

Thomas A. Delaney
Partner, Orange County, California

Products Liability and Specialty Torts
 Employment and Commercial Litigation
 Environmental & Toxic Tort



Thomas A. Delaney

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Current Scope of Practice

Mr. Delaney concentrates his practice on the defense of product and specialty tort liability actions, and employment law cases that involve catastrophic physical and psychological injuries. He also defends employers and non-profit corporations against claims of workplace safety violations, employment discrimination, and intentional torts by employees and volunteers. Mr. Delaney, who has tried several criminal and civil cases to verdict, also has experience defending and prosecuting commercial claims, including allegations of unfair business practices and false advertising.

In the area of products liability, Mr. Delaney defends both mass tort and single product cases for manufacturers of a variety of products, including pharmaceuticals, dietary supplements, tobacco, heavy machinery and construction equipment, electrical tools, household appliances, and sports and recreational equipment. He also counsels clients on risk and crisis management and government regulation compliance programs, and represents them before the Consumer Product Safety Commission, including advice on the Consumer Product Safety Improvement Act. Mr. Delaney also defends manufacturers of asbestos-related products in complex, product liability and toxic tort cases, and has experience defending personal injury and property damage claims involving allegations of "toxic mold" and lead exposure.

Representative Matters

Mr. Delaney is National Product Liability Counsel for a manufacturer of high performance racing bicycles. He also represents a large, national youth organization in actions involving catastrophic physical and emotional injuries.

Among his reported decisions is a 2007 California Supreme Court decision in which the Court unanimously upheld an order sustaining demurrers to complaints that included decade old allegations of childhood sexual abuse against a volunteer youth organization. *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531. The published decision led to the voluntary dismissals of similar matters against his client statewide.

Affiliations, Activities and Accomplishments

Mr. Delaney is a member of the California State Bar, the Product Liability Section of the Orange County Bar Association (Co-Chair 2002-2004) and the Defense Research Institute. He was recently selected as a member of the 2011 *Law360* Product Liability Editorial Advisory Board.

Mr. Delaney also is a member of the Hispanic Bar Association of Orange County, and the Hispanic National Bar Association (HNBA). He is the HNBA Deputy Regional President for the Southern California region. Mr. Delaney is also a member of the William P. Gray Legion Lex Inn of Court, and serves on the Consultative School Board for the Diocese of Orange. He also is a member of the Executive Board of the Board of Trustees of Girls Incorporated of Orange County as Program Committee Chair.

Publications & Presentations

Mr. Delaney writes and lectures on a number of topics. His publications include:

- “High-school baseball coach strikes out as ‘temporary’ employee,” *California Employment Law Letter*, p. 6 (February 2011)
- “Student Pipeline Projects: Seeking Greater Diversity in the Legal Profession,” Hispanic National Bar Association, *Noticias*, p. 4 (Summer 2010)
- “The Increasing Need To Plan With Foreign Partners,” *Law360* (May 2010)
- “New CPSA Enforcement: With More Watchdogs Comes a Greater Need for Planning With Foreign Partners,” Sedgwick's *Product Liability Advisory* (May 2010)
- “Student Diversity Pipeline Projects: the Legal Profession Cannot Afford to Let the Well Run Dry,” Sedgwick's *Diversity Newsletter* (April 2010)
- "On Guard: The Evolution of the CPSIA May Offer Insight Into Future Enforcement and Litigation," Sedgwick's *Product Liability Advisory* (February 2010)
- “Shape Up Before It Ships Out: Companies Must Keep An Eye on the Forecast While Navigating the New Consumer Product Regulations,” Hispanic National Bar Association, *Noticias*, p.8 (Summer 2009)
- Co-author, “New Rules, Greater Protections - Regardless of How A Company’s CGMPs Are Implemented, Manufacturers Should Consider The Liability Risks,” *Nutritional Outlook*, p. 24-27 (March 2008)
- “Supreme Court Limits Liability for Ancient Sexual Abuse,” *California Employment Law Letter*, Vol. 17, No. 19, p. 6 (December 2007)
- “Image Can Enhance and Protect the Total Health of Your Company,” *Total Health Magazine*, p. 6 (September 2007)
- “Privileged Information,” *The Recorder*, (May 2007)

