

## Silica

FormanWatkins is proud to be a part of the history of silica litigation. From the filing of the very first case involving silica, we have led the defense of silica litigation for the last two decades. We know silica litigation like the back of our hand, and proudly stand tall as a leader in representing the entire spectrum of defendants in silica litigation around the country. This includes sellers of sand, sandblasting equipment, respiratory protection devices, and air compressors. We have had the honor of serving as national counsel for several silica defendants.

FormanWatkins' crowning achievement arose out of the phantom silica epidemic involving lawsuits by 20,000 plaintiffs in Mississippi and the surrounding states in the early 2000s. Representing more than 30 defendants, we spearheaded the creation of the federal silica MDL and the exposure of the fraudulent nature of these claims, as memorialized in the historic opinion by the Honorable Janis Jack in *In re Silica Prods. Liab. Lit.*, 398 F. Supp. 3d 563 (S.D. Tex. 2005). Judge Jack's opinion resulted in the dismissal of tens of thousands of silica lawsuits. The silica victory was extended to the asbestos litigation, where more than 100,000 cases were dismissed in the MDL alone. We recognized the opportunity to extend to the asbestos litigation.

In 2010, the U.S. Chamber of Commerce awarded FormanWatkins the Institute for Legal Reform's Award for Outstanding Organization for its effort in the silica MDL, the Firm's successful prosecution of a settlement fraud action in a federal court against asbestos plaintiffs' attorneys William Guy and Thomas Brock (*Illinois Central Railroad v. Willie Harried, Warren Turner, Jr., William S. Guy, and Thomas Brock*). This litigation was widely reported in the national media, including *The New York Times*, *Fortune Magazine*, NPR, *The Wall Street Journal*, the *National Law Journal*, *Corporate Counsel*, and *Reader's Digest*.

In recent years, FormanWatkins has successfully defended and tried silica lawsuits in several states. We have also had many appellate successes, including *Williams v. Clark Sand Co., Inc.*, 2015 WL 5730705 (Miss. Oct. 1, 2015); *Robinson v. Mine Safety Appliances Company*, 795 F.3d 879 (8<sup>th</sup> Cir. 2015); *Empire Abrasive Equip. Corp. v. Morgan*, 87 So. 3d 455 (Miss. 2012); *Clark Sand Co., Inc. v. Kelly*, 60 So. 3d 149 (Miss. 2011); and *Kinsey v. Pangborn Corp.*, 78 So. 3d 301 (Miss. 2011).