



Frederick J. Ufkes

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Frederick Ufkes is a trial attorney with more than 40 years of experience in complex litigation, medical devices, prescription pharmaceuticals, over-the-counter (OTC) products, environmental, toxic torts, mass torts, product liability defense, and construction litigation.

He has national and regional counsel experience in product liability and mass torts and defends companies that manufacture a broad spectrum of products, including chemicals, chemical solvents, asbestos, pharmaceuticals, medical devices, electronics, computer software and hardware, heavy machinery, construction equipment, and consumer products. Before becoming a lawyer, Fred gained real-world experience in the building industry, giving him valuable insights when representing design professionals, owners, developers, and contractors in construction-related disputes. He also defends businesses nationwide regarding other business and commercial matters, as well as employment disputes.

In addition, Fred handles a substantial number of matters involving compliance and litigation surrounding California's Proposition 65 (Safe Drinking Water and Toxic Enforcement Act). He counsels manufacturers and distributors of consumer and industrial products at the pre-marketing phase for compliance on a "go forward" basis. He also defends consumer class actions and state regulatory cases, seeking injunctive relief and civil penalties worth hundreds of millions of dollars. He litigates matters under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), Clean Air Act (CAA), and Clean Water Act (CWA) statutes for property owners, lessees, and manufacturing enterprises engaged in plastics manufacturing.

Fred joined Hinshaw in 2009. Previously, he was a partner in the Los Angeles office of another Am Law 200 firm.

Professional Affiliations

- Defense Research Institute
- Association of Southern California Defense Counsel
- Los Angeles County Bar Association, Litigation Section
- American Bar Association
 - Torts and Insurance

Practices

Consumer and Class Action
Defense
Environmental
Complex Tort & General
Casualty
Sustainability & ESG

Industries

Construction

Education

J.D., Washington University
School of Law in St. Louis,
1982

B.A., University of California at
San Diego, 1979

Admissions

California

U.S. Court of Appeals for the
Ninth Circuit

U.S. District Court for the
Central, Eastern, Northern, and
Southern Districts of California



- Natural Resources
- Energy and Environmental Law
- Los Angeles Superior Court Alternative Dispute Resolution
 - Pro Bono Mediation
 - Arbitration panels

Honors & Awards

- AV® Peer Review Rating from Martindale-Hubbell, its highest rating for ethics and legal ability
- Recognized on the Super Lawyers list by *Southern California Super Lawyers* magazine, 2010 – 2011

Representative Matters

Fred has served as the leading trial counsel or primary trial counsel for a number of Fortune 500 companies throughout California. Many of these cases were brought by plaintiffs claiming exposure to industrial solvents, degreasers, paints, adhesives, epoxies, and asbestos-related litigation.

Fred has successfully defended medical device manufacturers against claims for defective implants, artificial joints, and surgical instruments.

He has also tried cases involving a broad spectrum of consumer products, and litigated cases involving issues affecting product liability, market share liability, limitations on punitive damages, causation standards under federal and state law, and federal preemption.

A selection of Fred's representative cases includes:

- Successfully defended the world's largest surfboard blank manufacturer against alleged cancer claims by employees due to chemical exposure during manufacturing.
- One of the few trial attorneys in the country to successfully defend through trial a products liability case where the plaintiff claimed leukemia caused by benzene exposure.
- Successfully defended a medical products manufacturer against claims by 65 plaintiffs for personal injuries by arguing the company was not the alter ego or successor in interest to the actual manufacturer of the devices.
- Actively involved in the national coordination of diethylstilbestrol (DES) cases for a pharmaceutical company and for all product liability claims affecting a manufacturer of medical devices such as surgical instruments.

Fred's reported decisions include:

- *In Re Vaccine Cases*, 134 Cal.App.4th 438 (2005)
- *Rivas v. Safety-Kleen Corp.*, 98 Cal.App.4th 218 (2002)
- *Bockrath v. Aldrich Chemical Co. et al.*, 21 Cal.4th 71 (1999)

Presentations

Fred presents on topics such as complex case management strategies and litigation skills, toxic tort, and environmental matters.

Publications

Fred publishes articles in a variety of areas of law, including the federal preemption of Proposition 65 claims.



- "The Inherent Risks In Purchasing Assets of a Predecessor," *Law360*, October 24, 2013
- "Supreme Court Clarifies Role of Trial Judge in Determining Admissibility of Expert Testimony," *California Bar Journal*, January 2013
- Co-Author, "Avoiding a Quagmire: Environmental and Product Liability Issues," *The M&A Journal*, April 2007
- "*Bates v. Dow*: Are Pesticides Now Subject to Regulation under Prop. 65," *Prop. 65 Clearinghouse*, September 15, 2005
- "Message in 'Lockheed': Judges Must Control Medical Testimony," *Los Angeles Daily Journal*, February 14, 2005
- "Prop. 65 — The Pharmaceutical Industry's Bitter Pill?" *Prop 65 News*, October 2003
- "Be Wary of Prop. 65," *Nutritional Outlook*, October 2003
- "When is Compliance Necessary: Pharmaceutical Manufacturers and Prop 65," *Pharmaceutical & Medical Device Law Bulletin*, July 2003
- "Proposition 65: The New Requirements in 2002," *Toxic Chemicals Litigation Reporter*, May 2002

Community/Civic Activities

- St. Matthews Episcopal Church in Pacific Palisades, California, Lector
- University of California, San Diego Alumni Association, Board of Directors