Survey of Toxic Tort Law Cases

Parent Company Not Liable Under Direct Participation Theory for Subsidiary Employee's Toxic Chemical Exposure

Plaintiff was a fumigator and inhaled a toxic/lethal dose of methyl bromide while transferring product from a large container to a smaller one. Plaintiff's direct employer was dismissed under the worker's compensation exclusive remedy provision, and plaintiff pursued his employer's parent company under the direct participant theory, an exception to the general rule that a parent is not liable for the acts of its subsidiary.

"To prevail, a plaintiff must show: 1) a parent's specific direction or authorization of the manner in which an activity is undertaken and 2) foreseeability of injury." A parent will only be liable if it surpasses the control normally incident to ownership. Here, the parent did not specifically direct or authorize the practice employed by plaintiff. The subsidiary exercised its own expertise in how to operate day-to-day.

There was no evidence that the parent could foresee that safety would be compromised as a result of its general budgetary control. Post-accident changes in policies and procedures also did not reveal foreseeability. Dismissal affirmed.

Mesenbring v. Rollins, Inc., 105 F.4th 981 (7th Cir. 2024).

Fourth District Rejects Application of "Stream of Commerce" Theory of Specific Personal Jurisdiction to South Korean Battery Manufacturer for Injury Sustained to Plaintiff in Illinois

Plaintiff alleged that he sustained third degree burns after an e-cigarette in his pocket containing an 18650 lithium-ion battery cell manufactured by Samsung exploded in his pocket. Samsung is a manufacturer and seller of rechargeable 18650 lithium-ion battery cells. Samsung is a South Korean corporation with a principal place of business in South Korea. Samsung does not have any employees, representatives, property or bank accounts in Illinois. Samsung sells batteries to sophisticated users of its batteries to be incorporated as a component of authorized products or assembly in battery packs. There was no evidence that Samsung shipped any batteries to Illinois. Samsung does not authorize its batteries for use in e-cigarette/vaping devices such as the one used by plaintiff.

The Illinois Appellate Court Fourth District analyzed whether the trial court's exercise of personal jurisdiction over Samsung was a violation of the due process clause of the fourteenth amendment. Plaintiff admitted that Samsung is not subject to general personal jurisdiction in Illinois because Samsung is not "essentially at home" in Illinois. *See Goodyear v. Dunlop Tires Operations, S.A. v. Brown*, 964 U.S. 915, 919 (2011). Therefore, the Fourth District focused on the sole question of whether the Illinois trial court could exercise specific personal jurisdiction over Samsung.

To exercise specific personal jurisdiction over a defendant, plaintiff must demonstrate "that the defendant purposefully directed its activities at the forum state and the cause of action arose out of or related to the defendant's contacts with the forum state." *See Russell v. SNFA*, 2013 IL 113909, ¶ 40; *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985). Once the "minimum contacts" test has been met, the next step is for the court to consider the "reasonableness of requiring the defendant to litigate in Illinois." The requirements for a court to exercise specific personal jurisdiction equate to the following three steps: (1) purposeful availment; (2) relatedness; and (3) reasonableness.

> Under the stream of commerce theory, a seller's amenability to suit does not travel with the products, even when those products are highly mobile.

While it was undisputed that Samsung's 18650 lithium-ion battery cells were present in Illinois and available for sale from third parties, the court ruled that was insufficient to establish specific jurisdiction. Under the stream of commerce theory, a seller's amenability to suit does not travel with the products, even when those products are highly mobile. *See World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 296 (1980). The court noted that the United States

— *Continued on next page*

Supreme Court has not released a majority opinion on the steam-of-commerce theory as a basis for specific personal jurisdiction. However, the Supreme Court has stated that "the mere 'unilateral activity of those who claim some relationship with a nonresident defendant cannot satisfy the requirement of contact with the forum state.'" *See World-Wide Volkswagen,* 444 U.S. at 298. The court focused on Samsung's contacts with the forum state itself.

