

REPRESENTATIVE CASES

Class Actions

A violent hailstorm struck the metropolitan New Orleans area. Mr. Wallace's client had 7,300 property damage claims with a 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 were consolidated and class certification hearings held. The Court denied class certification.

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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.

After class certification, Mr. Wallace's client, a management contractor for HANO, was sued. The claims against the management contractor included failure to administer lead paint detection and abatement programs. These claims were settled in a class-wide settlement to eliminate the client's alleged excess exposure.

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Mr. Wallace defended a class action trial 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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Mr. Wallace represented an oilfield company in a class action with several thousand bodily injury and property damage claims arising from operation of Superfund waste sites near 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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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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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 2007-2008, 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 to a successful conclusion by Mr. Wallace.

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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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In 2010-2012, a wholesale tire distributor claimed 10,000 tires were stolen from its warehouse and were undetected by the alarm monitoring company. Mr. Wallace successfully represented the alarm monitoring company in this multi-million dollar case.

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In 2011-2012, Mr. Wallace represented a D&O insurer in bad faith claims arising from a R.I.C.O. suit against its insured for several million dollars in losses claimed by plaintiffs.

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In 2011-2013, Mr. Wallace has represented a defendant that has been sued for alleged asbestos injury and death cases by over 250 workers in multi-district litigation pending in some 10 venues in state courts in Louisiana.

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Products Liability, Toxic Tort, Construction Defect & Trucking

Over the last 15 years, Mr. Wallace has defended 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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Over his career, Mr. Wallace has represented owners, contractors and insurers in major construction defect litigation, including claims for defective roofs on the concourse of the New Orleans airport, defective construction of high-rise housing complexes, and matters involving defective construction of office buildings in New Orleans.

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For several years, Mr. Wallace has defended 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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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 voluntarily dismiss his suit when he 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 his 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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Mr. Wallace successfully represented the developers of a condominium complex in which a plaintiff dove into a rooftop pool and was rendered a paraplegic.

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In a trucking case, Mr. Wallace obtained a summary judgment dismissing plaintiff's claims on the grounds plaintiff failed to prove his back injury was an aggravation of an old injury or a new back injury.

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Mr. Wallace represented a trucking company whose driver rear-ended a slow-moving garbage truck on the interstate, and was able to obtain a substantial concession of employer fault from the owner of the garbage truck who had failed to repair the speed control on the truck that could not travel in excess of the minimum safe speed on the interstate.

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Plaintiffs, the owner of a high-rise building, claimed almost \$6 million in water damage due to a sprinkler activation. Mr. Wallace represented an alleged manufacturer and operator of a remote fire monitoring system for the plaintiffs' building that plaintiffs claim should have detected the sprinkler activation. He brought a motion for partial summary judgment on a legal defense and obtained a pre-trial dismissal of 80% of the value of plaintiffs' claims.

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A plaintiff apparently "faked" a trucking accident with one of the Firm's clients. Investigation revealed over 50 prior claims by plaintiff.

Mr. Wallace was successful in a motion for summary judgment dismissing, with prejudice, the claims by plaintiff on the grounds of litigation fraud.

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An owner-operator was injured by a trainee-driver's negligence in an accident in Louisiana. The Court enforced the forum selection clause in the owner-operator agreement, ordering the plaintiff to pursue his case in Arizona.

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 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, warehouse owners, restaurants and homeowners.
- Suit by a major oil company (and operator of one of the largest petroleum refineries in the U.S.) seeking recovery of its clean-up costs for environmental liabilities arising from 60 years of operation of the refinery.
- 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.
- Prosecution of declaratory judgment actions in Mississippi and Louisiana.

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Commercial Litigation

- Prosecution of a trademark infringement case in behalf of an international motel chain against a local motel owner.
- Defense of an energy company in a suit to enforce a purchase agreement for a multi-million dollar tract of land.
- Litigation between heirs and the estate of a deceased sibling over multi-million dollar under-valuation of assets by the heirs in a transaction with the estate.
- Mr. Wallace secured a summary judgment dismissal for a subcontractor in a \$50 million claim for water intrusion and mold damage in four college dormitories.
- Innovative attachment and seizure of funds deposited by adverse parties in the registry of the court to be used as security for Mr. Wallace's client in a related arbitration matter.

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Maritime

Defense verdict in a Section 905(b) negligence claim by a longshoreman who fell onboard 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.

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Defense of pipeline owners for alleged vessel strikings in coastal areas of Louisiana.