified plaintiffs' causation expert.

Practice Area: Catastrophic/Personal Injury

Key Issues: Personal Injury

Client Type: Defendants Multiple Industry Companies

Western Regional trial counsel and manager of all cases west of the Mississippi for corporate defendant in Asbestos litigation. Represented and continue to represent defendants in cases claiming personal injury from benzene exposure.

Practice Area: Catastrophic/Personal Injury, Toxic Tort

Key Issues: TCE; PCE; Wrongful Death; Property Damage; Personal Injury

Client Type: Defendant Corporation

Represented corporate defendant in mass tort case in Southern California where large number of plaintiffs are

suing for personal injury, property damage, wrongful death and requesting medical monitoring due to underground TCE, PCE contamination. Allegations of vapor intrusion in homes causing risk of cancer, fear of cancer, decline in property values and request for medical monitoring in separate lawsuits filed.

Practice Area: Business And Commercial Litigation, Catastrophic/Personal Injury, Class Action/Complex Litigation, Product Liability

Key Issues: Breast Implant; Personal Injury; Wrongful Death; Cancer; Causation; Autoimmune Deficiency

Client Type: Defendant Global Technology Manufacturer

As national trial counsel, worked with a team of attorneys assembled nationwide to defend a leading technology & medical products manufacturer in pharmaceutical litigation involving silicon gel breast implants. We served as trial counsel and retained and prepared scientific and medical experts as well as assisted in preparing a punitive damage defense for the company.

Practice Area:

Venue: Federal & Grand Jury

Successfully represented multiple clients, over the years, in responding to subpoenas for testimony and documents before the federal and grand jury, resulting in client not testifying nor producing records before the grand jury.

Practice Area: Catastrophic/Personal Injury, Environmental

Key Issues: Personal injury; property damage; wrongful death

Venue: Louisiana State Court

Represented client in personal injury, property damage cases in which 435 plaintiffs sued alleging personal injuries, wrongful death and decline in property value due to groundwater contamination arising from a landfill in Louisiana. The case has been pending for 10 years in Louisiana state court. Ms. Strickland was retained as trial counsel 6 weeks before trial. The case was dismissed when Ms. Strickland disqualified plaintiffs' causation expert.

Practice Area: Catastrophic/Personal Injury

Key Issues: Personal Injury; Wrongful Death

Client Type: Defendant Pharmacist

National trial counsel for major defendant in the breast implant national litigation. Prepared experts and punitive damage defense for company as well as serving as national trial counsel. Represented pharmacists as retailers in L-tryptophan litigation sued over allegations of personal injury and death due to contaminated batch of drugs.

Practice Area: Construction

Key Issues: Construction

Client Type: Defendant Commercial Construction Company

Successfully represented construction client in obtaining dismissal of three separate lawsuits filed in separate counties re: the construction of commercial facilities. Also represented, as plaintiff, construction client in commercial dispute with Lawrence Livermore Laboratories, securing over 1.8 million for the client.

Result:

Dismissal

Practice Area: Catastrophic/Personal Injury, Toxic Tort

Key Issues: EPA, Toxic Tort

Client Type: Defendant

For national client, analyzed the impact of the EPA regulatory case on pending toxic tort cases or threatened toxic tort cases filed arising from 11 separate EPA Superfund sites located throughout the country. Plaintiffs in these cases were alleging personal injuries and property damage as well as requesting medical monitoring because of air and water contamination from underground plumes and landfills containing chlorinated solvents as well as other contaminants.

Practice Area: Business And Commercial Litigation, Class Action/Complex Litigation, Product Liability

Key Issues: Stereo Equipment; Advertising; False Advertising; Unfair Business Practices

Venue: Los Angeles County Superior Court

Client Type: Defendant Audio Video Equipment Manufacturer

Retained by the CEA, on behalf of their members to defend a class action filed by a consumer advocate company against a leading manufacturer of audio, video, and communications equipment and 56 co-defendants alleging unfair and fraudulent business practices under California Business and Professions Code section 17200, 17500 et seq. According to the suit, there was no standard effective piston area to outside diameter ratio upon which a consumer can rely in assessing the quality and power of a stereo speaker. Therefore, a consumer cannot extrapolate the size of a speaker's EPA and, consequently, its quality and power. The market for these speakers included portable audio, car audio, home audio, and home theater.

Result:

Case resolved for less than negligence value after successful motion practice.