There was no evidence that Samsung purposefully availed itself of the privilege of conducting activities within Illinois. In fact, there was no evidence that Samsung had any contact with Illinois. The unilateral actions of a third party are insufficient to serve as the basis of jurisdiction. Because plaintiff failed to meet the first test of purposeful availment to establish specific personal jurisdiction, the court did not analyze the second and third prongs, relatedness and reasonableness.

The Fourth District reversed the trial court's judgment and remanded the case to the trial court with instructions to dismiss plaintiff's claims against Samsung for lack of personal jurisdiction.

Wood v. Samsung SDI Co., 2024 IL App (4th) 230994.

First District Affirms Trial Court's Denial of Defendants' Motion to Transfer Venue Based on Forum Non Conveniens

In *Starr v. Presence Central and Suburban Hospitals Network,* Defendants Presence Central and Suburban Hospitals Network, and two of its nurses, Debra L. Juhant, RN and Larissa Chaidez, RN, unsuccessfully moved to transfer the case from Cook County, Illinois to Will County, Illinois, on the basis of *forum non conveniens*.

The underlying lawsuit was filed in Cook County on the basis of medical negligence against several defendants, including Presence, and nurses Juhant and Chaidez. All of the negligence alleged occurred at Presence, which was located in Will County. However, plaintiff received post-injury treatment at the University of Chicago, Rush University, and several Duly Health & Care facilities, all of which were located in Cook County.

At the trial court level, defendants argued that the relevant private and public interest factors weighed in favor of transfer for the following reasons: (1) the purported negligence occurred at Presence, which was located in Will County; (2) both nurses resided, as well as worked, in Will County; (3) other key witnesses and evidence were located in Will County; and (4) Will County was the forum with the greatest public interest in the resolution of the controversy. Furthermore, the defendants contended that plaintiffs' choice of forum should have been given little deference as they were not residents of Cook County, nor did the alleged negligence take place there.

Plaintiffs' argument focused on the post-injury treatment at the University of Chicago, Rush University, and Duly Health & Care, and the corresponding witnesses that would be called to testify at trial from these facilities. Because these facilities were located in Cook County, and the witnesses to be called from these facilities were also located in Cook County, plaintiffs contended that Cook County was the most convenient forum. Moreover, plaintiffs argued that because Will County and Cook County were adjacent to each other, the defendants had failed to meet their burden of showing that the relevant factors strongly favored transfer to Will County.

Plaintiffs' argument focused on the post-injury treatment at the University of Chicago, Rush University, and Duly Health & Care, and the corresponding witnesses that would be called to testify at trial from these facilities. Because these facilities were located in Cook County, and the witnesses to be called from these facilities were also located in Cook County, plaintiffs contended that Cook County was the most convenient forum.

Defendants submitted several affidavits detailing the inconveniences related to litigating the case in Cook County. Specifically, Presence's president averred that holding the trial in Will County would minimize caretaker time away from patients, avoid staff disruptions, and permit the continuity of care to patients. Nurses Juhant and Chaidez claimed that attending trial in Cook County would impair their ability to obtain coverage for their professional duties. Conversely, a trial in Will County would allow them to be in close proximity to their patients, or others who were in need of their care.

The trial court denied defendants' motion while acknowledging that plaintiffs' choice of forum was entitled to less deference than if they resided in Cook County, or if the alleged negligence occurred there. The trial court opined that transfer would only be granted if the balance of private and public interest factors strongly favored Will County, and in the trial court's opinion, they did not.

The trial court noted that the private interest factors "only very slightly" favored transfer to Will County. Ease of access to evidence, as well as the cost of obtaining witnesses favored transfer. However, the convenience of the parties did not. Regarding the private interest factors, the trial court held that the interest in deciding local controversies locally, and the desire to not burden a forum with little to no ties to the litigation both favored transfer. Issues concerning court congestion, however, disfavored transfer.

Analyzing the trial court's reasoning under an abuse of discretion standard, the Illinois Appellate Court First District refused to overturn the decision. The First District conceded "another result in this case [was] certainly conceivable" especially because "the alleged malpractice occurred solely in Will County." However, the court acknowledged that its role was to determine whether the trial court abused its discretion in denying the motion to transfer, it was not tasked with reweighing the factors and making a decision as to whether the case should be transferred.

