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# Where Mass Torts Meets Bankruptcy

Presentation of ASK LLP to act as Special Mass Torts Counsel to the Official Committee of Unsecured Creditors of  
In re TPC Group Inc.

Edward Neigel

June 13, 2022

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SECTION 01.

# About Ask LLP

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# About Ask



ASK LLP is one of the few law firms in the country with both a mass torts practice and a bankruptcy practice. We have 17 attorneys located in various states across the country (New York, Minnesota, New Jersey, Florida, and Virginia).

See our practice area-specific websites at:

BANKRUPTCY:

[www.askllp.com](http://www.askllp.com)

MASS TORTS:

[www.asklawyersforjustice.com](http://www.asklawyersforjustice.com)

We are a bankruptcy powerhouse and have one of the largest practices in the country representing both individual trade creditors (we have represented clients on over 100 creditors' committees) and mass tort plaintiffs. For example, we currently represent approximately 70,000 plaintiffs in some of the nation's largest mass tort bankruptcies, including: **Purdue Pharma, The Boy Scouts of America, PG&E, and Mallinckrodt.**

We are also involved in some of the nation's largest non-bankruptcy litigations, including: **Philips CPAP, Allergan Breast Implants, Valsartan, and Paragard.** Our attorneys serve/served on leadership and as trial/bellwether counsel in Multi-District Litigations, including In re Chantix, Allergan, Viagra, Abilify, and Granuflo.

# About Ask (continued)



ASK attorneys think “outside the box” and find creative solutions for seemingly impossible situations. We know the Bankruptcy Code and how to utilize it to plaintiffs’ advantage.

For example, we represented the Ad Hoc Committee of Individual Victims in the [Purdue Pharma](#) bankruptcy, as well as 60,000 individual claimants who few wanted to represent prior to the bankruptcy, and reached a settlement for **\$700-750 million**.


We also co-formed and led the Coalition of Abused Scouts for Justice, which spoke for approximately 65,000 victims (including 10,000 of our own clients), in the [Boy Scouts](#) bankruptcy, and we recently settled for over **\$2.5 billion**.

We also write prolifically on each subject, including writing both the mass torts and bankruptcy columns for the New York Law Journal (our latest article can be found at the back of this presentation), and are regularly sought after to speak on panels regarding the intersection of mass torts and bankruptcy.

**As Special Mass  
Torts Counsel,  
ASK can  
provide the  
following value:**

## Value that ASK Can Add in this Case

- **Negotiating** with other constituencies (such as insurance companies and other plaintiffs) in language **they** understand
- **Analyzing liability considerations** for personal injury creditors, such as comparative fault, contributory negligence, damages assessment, causation, future medical, subrogation
- **Assessing personal injury defenses available**, such as statutes of limitations and repose, pre-existing conditions, and assumption of risk
- Advising on the **availability of insurance** coverage
- Assessing typical costs for pursuing personal injury claims
- Analyzing the **bankruptcy priority** of various types of claims (both personal injury and non-personal injury)
- Assisting primary committee counsel with **estimation trials and valuations** of personal injury claims
- Assessing any **property damage** claims and values
- Creating and negotiating personal injury trust **distribution protocols**
- Creating a **claims administration program** and lien resolution procedures

A faint, light blue graphic of a pair of scales of justice is centered in the background of the slide. The scales are balanced, with a circular fulcrum at the top and two pans hanging from a horizontal beam. The entire graphic is semi-transparent and serves as a subtle backdrop for the text.

**ASK LLP can add significant value and would be honored to serve as special mass torts counsel to the Official Committee of Unsecured Creditors in the TPC Group, Inc. bankruptcy case.**

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SECTION 02.

# Mass Tort Bankruptcy Experience

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# Mass Tort Bankruptcy Experience

## In re: Purdue Pharma L.P., Case No. 19-23649 (Bankr. S.D.N.Y.)



- Represent the Ad Hoc Committee of Individual Victims
- Represent over 60,000 personal injury claimants
- Negotiated a settlement of **\$700-750 million** for the personal injury claimants



# Mass Tort Bankruptcy Experience

## In re: Boy Scouts of America and Delaware BSA, LLC, Case No. 20-10343 (Bankr. D. Del.)



- Formed and co-lead the Coalition of Abused Scouts for Justice, which speaks for over 65,000 survivors of sexual abuse
- Represent approximately 10,000 survivors of sexual abuse.
- Helped negotiate a settlement of over **\$2.5 billion** for sexual abuse survivors

# Mass Tort Bankruptcy Experience

## In re: Mallinckrodt PLC, Case No. 20-12522 (Bankr. D. Del.)



- Represent the Ad Hoc Committee of Personal Injury Victims
- Represent thousands of personal injury claimants
- Negotiated a settlement of over **\$100 million** for the personal injury claimants

# Mass Tort Bankruptcy Experience

In re: PG&E Corporation and Pacific Gas and Electric Company, Case No. 19-30088  
(Bankr. N.D. Cal.)



- Represented member of official Tort Claimants' Committee
- Was part of a sub-committee that helped negotiate a settlement valued at **\$12 billion** on behalf of 80,000 wildfire victims

# Mass Tort Bankruptcy Experience

## In re: Weinstein Company Holdings LLC, Case No. 18-10601 (Bankr. D. Del.)



- Represented co-chair of the Official Committee of Unsecured Creditors
- Helped negotiate a settlement of **\$17 million** for victims of Harvey Weinstein's sexual abuse

SECTION 03.

# Non- Bankruptcy Tort Experience

# Non-Bankruptcy Mass Tort Experience

In re: Chantix (varenicline) Products Liability Litigation, Case No. 2:09-md-2039 (N.D. Ala.)

