



## John Parker Sweeney

### *Profile*

Class Actions and Mass Torts often involve “bet the company” risks. John Parker Sweeney’s more than 30 years experience defending major Class Actions and Mass Torts involving Product Liability, Consumer Protection, Environmental, and Toxic Tort cases allows him to tailor an appropriate litigation response for any company to meet those types of high stakes risks. He regularly serves as national counsel, creating and supervising comprehensive defense strategies in Class Actions and Mass Tort cases across the country. Because of the critical advantage provided by his familiarity with state and federal courts in the Mid-Atlantic Region, his regional Class Action and Mass Tort practice is unsurpassed.

### *Areas of Practice*

*Class Actions and Mass Torts /  
Government Investigations /  
Product Liability Litigation /  
Environmental Litigation /  
Consumer Protection Actions /  
Appellate Litigation*

### *Contact Information*

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John’s effectiveness and national prominence as a defense lawyer for business in Class Actions and Mass Torts was recognized by his peers when he was elected as an officer of DRI—The Voice of the Defense Bar. John will serve as President of the 22,000 member association of defense lawyers in 2014-2015.

A nationally-recognized "Expert on Experts," John relies on his relationships with internationally renowned technical, scientific, and medical experts, as well as his thorough understanding of the rules and procedures governing expert testimony in both *Daubert* and *Frye* jurisdictions to protect his clients from scientifically unfounded claims and unqualified plaintiffs' experts. His success at securing precedent-setting decisions excluding junk science from the courtroom in "sick building" claims typifies his effectiveness.

John has had many years of experience in Government Investigation work beginning with his six years at the U.S. Securities Exchange Commission. Since then, in addition to responding to SEC investigations, he has been involved in investigations and other compliance actions involving a number of federal and state law enforcement agencies. He is particularly experienced in handling Consumer Product Safety reporting, recalls and corrective actions before the U.S. Consumer Product Safety Commission, and in advising clients on compliance with the far-reaching new requirements of the Consumer Product Safety Improvement Act of 2008 and the Consumer Product Safety Information Database.

John handles Environmental Regulatory Compliance and Enforcement for commercial and multi-family residential property owners/managers as well as for industrial properties, including petroleum terminals, sand and gravel operations and other heavy industries involving federal or state regulatory agencies, including the U.S. Environmental Protection Administration and state environmental agencies.

John provides effective Mass Tort Risk Management and Cost Recovery counseling based on his three decades of complex litigation experience. He advises clients on how to avoid or mitigate the risks of Product Liability and Environmental claims. He regularly investigates and helps companies to secure Insurance Coverage and Contractual Indemnification to offset the costs of litigation.

### ***Professional Recognition***

#### Martindale Hubbell

John is rated AV—Preeminent, a testament to the fact that John’s peers rank him at the highest level of professional excellence.

#### International Association of Defense Counsel

John has been elected a member by his peers in this prestigious international defense trial bar representing corporations around the world.

#### Litigation Counsel of America

John has been elected a Fellow of the Litigation Counsel of America, a trial honorary society representing less than one half of one percent of all American lawyers.

#### American Bar Foundation Fellow

John has been elected a Fellow of the American Bar Association’s American Bar Foundation. The Fellows have demonstrated outstanding achievements and dedication to the welfare of their communities and to the highest principles of the legal profession and are limited to no more than one third of one percent of the lawyers licensed to practice.

#### Best Lawyers

John has also been ranked by his peers among *Baltimore and Washington D.C.’s Best Lawyers* in Mass Tort Litigation & Product Liability Litigation in 2011-2012 in the Washington Post. John’s Product Liability practice was by ranked Tier 1 in Baltimore by Best Lawyers and US News & World Report 2010-2011 and 2011-2012 Best Law Firms Rankings.

#### Super Lawyers

John was recognized as a *Maryland Super Lawyer* in Class Action/Mass Torts in 2007-2011.

