

Bartlit Beck Wins Hearing Loss Suit For Federal Signal

June 2010

Phil Beck, Sean Gallagher, Brian Swanson, Matt Brewer and Libby Thompson obtained a complete defense verdict on the claims of nine Philadelphia firefighters who claimed to have suffered hearing loss because of exposure to Federal Signal sirens.

The trial is the latest in a series of cases involving claims of firefighter hearing loss that Bartlit Beck has defended, dating to the successful defense of Federal Signal against the claims of 27 Chicago firefighters that were tried to a defense verdict in Cook County in April 2008.

Phil Beck served as lead trial counsel, conducting the direct examination of Federal Signal's design experts and opening and closing statements to the jury. Sean Gallagher cross-examined plaintiffs general and specific causation experts, and also put on the direct testimony of Federal Signal's causation experts. Brian Swanson and Matt Brewer cross-examined several of the firefighter plaintiffs.

The firefighter plaintiffs in the Philadelphia case claimed that Federal Signal was negligent in the design of its siren and that the sirens were defective for producing the loud noise needed to obtain right of way for emergency vehicles. The plaintiffs withdrew the expert witness they intended to call on the standard of care for siren design, rather than subjecting that expert to cross-examination by Phil Beck. Plaintiffs relied instead on the videotaped testimony of an expert that had been preserved in a prior case.

Plaintiffs dropped their negligence claim before the close of the evidence and proceeded to a verdict only on their product liability claim. The jury returned a complete defense verdict, finding in response to the first question on the verdict form that Federal Signal's sirens are not defective in their design.

Federal Signal faces a series of cases filed by other Philadelphia firefighters, which have been consolidated in the mass tort program of the Philadelphia Court of Common Pleas. Cases have been set for trial in July through November of this year. Bartlit Beck expects to return to Philadelphia to defend Federal Signal in some or all of these cases.

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