In re: Abilify Products Liability Litigation, Case No. 3:16-md-2734 (N.D. Fla.)

In re: Granuflo/NaturaLyte Dialysate Products Liability Litigation, Case No. 13-md-2428 (D. Mass.)

In re: Depuy Orthopaedics Inc. ASR Hips Implant Products Liability Litigation, Case No. 1:10-md-2197 (N.D. Ohio)

In re: Stryker Products Liability Litigation, MCL (N.J. Dist. Ct.)

In re: Viagra & Cialis Products Liability Litigation, Case No. 16-md-2691 (N.D. Cal.)

In re: Taxotere Products Liability Litigation, Case No. 16-md-2740 (E.D. La.)

In re: Fosamax Products Liability Litigation, Case No. 3:08-md-08 (D. N.J.)

In re: Allergan Biocell Textured Breast Implant Products Liability Litigation, Case No. 2:19-md-02921 (D. N.J.)

In re: Phillips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation, Case No. 2:21-mc-01230 (W.D. Penn.)

In Re: Paraquat Products Liability Litigation v. Syngenta Crop Protection, LLC, Case No. 3:21-md-03004-NJR (S.D. Ill.)



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SECTION 04.

# Attorney Bios

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# Attorney Bios | Managing Partners



**Joseph Steinfeld**

Joseph Steinfeld, ASK LLP firm owner and Managing Partner, has over 40 years of litigation experience, having argued hundreds of cases at the district and bankruptcy courts.

[CONTACT](#)



**Edward Neiger**

Edward Neiger, ASK LLP firm owner and founder, has vast bankruptcy and mass tort experience having represented creditors and committees in major bankruptcies involving personal injury, sexual abuse, and the opioid epidemic.

[CONTACT](#)



**Troy Tatting**

Head of ASK LLP's Mass Tort Department, has represented tens of thousands of personal injury victims in complex litigation, MDLs, and class actions lawsuits. He has recovered millions of dollars for his clients. Troy has served in leadership in MDLs and as trial counsel in major mass tort cases. Troy provides unique inside perspective in bankruptcy proceedings involving personal injury claimants.

[CONTACT](#)



**Joseph Casteel**

Joseph Casteel, Partner, has extensive experience as a trial attorney. He leads ASK's single-event Personal Injury practice, focusing on maximizing his client's recoveries in actions arising out of motor vehicle collisions.

[CONTACT](#)



# Attorney Bios | Partners



**Gary D. Underdahl**

Gary D. Underdahl, Partner, has been representing trustees, creditors' committees and debtors in possession in preference analysis and litigation of avoidance actions for over fifteen years.

[CONTACT](#)



**Richard J. "Jay" Reding,**

Partner, represents trustees, debtors-in-possession, and creditors in preference analysis and litigation of avoidance actions in bankruptcy, including appellate proceedings.

[CONTACT](#)



**Marianna Udem**

Marianna Udem, Partner, focuses her practice on representing chapter 11 debtors, official committees of unsecured creditors, estate fiduciaries and individual constituents in bankruptcy proceedings, related litigation and out of court restructurings.

[CONTACT](#)



**Jennifer A. Christian**

Jennifer A. Christian, Partner, focuses her practice on representing indenture trustees, secured and unsecured creditors (including trade creditors), asset purchasers, liquidating trustees, and other major constituencies in Chapter 11 and Chapter 7 bankruptcy cases and other proceedings.

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# Attorney Bios | Partners



**Kara E. Casteel**

Kara E. Casteel, Partner, represents trustees, committees, and debtors in possession in preference analysis and litigation of avoidance actions.

[CONTACT](#)



**Brigette G. McGrath,**

Brigette G. McGrath, Partner, represents estate fiduciaries and creditors in a wide array of bankruptcy litigation and insolvency matters, including prosecuting and defending avoidance actions and resolving creditors' claims in chapter 7 and chapter 11 proceedings..

[CONTACT](#)

# Attorney Bios | Associates



**Nicholas C. Brown**

Nicholas C. Brown, Partner, represents trustees and creditors in avoidance actions and other bankruptcy and insolvency matters.

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**David Stern**

David Stern, Associate, represents clients in mass tort litigation. David passionately advocates for justice for individuals who have been wronged by powerful organizations.

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**Bethany J. Rubis**

Bethany J. Rubis, Associate, represents trustees and debtors in possession in preference analysis and litigation of avoidance actions.

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**Anastasia Kazmina**

Anastasia Kazmina, Associate, represents trustees and debtors in possession in preference analysis and litigation of avoidance actions.

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# Attorney Bios | Associates



**Barb Bergen**

Barb Bergen, Associate, represents clients in mass tort actions, including pharmaceutical and sexual abuse cases. Barb has almost twenty years of legal experience as a paralegal/senior paralegal prior to joining ASK LLP as an attorney.

[CONTACT](#)



**Tessa Cuneo**

Tessa Cuneo, Associate, devotes her practice to representing individuals across the country who have been injured by defective products and medical devices, as well as survivors of sexual assault and trafficking. Tessa is a persistent advocate committed to giving a voice to those who have been wrongfully injured by another's negligence.

[CONTACT](#)



**Victoria M. Manfredonia**

Victoria M. Manfredonia, Associate, represents trustees and debtors in possession in preference analysis and litigation of avoidance actions.

[CONTACT](#)



**Edward Neiger**

**FIRM OWNER & PARTNER**

## New York Law Journal

Edward shares his expertise by authoring articles discussing both bankruptcy and mass torts.

Review Edward's most recent New York Law Journal article at <https://askllp.com/wp-content/uploads/2022/06/NYLJ4222022548365ASK.pdf>

Review Edward's other New York Law Journal articles at <https://askllp.com/new-york-law-journal/>

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