

Product Liability Claims

Capsticks have expertise in product liability claims, whether that is in the healthcare arena or more broadly.

HEALTHCARE

Product Liability Claims are a key component in the Healthcare setting, whether through defective equipment or consumables forming a part of the claim, or through allegations that implants and prosthetics have not been used according to manufacturer instructions.

Capsticks has experience in dealing with these claims in the context of group litigation, or as standalone claims. We have longstanding experience in the healthcare sector for a wide ranges of clients including independent hospitals, individual surgeons, manufacturers and their insurers.

Our team has been involved in claims arising out of:

- PIP breast implant litigation, acting for a number of private surgeons
- Metal-on-metal hip prosthesis litigation, acting for a number of private surgeons
- Vaginal mesh claims, acting for private hospitals
- Colorectal mesh claims, acting for private hospitals and medical defence organisations
- IV Amoxicillin causing extravasation injuries in children, acting for
- Bottle cap safety for liquid paracetamol.

NON-HEALTHCARE

Our team has experience in dealing with criminal and civil litigation in relation to a variety of product claims, ranging from claims involving HSE prosecutions, inquests/regulatory proceedings to multi-jurisdictional issues. We have advised public bodies and private companies and assisted in risk and crisis management scenarios.

We have been involved in cases arising out of:

- Industrial disease claims including exposure to chemicals and advising in relation to "forever chemicals"
- Claims involving medical devices, emerging technologies and software
- Claims involving consumer products including cosmetics and food
- Claims involving the use of e-scooters and automated vehicles

HOW CAPSTICKS CAN HELP

We can:

- Review policy coverage issues and provide detailed policy coverage advice around whether product liability cover applies.
- Undertake the necessary investigations including instructing independent experts where required
- Act in a group litigation
- Offer advice and assistance to your insureds on risk management/ brand reputation, for example, assist with re-wording of consent to treatment forms to minimise the risk of future claims, or their impact and retention of documentation given
- Advise on contract relationships and indemnity

Essentially, we are able to manage any complaints or claims from their early stages through all steps in the litigation process and offer advice on wider issues to reduce the risk of future claims being made against insureds.

TAILORED TO MEET YOUR NEEDS

We have a specialist team who are able to help meet your specific needs. This means that, whilst we have a wide range of experience, you will always know those lawyers assisting on any particular matter.

CONTACT



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