Starr v. Presence Central and Suburban Hospitals Network, 2024 IL App (1st) 231120.

Illinois Appellate Court Affirms Verdict Despite Alleged Misstatement of Law and Disputed Jury Instructions in FELA Case Against Company

In *Sanders v. CSX Transportation, Inc*., the Illinois Appellate Court First District reviewed a wrongful death and survival action brought by Annette Sanders under the Federal Employers Liability Act (FELA). The case centered on claims that her late husband, Joseph Sanders, developed colon cancer due to workplace exposures to asbestos and diesel fumes during his employment with CSX from 2002 to 2014.

The estate argued that CSX negligently failed to provide a safe work environment. Evidence included testimony from the estate's experts, industrial hygiene, Dr. Hernando Perez, and medical causation expert, Dr. Steven Newman, who linked Sanders' cancer to his workplace exposures. CSX's experts countered, claiming smoking was the sole cause of his cancer. CSX's witness Jason Pritchard, a former supervisor, testified but was subject to curative instructions after it emerged he was no longer employed by CSX, violating a motion to exclude witnesses from the courtroom during trial proceedings. The jury awarded Plaintiff $2.2 million for pain and suffering. The judgment was reduced to $770,000 after determining Joseph was 65% contributorily negligent. CSX filed a motion for new trial, arguing that the estate's counsel improperly suggested OSHA violations equated to negligence *per se* under FELA. The court rejected this argument, finding the comments consistent with FELA's standard that a plaintiff need only prove slight negligence. CSX also contended the court erred by instructing the jury how to weight Pritchard's credibility after his improper courtroom presence. CSX argued that despite the motion *in limine* order barring witnesses from the courtroom during proceedings, Pritchard was allowed to be in the courtroom under an exception in Illinois Rule of Evidence 615 for a designated corporate representative. The corporate-representative exception to Rule 615 allows corporate parties to have a representative present during proceedings, ensuring they are on equal footing with natural parties. However, this exception is limited to an "officer or employee" of the corporation. Ill. R. Evid. 615(2).The trial court upheld the instruction, noting it acted reasonably to address potential prejudice without striking Pritchard's testimony.

On appeal, CSX argued that the trial court erred in denying its motion for a new trial. The appellate court held that the estate's reference to OSHA violations during closing arguments did not constitute a claim of negligence *per se* under FELA. The court determined that while OSHA violations were admissible as evidence of CSX's negligence, they did not automatically establish liability. Additionally, the court noted that the trial court upheld its decision to issue a curative instruction, emphasizing the unique circumstances of the case and its gatekeeping role. The Estate and the court were unaware that Pritchard was no longer employed by CSX until trial, precluding an earlier objection to his presence at counsel's table. Given Pritchard's critical role as the only witness capable of refuting key testimony from the Estate's witness, former CSX employee Horne, the court instructed the jury to consider Pritchard's prior exposure to Horne's testimony when evaluating his credibility.

The First District held that there was no prejudice to CSX and therefore there was no abuse of discretion in the trial court's handling of the issues raised by CSX, affirming denial of CSX's motion for a new trial.

Sanders v. CSX Transportation, Inc., 2024 IL App (1st) 230481.

Third-Party Claims Remain Stayed and Severed on the Asbestos Docket

This matter involves an appeal of the ruling of the Circuit Court of Cook County (Hon. Patrick J. Sherlock), staying and severing third-party claims filed by defendant Avon Products, Inc. In its Rule 23 opinion, the appellate court agreed with the trial court and upheld

— Continued on next page

staying and severing the claims in this case, finding it was proper under the circumstances.

Ramirez claimed exposure to allegedly contaminated talcum powder manufactured at the Avon former facility in Morton Grove, Illinois. Avon filed a motion with the trial court to add plaintiff's former employers to the matter under the contribution theory and the motion was granted. However, the court severed and stayed the claims until "the underlying action would be adjudicated.

