HUSCH BLACKWELL

Joseph C. Orlet

OF COUNSEL

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OVERVIEW

Joe brings broad experience to his role as lead trial counsel in toxic tort, product liability, mass tort and class action cases for Fortune 100 companies in some of America's toughest legal venues.

In the toxic tort and mass tort litigation arena, Joe has served as national coordinating counsel and as lead trial counsel for multiple-defendant joint defense groups. His large number of clients include companies in the following industries:

- Chemical
- Oil and gas
- Biotech
- Industrial
- Agricultural
- Pharmaceutical
- Commercial
- Consumer products

According the The Legal 500, Husch Blackwell "has a strong reputation for representing clients in the defense of a range of toxic tort matters, and has gained plaudits for its effective use of legal technology to streamline often resource intensive matters... Joseph Orlet is a stalwart of the

Industries

Manufacturing
Technology

Services

Asbestos Litigation
Class Action Defense
Intellectual Property
Litigation & Alternative Dispute Resolution
PFAS
Product Liability
Product Safety
Toxic Tort

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practice; based out of the firm's St Louis office, he is a popular choice among clients for toxic tort and product liability matters."

For more than three decades, Joe has served as lead trial lawyer for the global manufacturer Emerson in class action, mass tort claims and product liability cases. Commercial litigation is another area of focus. Joe has secured five seven-figure verdicts in jury trials on behalf of corporate clients.

When facing a serious lawsuit in a difficult jurisdiction, clients appreciate that Joe is a formidable litigator who stands firm while striving to secure the best outcomes for clients.

Featured Experience

Jury Finds for Ag Manufacturer in Patent Infringement Case

Joe acted as lead trial lawyer representing an agricultural products manufacturer in a patent infringement lawsuit in the U.S. District Court, Northern District of Mississippi. The jury found that the defendants' infringement was willful and rendered a verdict that resulted in a judgment for the client of more than $15 million.

Experience

TOXIC TORT

- Tried toxic tort case in southern Illinois in which plaintiff claimed that chemical exposure caused her to suffer injury to virtually every organ system in her body and increased her risk of developing cancer. After being asked to award minimum $5 million for lost wages, medical bills and future medical monitoring, the jury instead returned defense verdict.

CLASS ACTION/MASS TORT

- Obtained dismissal of class action that sought damages for residents of Illinois town for personal injuries, property damage and medical monitoring allegedly resulting from groundwater contamination and air emissions from closed refinery.
- Obtained summary judgment in lawsuit brought by residents of Minnesota town who claimed personal injuries and property-value diminution from exposures through groundwater contamination and air emissions from former wood-treatment plant.

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Experience

- Acted as lead trial counsel in multiple-plaintiff chemical emission case in southern Illinois and obtained a favorable jury verdict, which resulted in awards of no damages for most plaintiffs and fraction of the damages sought for few plaintiffs who recovered.

BIOTECH

- Acted as lead trial counsel in a patent infringement lawsuit in U.S. District Court, Eastern District of Missouri, in which jury award resulted in judgment of $2.9 million and finding of willful infringement.

COMMERCIAL LITIGATION

- Acted as lead trial counsel in breach of contract action and obtained jury award of $3 million.

PRODUCT LIABILITY

- Tried case involving fatal accident captured on surveillance video that was shown to jury by plaintiff's counsel throughout two-week trial that resulted in defense verdict and was named Top 10 defense win in the *Missouri Lawyers Weekly* annual survey.
- Represented manufacturer of industrial refrigeration compressor which exploded at food processing facility. Took over the Ohio state court case during expert discovery. After disclosing new metallurgical and refrigeration system experts, deposing plaintiffs' experts and defending new defense experts' depositions, our client won summary judgment on all counts.

REPRESENTATIVE CASES - MANUFACTURING

- *W. Silver Recycling v. Nidec Motor Corp.*, 2022 WL 1421534 (E.D. Mo. 2022) (manufacturer's decision to terminate processor's services did not constitute breach of covenant of good faith and fair dealing so summary judgment is proper).
- *In Re Emerson Electric Co. Wet/Dry Vac Marketing Sale Litigation*, 2021 WL 5003102 (E.D.Mo. 2021) (opinions of damages and engineering experts did not satisfy the requirements of Rule 702 and must be excluded).

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Experience

- *Torrijos v. International Paper*, 2021 IL App (2d) 191150 (1st Dist. App.Ct. 2021) (Cook County trial court properly granted summary judgment where record demonstrates manufacturer did not direct and control plaintiff contractor's work).
- *W. Silver Recycling v. Nidec Motor Corporation,* 509 F. Supp. 1106 (E. Dist. MO 2020) (granting Rule 12(b)(6) motion to dismiss breach of contract claims where manufacturer quit using recycler when contract did not contain exclusivity provision).
- *Hale v. Emerson Electric Co.*, No. 18-1585 (8th Cir. 2019) (reversing certification of nationwide class, finding state consumer protection statute was inapplicable to claims made by out-of-state class members).
- *Affinity Mutual Insurance v. Nidec Avtron Automation Corp.*, 2018 WL 1124451 (N.D.Ind. 2018) (summary judgment appropriate where plaintiff could not establish the existance of separate contract).
- *McLelland v. Ridge Tool Company and Emerson Electric Co.*, 350 F.Supp.3d 773 (W.D. Ark. 2018) (awarding costs after prevailing on the merits).
- *McLelland v. Ridge Tool Company and Emerson Electric Co.*, 342 F.Supp.3d 851 (W.D. Ark. 2018) (granting summary judgment on plaintiff's failure to warn, manufacturing defect and design defect claims).
- *McLelland v. Ridge Tool Company and Emerson Electric Co.*, 340 F.Supp.3d 802 (W.D. Ark. 2018) (excluding plaintiff's mechanical engineering expert witness).
- *Rock Hill Mechanical Inc. v. Liebert Corp.*, 707 F. Supp. 2d 988 (E.D.Mo. 2010) (granting summary judgment to defendant manufacturer based on the terms of the product's express warranty).

