



extinguishing threats one case at a time

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MSK partner Seth Pierce successfully resolved a long-standing product liability class action involving solar panels. Seth defended Burlingame Industries, Inc., one of the nation's largest roofing supply companies in the protracted case – a particularly daunting task given the multiple bankruptcies (including a rare involuntary petition in China) filed by the manufacturers of the product.

The plaintiffs alleged that the solar panels were dangerously defective – pointing to multiple fires and heat related claims, as well as a Consumer Product Safety Commission safety notice regarding the product. The plaintiffs further alleged that the panels were not only dangerous, but deficient – generating far less energy than had been represented at the time of sale.

Seth was lead negotiator for all the defendants, and ultimately hammered out a deal that the supervising Court described as wonderful, and a testament to counsels' effort – particularly given all of the liquidations. The settlement, largely funded by insurance with only a small contribution from Burlingame, provided for a complete replacement of the solar panels (including associated labor costs).

The class settlement was approved in November 2015 and is in the process of being implemented. The case was recently highlighted in the *Daily Journal*.

Media contact:

Doug Gold, Chief Marketing Officer

310.312.3712

attorneys

Seth E. Pierce

practice areas

class action defense
litigation