Avon countered that it had acted diligently to determine the addresses and contact information for the four companies, that the fact that two of them were dissolved did not mean that there could not be any recovery through "unexhausted policies" or "assets," that there was evidence of asbestos exposure by the companies and that, while Avon was "sympathetic" to Ramirez's condition, it was equally important that former employers were "not left immune from their liability for exposures and causing Ramierz mesothelioma." In a footnote, Avon addressed the request for severance and a stay, saying that Avon objected to the request and further stating that plaintiff needed to bring a separate motion for such relief.

The appellate court agreed with Avon that as a matter of best practices, the circuit court should have required the Ramirezes to separately move for a stay so that the competing concerns of the parties could be fully aired in briefing on that separate motion. However, the competing interests were essentially the same as laid out in the motion for leave.

The appellate court diverted to two prior decisions and declined to follow Avon's arguments on how these cases were distinguishable. The appellate court reviewed the decision by the circuit court about how to proceed as they did in those cases—by asking whether what the circuit court decided to do was arbitrary, exceeded all bounds of reason, or ignored or misapprehended the law. *Cholipski*, 2014 IL App (1st) 132842, ¶ 39. It did not find that to be the case. The court did not give any particular weight to any of the factors considered but acknowledged both sides had competing, but fairly important interests in securing justice for its clients.

Ramirez v. Avon Products, Inc., 2024 IL App (1st) 240441-U.

Galich Court Continues to Confer Constitutionality to Prejudgment Interest in Illinois First District Appeal

In another recent challenge to the constitutionality of Illinois' prejudgment interest statute, the Illinois Appellate Court First District again upheld the constitutionality of Illinois' amendment of 735 ILCS 5/2-1303(c), which provides for plaintiffs to recover statutory prejudgment interest. The First District rejected the defendant's arguments that allowing for prejudgment interest violated basic due process, equal protections, and separation of powers. This was the second time a defendant has challenged the prejudgment interest statute to the First District. In the earlier instance, the First District also rejected similar arguments in *Cotton v. Coccaro*, 2023 IL App (1st) 220788, and found the statute constitutional.

In *Galich v. Advocate Health and Hospital Corporation*, 2024 IL App (1st) 230134, defendant Advocate Health and Hospital Corporation ("Advocate") appealed the trial court's ruling, claiming among other issues, that the trial court's award of $2.8 million in prejudgment interest to plaintiff in addition to the verdict amount was improper because the above-referenced Illinois statute providing for prejudgment interest was unconstitutional on five separate challenges.

The case arose from allegations that Advocate, through its emergency room physician employee, was liable for medical malpractice in the treatment of Steven Butts, who sought treatment for a fractured jaw but ultimately suffered permanent brain damage after Butts was not properly intubated and was deprived of oxygen. The jury awarded plaintiff $45.3 million in damages and subsequently the trial court ordered defendants to also pay $2.8 million in prejudgment interest. Illinois' prejudgment interest amendment to 735 ILCS 5/2-1303 went into effect on July 1, 2021, providing for statutory six percent per year pre-judgment interest to be recovered by a plaintiff on all judgment damages including future damages, with the exception of punitive damages, sanctions, statutory attorney's fees, and statutory costs. The total prejudgment interest is then added to the judgment amount to be paid by the liable defendants/judgment debtors.

On appeal, Advocate argued that the prejudgment interest amendment was unconstitutional because it: (i) burdens a defendant's right to a jury trial, (ii) is not narrowly tailored to stated legislative purpose, (iii) violates due process by penalizing defendants for litigation delays, (iv) constitutes special legislation and violates equal protection, and (v) violates the separation of powers. Advocate also challenged the amendment under procedural grounds as to the "three readings rule" and challenged whether the amendment could be retroactively applied to cases where the alleged tortious conduct occurred prior to the enactment of the amendment. Similar to its findings in *Cotton*, the First District disagreed with each and all of these challenges, first finding that the amendment did not infringe on defendants' right to a jury trial, because a) the amendment does not penalize a defendant who elects a jury trial, and b) the jury does not calculate or award prejudgment interest, and because other states with similar prejudgment interest laws had found that the right to a jury trial was not impacted because interest was not "damages" in the ultimate sense.