### ***Areas of Practice***

#### Occupational Mass Torts

- Asbestos and Silica-Related Diseases
- Sick Building Syndrome/Mold-Related Illnesses
- Noise-Related Hearing Loss
- Hand-Arm Vibration Syndrome
- Benzene, Nickel and Other Toxic Chemical Exposures
- Industrial Equipment and Power Tools

#### Consumer Products

- Consumer Product Safety Commission Compliance
- Household Appliances
- Power Tools
- Firearms
- Educational Demonstrative Products

Environmental

- EPA/Maryland Department of Environment Compliance/Enforcement
- Oil Control and Pollution Compliance/Enforcement
- CERCLA PRP liability
- Lead, asbestos, benzene, PCB, TCE, perchlorate

Medical Device and Biologic Products Litigation

- Blood and Blood Products
- Toxic Shock Syndrome

Class Actions

- Consumer Protection
- Blood and Blood Products
- Tobacco Products
- Environmental and Groundwater Contamination
- Product Liability and Warranty

***Representative Experience***

Most Recent Trial. Representing chemical company in “popcorn worker lung” claim resulting in judgment well below final settlement offer against prominent and successful national plaintiffs counsel. Circuit Court for Baltimore County Maryland April-May 2011.

Recent Appellate Work. John has obtained numerous reported appellate decisions in federal and state appellate courts including the leading opinion on the standard for punitive damages in product liability cases in Maryland.

- *Amicus* brief in US Supreme Court for DRI in *AEP v. Connecticut*, 2011, supporting successful petitioners in reversing Second Circuit ruling allowing states to pursue limits on greenhouse gas emissions by utility companies.
- *Amicus* brief in US Supreme Court defending Second Amendment rights of individuals in *McDonald v. City of Chicago*, 2010, on behalf of 900 state lawmakers successfully supporting extension of *Heller v. D.C.* to the states through the Fourteenth Amendment.
- *Amicus* brief in Maryland’s highest court for the National Multi Housing Council, the national Home Builders Association, and Maryland Defense Counsel in *Montgomery Mutual v. Chesson*, 2007, establishing that the “generally accepted” standard of *U.S. v. Frye* applied in Maryland civil cases to limit expert opinion and requiring trial judges to hold *Frye* hearings on request, 2007;

Recent National Counsel Experience. John has experience as national counsel in serial litigation involving major product liability, consumer protection and environmental matters since 1985. Recent examples include:

- National environmental counsel for national top 50 multi-housing client.
- National counsel for professional standard setting association in blood-borne illness litigation.
- National counsel for international industrial equipment manufacturer in class actions, mass torts and environmental litigation.
- National class action counsel for international construction product manufacturer.

Environmental Litigation. John has one of the nation's leading practices defending commercial and multi-family residential property owners against claims alleging mold and other indoor air contaminants. He also represents industrial manufacturers and property owners in environmental regulatory compliance and premises liability matters. He works closely with such expert consultants as health and medical specialists, toxicologists, architects, industrial hygienists, remediation specialists, contractors and engineers to resolve environmental problems and develop effective trial defense strategies.

- Facing a Maryland Department of Environment civil penalty action demanding tens of millions of dollars in civil penalties as well as injunctive relief after cooperating fully to contain and retrieve over 50,000 gallons of fuel oil in Baltimore's Curtis Bay area, a petroleum terminal owner and operator is being defended by John against MDE's claims.
- An industrial property owner was defended by John against Amtrak's claims for injunction relief and civil damages where Amtrak alleges that run-off of storm water diverted through our client's Maryland property has undermined Amtrak's railbed and threatened the safety of its Northeast Corridor passenger and freight service.
- When his client was sued by hundreds of New York families alleging personal injuries and property value diminution from alleged PCBs and TCE in groundwater, John defended claims and ultimately enforced an indemnification from the prior owner of the manufacturing facility, which our client had acquired subject to an indemnification agreement.
- John defended a client against CERCLA liability for a corporate predecessor's alleged industrial release of perchlorate into groundwater now drawn upon by California residential communities for drinking water. By developing the groundwater and soil testing data, he was able to demonstrate that the predecessor's activities had not contributed to contamination of the groundwater.

