

Campbell E. Wallace

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REPRESENTATIVE CASES

Class Actions

In January 2000, a violent hailstorm struck the metropolitan New Orleans area. Mr. Wallace's client had 7,300 property damage claims with an estimated compensatory and "bad faith" exposure of several million dollars.

Class actions were filed against his client in two state courts, Orleans Parish and St. Bernard Parish. He removed the Orleans Parish class actions to federal court and obtained a partial summary judgment dismissing the class action claims. This judgment was effectively nullified when the federal court remanded the case to state court with a group of improvidently-removed class actions against other insurers.

After remand, several class actions in Orleans Parish were consolidated and class certification hearings held. In 2003, the trial court denied class certification in cases against State Farm and Allstate. Thereafter, Mr. Wallace's client again obtained partial summary judgment dismissing all class action claims against it in Orleans Parish.

The class action filed in St. Bernard Parish was revived by plaintiffs in 2005. In May 2005, he negotiated a consent judgment dismissing that class action on the grounds of lack of venue.

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In 1994, a trial court in Orleans Parish certified a class of all children under age 6 years old who lived in the Housing Authority of New Orleans ("HANO") residential developments that had lead poisoning. There were several thousand children who were potential class members. The estimated value of all claims by plaintiffs against all defendants was in excess of 1 billion dollars.

In 2003-2005, Mr. Wallace represented a management contractor for HANO who operated the housing authority in the early 1990s. The claims against the management contractor included failure to administer lead paint detection and abatement programs. Mr. Wallace successfully defended this class action against his client.

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In 2006, he defended at trial a class action by school children and residents who claimed injury from a school operated on top of a former Superfund and municipal garbage dump in New Orleans.

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In 2005-2007, Mr. Wallace acted for an oilfield company in a class action with several thousand bodily injury and property damage claims at Superfund waste sites in Lafayette, Louisiana.

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The New Orleans Aviation Board and City of New Orleans were sued by over 10,000 individual property owners living adjacent to the New Orleans International Airport. The property owners alleged that noise from jet over-flights depreciated the value of their homes, allegedly resulting in over \$110 million in damages. The suits were settled by use of an innovative class action for settlement purposes whereby the individual cases were transformed into a special class action and dismissed after the New Orleans Aviation Board agreed to participate in a federal program to buy out the property owners using federal funds, with less than \$500,000 paid in settlement by Mr. Wallace's clients.

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In 2009, Mr. Wallace litigated the rights of opt-out claimants that received inadequate notice of federal health care class actions in Miami and whether the federal class action settlements barred state court suits on different causes of action that expressly disavowed the claims settled in the federal class action.

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REPRESENTATIVE CASES

Complex Litigation

In 1988, Stanley Palowsky brought a lender liability suit against a bank, the predecessor to Bank One, in Monroe, Louisiana, and its CGL insurer. This case was tried in 1992 and Palowsky was awarded over \$12 million. On appeal, the award was reversed.

In 1997, Palowsky filed a litigation abuse suit against Bank One and Mr. Wallace's client. Prior to trial in 2002, Mr. Wallace obtained the dismissal of all claims against his client on the grounds of time-bar. The case proceeded to trial against Bank One and a jury awarded Palowsky \$44 million.

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In 2001, plaintiff, a 14 year old boy, received an electric shock when a pool skimmer he was holding contacted a 12,000 volt uninsulated, low-hanging electric wire owned by a local utility. The boy sustained severe burns, was hospitalized in a burn unit for three months, and lost his arm in the accident.

A few months before trial in this case, a New Orleans jury awarded a \$55 million verdict for the traumatic loss of an arm by an 8 year old girl.

The client had alleged contractual liability to the local utility that supposedly failed to discover and correct the low-hanging wire. After a three day mediation, Mr. Wallace's client settled with plaintiff and the utility company on very favorable terms.

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Plaintiff, Sonya Williamson, was a guest at a Best Western motel in Alexandria, Louisiana, where she allegedly received an electric shock injury that she claimed caused her permanent brain injury. Investigation revealed plaintiff had two prior "permanent brain injury" claims and that she and her family had over 40 prior personal injury claims. Mr. Wallace's client and other defendants pled fraud.

After a 3 ½ month trial, the jury zeroed plaintiffs upon proof of fraud by Mr. Wallace's client and co-defendants. The verdict was upheld on appeal.

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In 2007-08, several doctor-investors were allegedly defrauded of \$10 million in their investment in a specialty hospital in New Orleans. This situation spawned complex securities and related litigation that was prosecuted by Mr. Wallace to a successful conclusion.

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In 2008-2009, Mr. Wallace defended an international construction company who was alleged to have caused over \$100 million of losses in a refinery explosion near New Orleans. After obtaining summary judgment dismissing all claims against his client based on contract defenses, the case was resolved on appeal.