The *Galich* court next held that that prejudgment interest does not circumvent due process despite arguments that the amendment penalizes a defendant for litigation delays out of its own control, particularly where those delays were caused by the plaintiff. In citing to *Cotton*, the *Galich* court found that regardless of the cause of the delay, "a defendant benefits from retaining funds until judgment and a plaintiff is burdened by being deprived of those funds until judgment." The *Galich* court also found no merit in Advocate's claim that the prejudgment interest amendment was not narrowly tailored to achieve the legislative interest because it permitted interest to be awarded on future damages, rather than being limited to interest on compensation for damages already incurred.

Additionally, the First District in *Galich* again found that the amendment does not constitute special legislation as the it bears a rational relationship to the legitimate governmental interest of promoting expeditious settlement of tort claims to ease the burden on the court system. The First District also noted that treating personal injury and wrongful death plaintiffs differently than other litigants was reasonable given that "[w]rongful conduct has violated their bodily integrity in a way victims of property or reputational torts do not suffer." The court also dismissed a challenge to the amendment under separation of powers analysis, by noting that the statute does not usurp the judiciary's powers, given that trial courts in money judgment cases have no discretion to impose prejudgment interest absent a statutory mandate. and arguments as to technical violations by the General Assembly's procedure in enacting the bill.

Finally, as it also held in *Cotton*, the First District found that retroactive application of the amendment to injuries that occurred prior to the enactment of the amendment, to be constitutional. On this issue, the *Galich* court noted that "no one has a vested interest in a rule of law, nor entitled to insist the law remain unchanged for their benefit." While the court agreed that the prejudgment interest could not be calculated to a date earlier than proscribed by the statutory language itself, it rejected the notion that cases filed after the amendment was enacted could not pursue prejudgment interest just because the injury occurred prior to the amendment's enactment.

As it did in *Cotton*, the First District under *Galich* failed to consider how the application of the amendment impacts practical applications, including how prejudgment interest is to be divided under joint and several liability, with regard to insolvent or non-paying defendants, or setoffs of prior settlements by former defendants or nonparties. As this was not an issue in *Galich*, further appeal of the *Galich* ruling would not provide further clarity.

In light of this ruling, businesses sued in Illinois, particularly within the First District, will continue to face difficulties created by the amendment, in that the short timeframe required by the amendment for compliance means that many claims are not fully investigated by the expiration of the statutory deadline and encourages settlements without fully developing the evidence. Defendants should consider aggressively investigating plaintiffs' claims early in the case to develop evidence essential to informed decision-making on case valuation for settlement purposes, knowing that timely compliance with the amendment is essential to avoid or reduce application of the amendment against a judgment.

Galich v. Advocate Health and Hospital Corporation, 2024 IL App (1st) 230134.

The Illinois Supreme Court Affirms Section 1(f) of the Illinois Worker's Occupational Disease Act is a Period of Repose and Prospective Application of the Exception in Section 1.1 Does Not Violate the Employer's Right to Due Process

In *Martin v. Goodrich Corp.*, the Illinois Supreme Court held that prospective application of section 1.1 of the Illinois Worker's Occupational Disease Act, which creates an exception to the exclusivity of the Act for claims which would otherwise be precluded by a period of repose, does not violate an employer's right to due process.

The case arose from Rodney Martin's employment with B.F. Goodrich from 1966 to 2012. During his employment, he was exposed to vinyl chloride monomer and products containing vinyl chloride until 1974. These chemicals are alleged to be known causes of angiosarcoma of the liver. He was diagnosed with angiosarcoma of the liver on December 11, 2019 and died on July 9, 2020. His widow, Candice Martin, filed a civil action in November 2021 and amended her complaint on July 1, 2022, asserting causes of action under the Wrongful Death Act (740 ILCS 180/0.01 et seq.) and the Survival Act (755 ILCS 5/27-6), alleging that Martin's occupational exposure to hazardous levels of vinyl chloride monomer caused his illness and death. The complaint named Goodrich and PolyOne, as successor-in-interest to Goodrich. Because plaintiff filed a civil suit outside the compensation system provided under the Illinois Workers' Occupational Diseases Act (820 ILCS 310/1 et seq.), she invoked the exception in section 1.1 of the Act to avoid its exclusivity provisions for work-related exposures to hazardous materials. However, defendants argued the exception in section 1.1 did not apply. The United States District Court for the Central District of Illinois denied the defendants' motion to dismiss but allowed for

— Continued on next page

an interlocutory appeal to address key legal questions involving controlling questions of law.