Occupational Mass Torts. John has an extensive practice defending manufacturers and other corporate clients from product and premises liability

claims alleging illness from occupational exposure to asbestos, hazardous chemicals and other allegedly toxic substances or harmful conditions.

- A leading manufacturer of glass plant equipment received hundreds of asbestos and silica claims by East Texas glass plant workers. John's successful defense of the safety of these products produced a dismissal without payment and helped avoid his client's involvement in other asbestos and silica claims arising in glass plants around the country.
- A leading industrial equipment manufacturer faced thousands of hearing loss and hand/arm vibration claims of Mississippi shipyard workers. John's successful demonstration that his client's equipment had not contributed to any hearing loss or vibration injury in shipyard workers resulted in dismissals with prejudice and discouraged other workers from pursuing hearing loss and hand/arm vibration claims in other shipyard and occupational settings.
- An international building materials manufacturer became one of 12 target defendants in the common issues trial of more than 9,000 consolidated Maryland asbestos cases. After a six-month trial in Baltimore City Circuit Court, John ultimately obtained a mediated resolution of over 12,000 pending claims that allowed his client to process claims administratively and avoid trials for years.
- A manufacturer of industrial lubricants was sued in hundreds of cases alleging exposure to nickel in a Texas Army Depot and dozens of cases alleging exposure to benzene in Pennsylvania steel mills. In both instances, John was able to demonstrate that his client's products were not a cause of the many plaintiffs' alleged injuries.

Class Actions and Mass Consolidations. John defends clients in class action lawsuits and mass consolidations alleging indoor environmental and groundwater contamination, blood-borne diseases, injury due to excessive noise and vibration, and exposure to various toxic substances. He defends class action lawsuits in multiple jurisdictions alleging unfair or deceptive trade practices, consumer fraud, misrepresentation and breach of warranty in connection with product packaging and sales practices.

- When engaged to defend Maryland's largest affordable housing owner/manager after the court had already certified a class action against it on illegal rent practices allegations, he successfully asserted set-off claims on any rent owed against any damages recovered that led to a quick and manageable settlement of thousands of claims.
- He obtained dismissal with prejudice, sustained on appeal, of Illinois class action allegations asserting that claims for damages and injunctive relief against a national medical professional association for failure to adopt a notification program for blood transfusion recipients different from that

mandated by the FDA.

- In a “sick building” case brought by Delaware financial services workers against their landlord and property manager, John obtained dismissal of the class allegations and barred plaintiffs’ experts from asserting claims of multiple chemical sensitivity, “sick building syndrome,” chronic fatigue syndrome, fibromyalgia and the like. This led to a settlement of the few individual claims and discouraged the filing of hundreds more claims.
- When a leading national provider of multi-family housing faced a class action demanding immediate closure of a Florida high-rise apartment building, John pulled together overnight a multidisciplinary team of industrial hygienists, remediators, claims adjusters and an allergist to address building issues and avoid a court-ordered evacuation.

### ***Professional Activities***

#### Defense Research Institute

DRI Second Vice President 2011-12; DRI National Board of Directors 2007-11; Chair, DRI Corporate Counsel Roundtable 2011; Chair, DRI Climate Change Litigation Task Force 2007-10; Chair, DRI Toxic Tort and Environmental Law Committee 2006-2007; Chair, DRI Industry-Wide Litigation Committee 2002-05.

#### Maryland Defense Counsel, Inc.

Chair, Judicial Selections Committee 2002-07.

### ***Bar Admissions***

#### State Courts

District of Columbia, 1975; New York, 1983; Maryland, 1991.

#### Federal Courts

U.S. Supreme Court, U.S. Courts of Appeals for the Second, Fourth, Fifth, Ninth, Tenth, Eleventh and District of Columbia Circuits, and U.S. District Courts for the District of Maryland and the District of Columbia.

### ***Education***

The American University, Washington College of Law, Washington, DC, J.D., *summa cum laude*, 1975.

Ohio Wesleyan University, Delaware, OH, B.A., Politics and Government, 1972.

### ***Place of Birth***

Los Alamos, New Mexico, USA.