Practice Area: Business And Commercial Litigation, Fraud

Key Issues: Fraud; 17200

Venue: Los Angeles County Superior Court

Client Type: Defendants Audio Equipment Manufacturers

Successfully represented 45 stereo manufacturers in defending action alleging fraudulent business practices under BP 17200 and BP 17500 as well as common count allegations of fraud and misrepresentation.

Practice Area: Business And Commercial Litigation, Director/Officer Liability (including Non-Profits), White Collar Crime

Key Issues: Drugs; Fraud; White Collar Crime; Case-control Studies; Clinical Trials; Data Manipulation; FDA

Venue: USDC: Northern District of California

Client Type: Defendant Biopharmaceutical Manufacturer

Retained by well known Washington D.C. law firm to represent their client, a large biopharmaceutical firm in a criminal matter, and to conduct an internal investigation regarding allegations made by the US Attorneys office that a chemist had falsified data submitted to FDA regarding the results of a clinical trial of a new potential drug. Ultimately, all allegations were proven false, the subpoena was quashed and the individual was not required to testify nor produce records before a federal grand jury and no charges were ever filed. The defendant company was thereafter sold to a pharmaceutical company based in Europe

Result:

No indictment, no testimony, no criminal case filed

Practice Area: Asbestos, Toxic Tort

Key Issues: Asbestos

Client Type: Defendant

National trial counsel for the major defendants in the asbestos litigation, the Asbestos Claims Facility.

Result:

Tried cases throughout the country for this clients as well as manage large dockets of cases in many states jurisdictions.

Practice Area: Class Action/Complex Litigation, Toxic Tort

Key Issues: Groundwater; Drinking Water; Contamination; TCE; PCE; Perchlorate; PUC; Cancer; Epidemiology; Causation; Punitive Damages

Venue: Los Angeles County Superior Court

Client Type: Defendants International Corporations

Served as shared counsel to three international corporations in various industries and as Liaison Counsel to the court in 15 mass tort actions coordinated before the LA Superior Court's Complex Litigation Department in Central Civil West. The 15 actions were filed by over 1000 plaintiffs, alleging personal injury, wrongful death and property damage, and named as defendants over 50 industrial manufacturing companies and 7 public and private water purveyors. The injuries were alleged to have been caused by contaminated drinking water due to underground TCE, PCE percholorate, dioxane and NDMA as the primary contaminants. After the trial court sustained a demurrer based on the issues of primary jurisdiction and preemption, the case went before the California Supreme Court on those issues.

Result:

Dismissal of the claims of approximately 500 plaintiffs and settlement of the claims of the remaining approximately 500 plaintiffs for less than \$200 per plaintiff. Our display of leadership skills in this matter resulted in an invitation to participate in the Complex Litigation Symposium II presented by the Los Angeles Superior Court Judges handling complex litigation with her role that of critiquing the Judges re: their handling of complex litigation in California courts.

Practice Area: Asbestos, Business And Commercial Litigation, Class Action/Complex Litigation, Toxic Tort

Key Issues: Bankruptcy; Asbestos; Contract Obligation; Defense; Indemnity

Venue: US Bankruptcy Court Southern District of New York

Client Type: Plaintiff Auto Parts Manufacturer

We were retained to represent Remy International, Inc. ("Remy") in the bankruptcy proceeding commenced by General Motors Corporation ("GM"). Remy purchased the assets of the former Delco Remy Division of GM pursuant to an Asset Purchase Agreement ("APA"). The APA, executed by and between Remy and GM, placed certain ongoing indemnity obligations on GM in connection with various litigation and potential claims relating to GM products manufactured and premises occupied during the time period prior to the APA. In the bankruptcy, we assisted Remy secure testimony and documents needed to defend itself in a number of active cases, and subsequently obtained dismissals in all of those actions. We also assisted Remy in successfully pursuing a claim in the bankruptcy for its costs of defense regarding those actions. More importantly we obtained for Remy, as part of GM's confirmed bankruptcy plan, protection from liability for asbestos claims relating to GM products manufactured and premises occupied during the time period prior to the APA. This is a relatively unprecedented achievement in a bankruptcy that does not involve a Section 524(g) trust.

Result:

We are assisting the auto parts manufacturer in pursuit of both its Claim in the bankruptcy as well as securing through the bankruptcy, the testimony and documents needed by our client to defend itself in a number of active litigations

Practice Area: Coverage, Environmental, Insurance Services

Key Issues: Dry Cleaner, TCE, Groundwater Contamination

Venue: California Superior Court, County of San Mateo

Client Type: Defendant Dry Cleaning Equipment Manufacturer

A private water provider filed suit against numerous companies involved in the dry cleaning industry, such as equipment manufacturers, chemical manufacturers, and retail dry cleaning companies, alleging its groundwater supply in Southern California was contaminated with TCE from the defendants' business operations. The plaintiff sought millions of dollars in remediation costs, as well as punitive damages.