The United States Court of Appeals for the Seventh Circuit agreed to take the appeal and after reviewing the statutory provisions of the Act, found the issues fit for certification to the Illinois Supreme Court. Recognizing the intricate interplay of statutory interpretation, retroactivity, and constitutional due process concerns under Illinois law, the Seventh Circuit deferred to the Illinois Supreme Court to provide authoritative guidance, emphasizing the broader implications including potential impact on numerous claims involving long-latency occupational diseases. The Seventh Circuit certified three questions:

(1) Whether section 1(f) of the Act is a "period of repose or repose provision" for purposes of the exception provided in section 1.1?
(2) If section 1(f) falls within the section 1.1 exception, what is its temporal reach—either by its own terms or through section 4 of the Statute on Statutes?
(3) Whether applying the exception in section 1.1 prospectively violates Illinois's guarantee of due process?

Recognizing the intricate interplay of statutory interpretation, retroactivity, and constitutional due process concerns under Illinois law, the Seventh Circuit deferred to the Illinois Supreme Court to provide authoritative guidance, emphasizing the broader implications including potential impact on numerous claims involving long-latency occupational diseases.

The Illinois Supreme Court accepted these certified questions and held in the affirmative that section 1(f) is a period of repose, that section 1.1 is a substantive change to the Act and applies prospectively, and that section 1.1 does not violate Illinois's due process guarantee. First, in analyzing the Act, the Court concluded that the time period referenced in section 1(f) serves a statute of repose because it bars compensation after a defined period of time regardless of whether a claim has occurred, or injury has resulted and effectively extinguishes an employee's right to file a claim under the statute. Second, in considering the temporal reach of section 1.1, the Court looked to section 4 of the Statute on Statutes to find that section 1.1 was a substantive change because it gave employees the ability to seek compensation outside the Act for work-related injuries that would otherwise be covered. As a result, application of section 1.1 must be prospective. Finally, the Court clarified that the exclusivity provisions under the Act are affirmative defenses which accrue when an employee discovers their injury. In this case, since Martin's diagnosis and complaint occurred after section 1.1's enactment in 2019 (see Pub. Act 101-6, § 10 (eff. May 17, 2019) (adding 820 ILCS 310/1.1)), the Court held that defendants had no vested right to assert the exclusivity defense and applying section 1.1 prospectively would allow claims such as Martin's to proceed without violating due process.

Martin v. Goodrich Corp., 2025 IL 130509 (January 24, 2025).

About the Authors

Justin A. Borawski is a senior attorney with *Baker Sterchi Cowden & Rice LLC* in Belleville and Chicago. Mr. Borawski has been in private practice since 2006, with his practice concentrated on the defense of personal injury, products liability, mass toxic tort and employer practices liability claims. He has extensive trial experience, trying over 50 cases to successful jury verdict in Illinois in Boone, Cook, DuPage, Lake, Kane, Madison, McHenry, Will, and Winnebago Counties. Mr. Borawski has pursued and defended over one thousand personal injury, property damage, employer practice liability, premises liability and products liability cases during his career and currently manages complex litigation in Cook, Macon, Madison, McLean, Morgan and St. Clair counties, as well as in federal court in the Northern District of Illinois. He earned his J.D. from University of Illinois Chicago School of Law and his B.S. from Augustana College. He currently serves as a member of the Toxic Tort Law Committee for the IDC.

Daisy Denizard, of *Hawkins Parnell & Young LLP* in Chicago, advises and represents clients in complex litigation, insurance issues, and risk management. As national coordinating counsel and local counsel in Illinois and Wisconsin, she primarily defends corporations in litigation involving mass torts and toxic exposures to asbestos, talc, and a range of chemicals. She also focuses on managing litigation and developing trial strategies. Ms. Denizard has extensive experience in an array of high-exposure and high-profile matters, including commercial litigation and

disputes, business torts, environmental, Superfund/pollution, cost recovery, insurance coverage, premises and product liability. Prior to joining Hawkins Parnell & Young, she directly handled complex environmental and latent claims and was responsible for monitoring environmental, asbestos, talc and latent type claims, including evaluation of cases, strategic planning, resolution of coverage issues, and establishment of adequate reserves.