### ***Community Service***

#### **Helping Up Mission**

Mentor, sponsor, and pro bono legal counselor and advocate for residents of the Spiritual Recovery Program for homeless addicts at the Helping Up Mission, which has been coming to the aid of Baltimore's poor and homeless since 1885.

### ***Legal Employment***

Womble Carlyle Sandridge & Rice, LLP, Partner, Baltimore, MD and Washington, DC, 2007 to date.

Miles & Stockbridge, P.C., Partner, 1990-2007; Chair, Litigation Department, Baltimore, MD, 2000-2007.

Debevoise & Plimpton, Partner and Associate, Washington, DC, 1982-1990.

U.S. Securities and Exchange Commission, Assistant General Counsel, Special Counsel and Staff Attorney, Washington, DC, 1976-1982

International Institute for Environment and Development, Washington, DC and London, England, Associate, 1974-1976.

### ***Recent Publications***

Emerging Litigation Affecting U.S. Business: DRI's 2011 Corporate Counsel Roundtable, DRI, *In-House Defense Quarterly*, Winter 2011.

"DRI Driving Diversity in Law Firms: A Tale of Two DRI Firms," DRI, *In-House Defense Quarterly*, Winter 2011.

Foreign Corporate Practices Act: Aggressive Use of New Enforcement Tools," IN-HOUSE DEFENSE QUARTERLY Winter 2011.

"Early Strategies in Consumer Class Actions in the Face of "Reliance/Inquiry/Causation" Lite," *For the Defense*, December 2010.

Current Legal Issues in Transfusion Medicine, in *Rossi's Principles of Transfusion Medicine*, 4<sup>th</sup> ed., 2008 (co-author).

DRI Climate Change Litigation Task Force to Focus DRI Resources on Evolving Issue, DRI, *For the Defense*, December 2008.

Decisions Interpreting Rule 2-231 of the Maryland Rules of Civil Procedure, in ABA Section of Litigation, *Survey of State Class Action Law*, 2006, 2007 & 2008 editions.

Don't Let the Sleeping Dog Lie: Addressing Mold in Real Estate Transactions, *Real Estate Finance Journal*, May 2002.

Taking the "Toxin" Out of The Toxic Mold Health Scare, *Mealey's Mold Litigation Report*, March 2002.

Lawyers, Guns and Money: We've Got You Covered, DRI, *For the Defense*, September 2000.

Preemptive Motions to Dismiss: Upfront Challenges to Mold Class Actions, DRI, *For the Defense*, August 2001.

### ***Recent Presentations***

Where Will the Buck Stop? Insights into Government Decision-Making In Greenhouse Gas Litigation and Regulations, *DRI Toxic Tort and Environmental Law Seminar*, February 2011.

Emerging Litigation Affecting U.S. Business, *DRI Corporate Counsel Roundtable*, January 2011.

DRI Driving Diversity in Law Firms: A Tale of Two DRI Firms, *DRI Corporate Counsel Roundtable*, January 2011.

Foreign Corporate Practices Act: Aggressive Use of New Enforcement Tools, *DRI Corporate Counsel Roundtable*, January 2011.

What's New and What's Hot: State Consumer Fraud Class Actions & Climate Change Nuisance Actions, *DRI Product Liability Conference*, Mass Torts & Class Actions SLG, April 2010.

DRI Webcasts for Climate Change Task Force focusing on nuisance tort and other climate change related litigation (November 2009), EPA regulatory initiatives and legislative progress (June 2009), Obama Administration's Climate Change Policy (December 2008.;

Moderator: Panel on the Intersection of Law and Science, *DRI Annual Meeting*, Washington, DC, October 2007.

Debunking the Mold Health Scare, *DRI Toxic Tort and Environmental Law Seminar*, Miami, FL, March 2002.

Expert Admissibility: The Latest Developments in the Battle of the Experts, *Mealey's National Mold Conference*, Phoenix, AZ, February 2002.

Preventing Mold Claims, *National Multi Housing Council Annual Meeting*, Naples, FL, January 2002.