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REPRESENTATIVE CASES

General Casualty, Products Liability & Toxic Tort

Over the last 10 years, Mr. Wallace has represented major interstate trucking carriers in wrongful death, traumatic amputation, burn and soft-tissue claims against his clients. Mr. Wallace's trucking clients call upon him to investigate crash scenes 24 hours a day/7 days a week, as well as traditional defense of trucking litigation.

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For several years, Mr. Wallace has represented Fortune 500 manufacturers of household appliances in fires allegedly caused by defective appliances and components of the appliances. His practice has also included industrial fires supposedly caused by faulty compressors.

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He also has represented manufacturers in diverse product liability claims, including defense of alleged defective (a) industrial controls; (b) infested food products; (c) defective toothpaste; (d) a defective metal saw; (e) defective peanut shuckers; and (f) clothing alarm tags.

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Mr. Wallace has defended hundreds of lawsuits against manufacturers of products and former employers of workers suing his clients for asbestos, cancer and mesothelioma. In this litigation, he has successfully obtained summary judgment dismissals of claims against his clients based on legal defenses involving successor liability.

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A pipeline inspection company allegedly irradiated an offshore worker who was quartered on a pipe laying barge below an X-ray machine used to inspect welds on offshore pipelines. The case settled for a contribution of less than \$2,000 from Mr. Wallace's client prior to the trial against another defendant in which the judge awarded \$4 million in compensatory and \$3 million in punitive damages to the plaintiff who contracted leukemia as result of the X-ray activities.

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Mr. Wallace's client issued a \$50,000 auto liability policy to the insured. Plaintiff had an auto accident and back surgery. He sued the insured and brought a direct action against the insurer for the \$50,000 policy limits.

The trial court rendered a judgment for over \$1,000,000 in the direct action. This was affirmed by the intermediate trial court.

Mr. Wallace was retained as appellate counsel. The Louisiana Supreme Court granted writs and reversed the lower courts, reducing the judgment against the insurer to his client's policy limits.

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General Casualty, Products Liability & Toxic Tort

Mr. Wallace successfully defended a manufacturer of marine hydraulic oil against a \$15 million claim for improper design of fluids used in two large ocean-going vessels which were rendered inoperable by problems involving each vessel's hydraulic system.

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Mr. Wallace tried a \$6 million claim for defective design of an oil rig that collapsed while jacked up, killing two workers and rendering the rig a total loss.

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A farmer was decapitated by an irrigation machine our client manufactured and Mr. Wallace successfully defended the manufacturer in litigation in rural Louisiana.

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A worker at a golf course claimed his Parkinson's Disease was caused by exposure to chemicals our client manufactured. After removal from state court, plaintiff had to dismiss claim when she could not obtain an expert opinion to satisfy a threshold *Lone Pine* order negotiated by defense counsel.

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Mr. Wallace obtained a defense verdict in a toxic tort case in state court in Orleans Parish in which our client, a paint contractor, allegedly exposed a woman to "Kilz" paint product that caused her to be disabled from returning to work for eight years.

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REPRESENTATIVE CASES

Insurance Coverage

For over twenty years, Mr. Wallace has rendered coverage opinions and litigated coverage disputes.

Major coverage litigation he has handled includes:

- First-party Hurricane Katrina damage suits involving losses in excess of \$40 Million for a New Orleans-based international corporation, multi-million dollar claims by restaurant chain franchisees of a Fortune 500 company, a \$7 Million constructive total loss of a major national hotel in New Orleans, as well as losses by health care professionals, car dealers, warehouseman, restaurants and homeowners.
 - Suit by the owner of one of the largest petroleum refineries in the U.S. seeking recovery of the clean-up costs for environmental liabilities arising from 60 years of operation of the plant.
 - Bad-faith class action and individual bad-faith suits arising out of massive hail storms in New Orleans that destroyed thousands of roofs.
 - Litigation of health care insurance claims seeking market reimbursement rates for out-of-network providers.
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Maritime

Defense verdict in a Section 905(b) negligence claim by a longshoreman who fell on-board an unlit barge at night.

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Resolution of a Jones Act suit by a man castrated by a broken tow hawser furnished by his client whereby his client paid 20% of the settlement.

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Defense judgment for underwriters in a 905(b) claim by an LHWCA worker who fell 25 feet from a dock onto a client's barge while trying to board the vessel.

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Successful defense of a client and prosecution of his indemnity and contribution claims against the manufacturer of a generator that leaked and caused the death of three of his friends by carbon monoxide poisoning aboard our client's yacht.

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Trial of a \$2.9 million indemnity action by underwriters for an anchor handling vessel against a negligent survey company for misplacement of anchors on an offshore pipeline.