

NESS, MOTLEY, L.L.C.
Firm Overview

Ness, Motley, L.L.C. (the successor Firm to Ness, Motley, Loadholt, Richardson & Poole), was founded in 1934 and is a plaintiff's oriented law firm with over 50 attorneys and 5 offices in Barnwell and Mt. Pleasant, South Carolina; Providence, Rhode Island; Raleigh, North Carolina; and New Orleans, Louisiana. Ness, Motley has over 60 years of trial experience with litigation practice across the United States. In the past 30 years, Ness, Motley's practice has extended to Canada, Latin America and the Caribbean. Ness, Motley's emphasis traditionally has been on personal injury and products liability civil litigation. Ness, Motley gained national recognition for the first successful trials on behalf of injured persons against the asbestos industry. Led by Ron Motley and Joe Rice, the firm continues to serve as national asbestos counsel with a network of associated local counsel throughout the United States. Ron Motley's investigation of the conduct of the asbestos industry uncovered a broad-ranging industry conspiracy to mislead both the public and the government about the hazards of asbestos. Following asbestos, Ness, Motley's practice grew to include Dalkon Shield, breast and other medical implants, defective medical devices, and other mass and complex tort litigation, including tobacco.

In the 1990's, Ness, Motley was selected by 26 States Attorney Generals to represent their States against the tobacco industry in civil actions to recover the medical costs caused by cigarette smoking. Using novel legal and equitable theories, Ness, Motley spearheaded the attorney general tobacco litigation, resulting in a record settlement with the tobacco industry. Limitations on cigarette advertising that attracted children was an important result of this settlement. The Campaign for Tobacco-Free Kids recognized Ness, Motley's pioneering efforts when it awarded a Champion Award in 1999 to senior partner, Ron Motley, stating that "no single lawyer played a more influential role in transforming the state lawsuits into the most formidable litigation threat the tobacco industry ever faced." In addition, in December 1998, senior partners Ron Motley and Joe Rice received the National Association of Attorneys General President's (NAAG) Award for Exceptional Service to the nation and its children. The billion dollar tobacco settlement is the largest financial resolution of civil litigation in the history of U.S. jurisprudence, it only came about, however, because of the exhaustive discovery undertaken in pre-trial practice that resulted in highly incriminating evidence and testimony against the tobacco industry and their agents.

Ness, Motley also represents parties in complex litigation involving civil racketeering (RICO), insurance fraud, tire and vehicle defects, defective drugs and products, class actions, toxic torts, workplace exposures, nursing home negligence, medical malpractice, premises liability, lead paint and pigment, bankruptcy, and most recently, representation related to the events of September 11, 2001. Ness, Motley's team of trial lawyers have been actively involved in multi district (MDL) litigation in a wide variety of cases. Ness, Motley represents children injured by lead poisoning in litigation against landlords and property owners, along with owners of battery plants and lead smelters that use lead in their processing. Ness, Motley also represents the State of Rhode Island, the City and County of San Francisco, and 24 New Jersey counties in their action against the lead pigment industry to abate lead paint hazards and to recoup the costs of lead abatement.

Ness, Motley has experience in the investigation, discovery, motions and pretrial practice, research, trial, negotiation, settlement and any appeals arising from virtually any type of specialized tort, personal injury, or other complex civil litigation. Ness, Motley's attorneys routinely litigate complex cases involving multiple parties in state and federal jurisdictions throughout the United States, either as sole counsel for the plaintiffs or in association with local counsel and other firms. Ness, Motley lawyers have distinguished themselves in the use of alternative dispute resolution, such as negotiation and arbitration, in some cases making it possible to avoid protracted litigation. Ness, Motley employs state-of-the-art technology by using video conferencing, direct access to the Internet for all attorneys and support staff, and a computer-based document management system which enables the firm to process, search and access a database of thousands of medical articles, liability documents, government and expert reports, pleadings, and all other information utilized in litigation proceedings.

NESS, MOTLEY LAWYERS

Currently working on the 9/11 project

RONALD L. MOTLEY, born Charleston, South Carolina, admitted to bar, 1971, South Carolina; Fourth Circuit Court of Appeals, 1976; Fifth Circuit Court of Appeals, 1978; Eleventh Circuit Court of Appeals, 1982; United States Supreme Court, 1986. Education: University of South Carolina (B.A., 1966; J.D., 1971). Fellow, International Academy of Trial Lawyers; Member: Inner Circle of Advocates, Society of Wig & Robe, South Carolina Law Review, 1970-1971. Law clerk to U.S. District Judge Sol Blatt, Jr. 1971-1973. Recipient: Association of Trial Lawyers; Harry Philo Trial Lawyer of the Year Award (1998); 1999 National Association of Attorney General, Presidents Award for Exceptional Service to our Nation and It's Children; 1999 Honoree of the CAMPAIGN FOR TOBACCO-FREE KIDS for the leadership in pursuit of the tobacco industry to protect the public health and reduce the death toll from tobacco. Author: Note, 23 South Carolina Law Review 400, 1971; "Filing Overlooked Claims for Occupational Diseases," TRIAL Magazine, February, 1977; "The 'Causal Relation' Discovery Rule: The Evolution of a Just Balancing of Policy Goals," Vol. 1, No.4, Journal of Products Liability, 1977; "Cancer and Personal Injury Litigation," TRIAL Magazine, March, 1971; "The Lid Comes Off," Vol. 16, No. 4, TRIAL Magazine, April, 1980; "Asbestos and Lung Cancer," Vol. 80, No. 7, New York State Journal of Medicine, June, 1980; "Asbestos Disease Among Railroad Workers: Legacy of Laggin' Wagon," TRIAL Magazine, December, 1981; South Carolina Trial Lawyers Bulletin: "Personal Jurisdiction in South Carolina," January, 1975; "Retroactive Application of Strict Liability," February/March, 1975; "Some Evidentiary Rulings Easing the Burden of Proof in Product Liability Cases," July, 1975; "Express Warranty as a Cause of Action," August, 1975; "A Brief for Judicial Adoption of Strict Liability in Tort," September, 1975 "Extension of Strict Tort Liability to Others Than Those Who Sell the Defective Product," October, 1975; "Disclaimers of Warranties," November/December, 1975; co-author: "How to Handle an Asbestos Case," Chapter 21, A Guide to Toxic Torts, Matthew Bender Publication. Adjunct Professor of Trial Advocacy, University of South Carolina School of Law, 1979-1981. Assistant Solicitor, 8th Judicial Circuit, 1973-1975; co-author: "Medicolegal Aspects of Asbestos-Related Diseases: A Plaintiff's Attorney's Perspective," Chapter 12, Pathology of Asbestos-Associated Diseases, Roggli, et al., eds., Little, Brown and Co., 1992; Decades of Deception: Secrets of Lead, Asbestos, and Tobacco, TRIAL Magazine, October, 1999. Member: South Carolina Bar,