Result:

By examining our client's records and public records, we were able to determine that our client did not supply dry cleaning equipment to any company doing business over the aquifer from which the plaintiff obtained its water. We were thereby able to obtain a dismissal of our client prior to responding to the complaint.

Publications

- Author, Be Prepared for When Disaster Strikes, *KCBA Bar Bulletin, Volume 30, Issue 5, January 26, 2012*
- Author, Interview with Kenneth Feinberg , *ABA TIPS Disaster Preparedness and Response Task Force Blog, January 9, 2012*
- Author, New Cyberattacks in Japan, *ABA TIPS Disaster Preparedness and Response Task Force Blog , 9/27/2011*
- Author, September 11th, Ten Years Later, Where Are We In The Handling Of Mass Claims Within The Legal System? , *ABA TIPS Disaster Preparedness and Response Task Force Blog , September 12, 2011*
- Author, Aviation Teleconference Takes Center Stage, *ABA TIPS Disaster Preparedness and Response Task Force Blog , 9/6/2011*
- Author, The ABA's TIPS Section Presentation, *ABA TIPS Disaster Preparedness and Response Task Force Blog , 8/30/2011*
- Author, What Does the Zadroga Act Cover? , *ABA TIPS Disaster Preparedness and Response Task Force Blog, 8/10/2011*
- Author, US Report Says Scant Evidence to Link 9/11 to Cancer , *ABA TIPS Disaster Preparedness and Response Task Force Blog, July 28, 2011*
- Author, Cyberterrorism In The News , *ABA TIPS Disaster Preparedness and Response Task Force Blog, July 15, 2011*
- Author, Have We Learned from the BP Disaster? Why It's Important. , *ABA TIPS Disaster Preparedness and Response Task Force Blog , 6/29/2011*
- Author, Reach: A Timely Overview, *Chemical Engineering, 03/2008*
- Author, European Union's REACH Will Affect All Manufacturers, Users of Chemicals, *BNA, Inc - Daily Environment No. 97 Page B-1 , 05/21/07*
- Author, European Union's REACH Will Affect All Manufacturers. Users of Chemicals, *BNA, Inc. - Chemical Regulation Reporter, Vol. 31, No. 21 , 05/21/07*

- Author, European Union's REACH Will Affect All Manufacturers, Users of Chemicals , *BNA, Inc. - International Environmental Reporter Vol. 30, No. 10*, 05/16/07
- Author, European Union's REACH Will Affect All Manufacturers, Users of Chemicals, *BNA, Inc. - International Environment Reporter*, 05/16/07
- Author, Ethical Issues Raised in Bulk Settlement Agreements in Mass Torts, 03/01/07
- Author, Attorneys Say New EU Chemicals Rules Demand Involvement of Corporate Leaders , *BNA, Inc.*, 02/05/07
- Author, Case Management in 2004: Practical Guide for Mass Tort Practitioners, *BNA - Class Action Litigation Report*, 12/10/04
- Author, Lessons Learned: A Practical Guide for Mass Tort Practitioners, *Toxic Law Reporter*, 11/18/04
- Author, Reducing Costs in Toxic Tort Litigation with Case Management and Defense Cooperation (Parts 1 and 2) , *Toxics Law Reporter*, 03/17/93

News

- Complimentary Midyear Meeting Program! , *THE E-NEWSLETTER FOR THE TORT TRIAL & INSURANCE PRACTICE SECTION* , 3/27/2012
- ABA TORT TRIAL & INSURANCE PRACTICE SECTION ADDRESSES DISASTER PREPAREDNESS & RESPONSE WITH YEAR-LONG PROGRAM SERIES, *ABA Tort Trial & Insurance Practice Section*, 6/17/2011
- RMKB Partner Kathleen Strickland Selected to Join Exclusive Product Liability Advisory Council, *Law Dragon*, 3/17/2009
- RMKB Partner Kathleen Strickland Selected to Join Exclusive Product Liability Advisory Council, *dBusiness News*, 3/17/2009
- RMKB Grows San Francisco Office With Addition Of Preeminent Trial Attorney Kathleen Strickland, 10/04/07