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Experience

- *Bredemus v. International Paper Co.*, 2009 WL 3126451 (D.Minn. 2009) (granting summary judgment on all counts in case alleging personal injuries and property damage on behalf of 20 townspeople from pentachlorophenol and dioxin exposure at former wood treatment Superfund site).
- *Bredemus v. International Paper Co.*, 252 F.R.D. 529 (D.Minn. 2008) (denying discovery on Agent Orange in case alleging pentachlorophenol and dioxin exposure).
- *Bogner v. Airco Inc.*, 353 F. Supp. 2d 977 (C.D.Ill., 2005) (finding plaintiffs' evidence of specific intent to harm insufficient to invoke the intentional-tort exception to Illinois Occupational Disease Act and granting employer's motion for summary judgment).
- *Arnold v. Louisville Ladder Group LLC*, 2004 WL 5572033 (C.D.Ill. 2004) (denying plaintiff's motion to remand to state court).
- *Haynes v. Louisville Ladder*, 341 F. Supp. 2d 1064 (E.D.Ark. 2004) (denying plaintiff's motion to remand to state court).

REPRESENTATIVE CASES - OIL AND GAS

- *Marsh v. Exxon Mobil Corp.*, 2005 WL 2246006 (E.D.Mo. 2005) (excluding testimony of plaintiff's expert oncologist, toxicologist, and industrial hygienist and granting summary judgment in case alleging benzene exposure caused plaintiff's thrombocytopenia).
- *Fletcher v. Conoco Pipe Line Co.*, 323 F. 3d 661 (8th Cir. 2003)
- *Amoco Pipeline Co. v. Dave Kolb Grading, Inc.*, 815 F.Supp. 314 (E.D.Mo. 1993) (Pipeline owner entitled to stay third party action subject to arbitration clause).

REPRESENTATIVE CASES - AGRIBUSINESS

- *Monsanto Co. v. David*, 516 F. 3d 1009 (Fed.Cir. 2008) (utility patent claiming gene sequence for herbicide-resistant plants could be infringed by planting seeds from plants containing the patented gene sequence and upholding reasonable royalty, enhanced damages, prejudgment interest and attorney fees).

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Experience

- *Monsanto Co. v. McFarling*, 488 F. 3d 973 (Fed.Cir. 2007) (McFarling III) (finding that district court properly permitted patent holder's economist to opine on the value of a reasonable royalty for defendant's infringement and upholding jury's reasonable royalty award).
- *Monsanto Co. v. Scruggs*, 459 F. 3d 1328, 79 U.S.P.Q. 2d 1813 (Fed.Cir. 2006) (affirming district court granting summary judgment on plaintiff's patent infringement claims and rejecting defendants' patent misuse and invalidity defenses and Sherman Antitrust Act counterclaims).
- *Monsanto Co. v. David*, 448 F. Supp. 2d 1088 (E.D.Mo. 2006) (patent claiming chimeric genes is patentable subject matter and defendant infringed the patent).
- *Monsanto Co. v. Hill*, 2006 WL 4864419 (E.D.Mo. 2005)
- *Monsanto Co. v. McFarling*, 363 F. 3d 1336 (Fed.Cir. 2004) (McFarling II) (upholding district court's holding defendant liable for breach of contract and rejecting defendant's counterclaims and affirmative defenses).
- *Monsanto Co. v. Ralph*, 382 F. 3d 1374, 72 U.S.P.Q. 2d 1515 (Fed.Cir. 2004)
- *Monsanto Co. v. Scruggs*, 342 F. Supp. 2d 568 (N.D.Ms. 2004)
- *Monsanto Co. v. Scruggs*, 342 F. Supp. 2d 584 (N.D.Ms. 2004)
- *Monsanto Co. v. Scruggs*, 342 F. Supp. 2d 602 (N.D.Ms. 2004)
- *Monsanto Co. v. McFarling*, 302 F. 3d 1291 (Fed.Cir. 2002) (McFarling I)
- *Monsanto Co. v. Nelson*, 2001 WL 34079479 (E.D.Mo. 2001) (enjoining opponent from pursuing arbitration).

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Recognition

- *Benchmark Litigation,* Local Litigation Star, 2011-2026
- *The Best Lawyers in America®*
  - Mass Tort Litigation/Class Actions-Defendants, 2013-2027
  - Product Liability Litigation - Defendants, 2021-2027
- *Missouri & Kansas Super Lawyers,* Personal Injury Defense: Products, 2009-2016
- *Missouri Lawyers Media*, POWER List for Business Defense, 2022-2026
- *Missouri Lawyers Weekly*, Top 10 Defense Verdict
- Martindale-Hubbell AV Preeminent

Education

- J.D., Saint Louis University School of Law
- B.S., Southern Illinois University

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Admissions

- Missouri
- U.S. District Court, Eastern District of Arkansas
- Illinois
- U.S. District Court, Western District of Arkansas
- Iowa
- U.S. District Court, Central District of Illinois
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Southern District of Iowa
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Tennessee
- U.S. Court of Appeals, Federal Circuit

2026 Benchmark Litigation - Litigation Star

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