South Carolina Trial Lawyers" Association, President-Elect, 1976-1977, President, 1977-1978; The Association of Trial Lawyers of America-(State Committeeman, 1978-1979; Chairman, Environmental Law Section, 1978-1979 ; Member: Board of Governors, 1979 to present; Executive Committee, 1980); Secretary, 1985-1986; Treasurer, 1986-1987; Vice President, 1987-1988; Chairman, Asbestos Litigation Group, 1978-present. (Mt. Pleasant, South Carolina office)

JOSEPH F. RICE, born Columbia, South Carolina, admitted to bar, 1979, South Carolina; 1985, U.S. Supreme Court and U.S. Court of Appeals, Third, Fourth and Eleventh Circuits, U.S. District Court, District of South Carolina and U.S. District Court, District of Nebraska. Education: University of South Carolina (B.S., 1976; J.D., 1979). Phi Delta Phi. Member, Order of Wig and Robe. Business Manager, South Carolina Law Review, 1978-1979; Moot Court Board. Member: South Carolina Bar; American Bar Association; South Carolina Trial Lawyers Association; The Association of Trial Lawyers of America. Lead private counsel in the negotiation of the November, 1998 Master Settlement Agreement with the principal tobacco companies. Author; Judicial Innovation in Asbestos Mass Tort Litigation 33 Tort and Insurance, L.J. 127 (1997), Senior Lecturing Fellow, Duke University School of Law. (Mt. Pleasant, South Carolina office).

JODI WESTBROOK FLOWERS, born Rockford, Illinois, admitted to bar, 1993, South Carolina; 1998, U.S. District Court of South Carolina. Education: College of Charleston (B.A., 1989), *magna cum laude*; University of South Carolina (J.D., 1993), Carolina Legal Scholarship. Member: American Association of Trial Lawyers (1993); American Bar Association (1993); South Carolina Trial Lawyers Association (1993); SC Bar Association (1993); Charleston County Bar Association (1994); ACLU (1998); Trial Lawyers for Public Justice (1999). (Mt. Pleasant, South Carolina office)

DONALD A. MIGLIORI, born Providence, Rhode Island, admitted to bar, 1993, Rhode Island; 1994, Massachusetts, Minnesota and U.S. District Rhode Island. Education: Brown University (A.B., 1988); Syracuse University (J.D./M.A., 1993). Member: Rhode Island Bar Association, Rhode Island Trial Lawyers Association, Minnesota Bar Association, and American Bar Association. (Providence, Rhode Island office)

Wm. MICHAEL GRUENLOH, born St. Louis, Missouri, admitted to bar, 1996, South Carolina. Education: St. Louis University (B.A., 1993; phi alpha delta); Loyola University of Chicago (J.D., 1996). Member: Illinois State Bar Association; South Carolina Bar, American Bar Association. (Mt. Pleasant, South Carolina office)

ANNE McGINNESS KEARSE, born Kirkwood, Missouri, admitted to bar, 1998, South Carolina. Education: Syracuse University (B.S., 1983); University of South Carolina (J.D., 1998, *Cum Laude*). Member: Order of the Coif, Order of the Wig and Robe; John Belton O'Neal Inn of Court; ABA Real Property, Probate and Trust Journal (Research Editor 1997-1998); Phi Delta Phi; South Carolina Trial Lawyers Association (1998 Student Chapter President); American Bar

Association; Association of Trial Lawyers Of America; Judicial Intern, Honorable Joseph F. Anderson, Jr., United States District Judge, United States District Court, District of South Carolina, (1997). Author: Comment, "Forfeiting the Home-Court Advantage: The Federal Doctrine of Forum Non Conveniens," 49 S.C. Law Rev. 1303 (Summer 1998); "Decades of Deception: Secrets of Lead, Asbestos, and Tobacco," TRIAL Magazine, October, 1999. (Mt. Pleasant, South Carolina office)

ELIZABETH SMITH, born San Jose, California, admitted to bar, 2000, South Carolina. Education: Furman University (B.A., 1995); University of South Carolina (J.D., cum laude, 2000); Law Clerk to Honorable Diane S. Goodstein, resident judge in the First Judicial Circuit, State of South Carolina. Member: Order of the Wig and Robe. (Mt. Pleasant, South Carolina office)

For background information on the rest of Ness, Motley's attorneys, visit www.nmlrp.com.