

Wiley Rein Secures Major Victory for Wireless Carriers and Equipment Manufacturers in Cases Alleging Cell Phone Emissions Cause Injury

August 27, 2007

Washington, DC - A team of Wiley Rein communications attorneys led by Andrew G. McBride and Joshua S. Turner recently secured a major victory in a set of consolidated cases involving allegations of injury caused by radiofrequency emissions from wireless devices and systems. In *Murray v. Motorola*, the Superior Court of the District of Columbia dismissed a number of tort claims brought by several plaintiffs against many key players in the wireless industry, including claims for fraud and misrepresentation, strict liability, negligence and failure to warn.

In its ruling, the court explained that such claims are preempted under the doctrines of express preemption, conflict preemption and field preemption, stating that, "this Court concludes that the Motion to Dismiss has merit and that all of the Complaints must be dismissed with prejudice. There is only one reason for the dismissal, i.e., that the claims are preempted as a matter of law. This is not a close question. Having found that multiple alternative preemption doctrines are controlling, this Court has no discretion to allow the claims to proceed any further."

This victory is an important one not only because of the breadth of the Court's ruling on preemption, but also because there are numerous similar cases presently winding through the state and federal court systems. Wiley Rein served as lead counsel for a group of wireless carriers and manufacturers in the cases, including Verizon Wireless and Nokia.

Related Professionals

Joshua S. Turner
Partner
202.719.4807
jturner@wiley.law

Practice Areas

Class Actions and Complex Multi-Jurisdiction Litigation
Enforcement of Arbitration Clauses
Federal Preemption
First Amendment/Commercial Speech
Judicial Review of Agency Action
Rights-of-Way Litigation and Counseling
Telecom, Media & Technology
TMT Appellate
Tower Siting and Wireless Facilities Access
Wireless