



# Katten

Katten Muchin Rosenman LLP

## FOOD OUTBREAK AND PRODUCT RECALL

### Our Clients

Katten's Food Outbreak and Product Recall attorneys provide time-sensitive and practical counsel to manufacturers, processors, suppliers, retailers, restaurants, hospitality and service providers, and other companies who might be impacted by food-borne outbreaks, product recalls, government investigations and product liability litigation.

### Our Services

As food and other related industries face increased regulation, government investigations and criminal prosecutions, we counsel clients through proactive steps to help mitigate risks, increase quality standards, and make internal and external policies, procedures, and processes more effective. We also work to prepare our clients for recalls and to take steps to protect their officers, directors and employees from civil and criminal exposure.

Our attorneys take a scalable and hands-on approach to limit exposure and solve our clients' legal, product and market challenges. We work with clients to identify and proactively address the types of issues often subject to regulatory or law enforcement scrutiny. Augmented by one of the leading food and drug boutique law firms based in Washington, DC, the Katten teams works seamlessly with well-known food safety and processing consultants, epidemiologists, and crisis communications professionals. If a food-borne outbreak occurs, our team can field inquiries and requests for information from the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC), respond to subpoenas, evaluate litigation exposure, and formulate

the right media and crisis communications strategy. Our alliances offer robust and comprehensive rapid response services to companies facing significant food outbreaks and recalls.

We recognize the unique challenges and increased risk for criminal proceedings presented by food outbreaks and product recalls. Our onsite rapid response team, which includes experienced litigators and white collar attorneys, can be on the ground at relevant facilities in hours rather than days to help companies respond quickly and efficiently to potential and active incidents, non-routine inspections, the execution of search warrants, grand jury subpoenas and regulatory agency information requests. Once onsite, we:

- coordinate incident response;
- protect privilege;
- advise on issues related to and interacts with regulators and investigators;
- conduct independent reviews, protects officers and directors from criminal exposure, evaluates litigation risks; and
- help protect market reputation and brand integrity.

Government investigators often are quickly on the scene gathering documents, interviewing employees and taking samples so rapid response from the legal team is key. Notably, our deep bench of former government investigators and prosecutors are part of this team to help protect against what increasingly are potential criminal proceedings.

## Our Team

Katten's nationwide team of attorneys includes more than 15 former Assistant US Attorneys and US Department of Justice officials who have deep experience:

- litigating substantial food outbreaks and other consumer class actions;
- defending and settling hundreds of individual food outbreak and product liability cases;
- protecting officers and directors from criminal investigations;
- responding to government and grand jury subpoenas;
- negotiating non-prosecution agreements;
- defending shareholder derivative actions; and
- working extensively with government investigators and regulators.

Our product liability and class action litigators regularly try "bet the company" cases to verdict and appear in federal and state court trials across the nation. We have experience going up against the biggest names in the plaintiff bar, including some of the major plaintiff lawyers focusing solely on food-borne outbreak cases and class actions. Katten attorneys are also adept at handling alternative dispute resolution processes to help avoid active and long-term litigation.

When needed, we are able to call upon the support of a leading FDA boutique law firm in Washington, DC and an integrated team of scientific, food safety, and processing consultants and epidemiologists.

With proactive steps to put effective policies and procedures in place, onsite support in the event of an incident, and the ability to aggressively defend follow-on litigation, the Katten team covers the litany of issues facing food and related-industry clients.