Maggie Gosselin – An attorney for more than twenty years, Maggie Gosselin currently focuses her practice on construction defect, construction site injuries, and asbestos/silicosis cases.

Kelly M. Libbra is a partner in the Edwardsville, Illinois, office of *HeplerBroom LLC*. Ms. Libbra focuses her practice on trials involving complex business litigation matters, including toxic torts, premises liability, and product liability. She represents clients in Illinois and Missouri. She received her J.D. from St. Louis University School of Law and holds an M.S. in Experimental Psychology from Western Illinois University.

Danielle R. Luisi is an attorney with the law firm *Husch Blackwell LLP* where she focuses her practice on the defense of product liability, premises liability, toxic tort and environmental claims. She has experience defending clients in various industries against claims alleging personal injury as a result of toxic exposures. Ms. Luisi also serves as part of the national coordinating counsel and trial teams for corporations in toxic tort litigation. She is licensed in Illinois and Missouri and is a member of the Defense Research Institute, Illinois Defense Counsel, Women's Bar Association of Illinois, and Chicago Bar Association.

Kasia Nowak is a Partner in *Gordon Rees Scully Mansukhani LLP's* Chicago office and an experienced litigator. She began her legal career with the Cook County, Illinois State's Attorney's Office. In law school, Ms. Nowak served as a judicial extern for the Honorable Ronald F. Bartkowicz, where she conducted legal research and drafted court opinions in commercial litigation and construction defect matters. Currently, Ms. Nowak defends product manufacturers, premises owners, contractors and suppliers by implementing unique defense and trial tactics. Additionally, she represents corporations and business owners in class action claims brought under the Illinois Biometric Information Privacy Act.

Bradley P. Woodson is a Senior Associate at *Brown & James, P.C.* in Belleville, Illinois. His practice is primarily focused on defending mass toxic tort (asbestos, flavoring chemicals, and others); product liability; and insurance defense cases. Mr. Woodson earned his B.S. from the University of Central Missouri and his J.D. from Southern Illinois University School of Law. He is admitted to practice in the states of Illinois and Missouri. Mr. Woodson is a member of the Illinois Defense Counsel and serves on the Toxic Tort Committee.

TOXIC TORT LAW COMMITTEE

Kelly Libbra, Chair
HeplerBroom LLC
kelly.libbra@heplerbroom.com
618-656-0184

Jordan T. Panger, Vice Chair
Brown & James, P.C.
jpanger@bjpc.com
618-355-5135

MEMBERS

Denise Baker-Seal | *Brown & James, P.C.*
Laura K. Beasley | *Baker Sterchi Cowden & Rice LLC*
Justin A. Borawski | *Baker Sterchi Cowden & Rice LLC*
R. Mark Cosimini | *Rusin Law, Ltd.*
Daisy Denizard | *Hawkins Parnell & Young LLP*
Donald Patrick Eckler | *Freeman, Mathis & Gary, LLP*
Maggie Gosselin
John C. Hanson | *HeplerBroom LLC*
Robert J. Jellen | *Heyl Royster Voelker & Allen, P.C.*
Meghan Kane | *Baker Sterchi Cowden & Rice LLC*
Kelly M. Libbra | *HeplerBroom LLC*
Danielle R. Luisi | *Husch Blackwell, LLP*
Kasia Nowak | *Gordon Rees Scully Mansukhani LLP*
Gregory W. Odom | *Baker Sterchi Cowden & Rice LLC*
Jordan T. Panger | *Brown & James, P.C.*
Tobin J. Taylor | *Heyl, Royster, Voelker & Allen, P.C.*
John F. Watson | *Craig & Craig, LLC*
Ryan L. White | *Husch Blackwell, LLP*
Bradley P. Woodson | *Brown & James, P.C.*