- “The New SAE Reporting Requirement: The Latest Tool in Managing Risk,” *Nutritional Outlook*, p. 28-29 (April 2007)
- “Carpe Diem: Seize Control of Your Operations Today and Minimize Your Risk of Litigation Tomorrow,” *Nutraceutical World Magazine* (June 2006)
- “Defensively Speaking, a Plaintiff’s Best Product Liability Claim Is Designed, Manufactured, and Driven by Credibility,” *Advocate*, p. 18 (August 2004)
- “Winning Opening Statements Hit Hard, Early and Often,” *DRI Trials and Tribulations*, p.1 (Summer 2003)
- “Actual Exposure or Reasonableness? Policy Issues Drive the Ongoing Debate Over What Standards Should Govern the Recovery of Emotional Distress Damages for Fear of Contracting Infectious Disease,” *ABA Health Lawyer Magazine*, Vol. 15, No. 5, p. 11 (August 2001)
- He also authored portions of Sedgwick’s *Health Care Liability Deskbook*

Mr. Delaney’s presentations include:

- “What Men Need to Know About Women’s Initiatives...It’s the Right Thing To Do,” Student Diversity Pipeline Projects: the Legal Profession Cannot Afford to Let the Well Run Dry,” by Tom Delaney, Sedgwick Women’s Forum, *Women Connect* (Summer 2011).
- “SaferProducts.Gov – Are Companies Prepared to Defend Themselves Online?” Orange County Bar Association, Products Liability Section Meeting, Newport Beach, CA (June 2011)
- “What Men Need to Know about Women’s Initiatives and Why? How to Engage Men as Partners in Developing Women Talent...” Panelist, Ark Group/Managing Partner’s 4th Annual Women Legal 2011 Conference, New York, NY (June 2011)
- “Change Is A Comin’ ... Or Is It? Diversity in the Legal Profession,” William P. Grey Legion Lex Inn of Court, Costa Mesa, CA (April 2011)
- “Employment Law Panel -- Social Network and Media in the Workplace,” Tom Delaney, Panelist, Hispanic National Bar Association Mid-Year Conference, New Orleans, L.A. (March 2011).
- “Enforcement of the Consumer Protection Safety Act and Its Recent Amendments: Is the CPSC the Only Watch Dog?” Defense Research Institute Product Liability Conference, Las Vegas, NV (April 2010)
- “Enforcement of the Consumer Protection Safety Improvement Act,” Orange County Bar Association-Products Liability Section Meeting, Santa Ana, CA (March 2010)
- “Get the Led Out or Else! New Consumer Safety Act,” Panelist, Sedgwick San Francisco, California (April 2009)

- “Be Careful What You Ask For! Jury Selection in Sensitive, High Profile Cases,” William P. Gray Legion Lex Inn of Court, Costa Mesa, California (April 2009)
- “Legal Issues for Protecting the Integrity of Your School Environment. Educate. Train. Prevent.” National Catholic Education Association Annual Convention, Anaheim, California (April 2009)
- “Avoiding the Crouching Tiger and Hidden Dragon and Winning the Big Case - “Bet the Company” Litigation,” Panelist, Hispanic National Bar Association Annual Convention, Los Angeles, California (September 2008)
- “Every Dark Cloud Really Does Have a Silver Lining - Compliance with New FDA Requirements Can Provide Dietary Supplement Manufacturers With Effective Legal Protection,” DRI Product Liability Conference, Phoenix, Arizona (February 2008)
- “The Art of Schmoozing,” Panel discussion for Legal Marketing Association Meeting (May 2007)
- “The Development, Advancement and Retention of Women in the Workplace,” MBA Women’s Leadership Panel, Chapman University (April 2007)
- “Preparing a Products Liability Case for a Successful Mediation,” Panel discussion for OCBA PL Section (March 2007)
- “From Hiring to Firing: Strong Employment Practices Can Protect the Seeds That Grow Your Business,” NNFA-West, Santa Clara (September 2006)
- “Carpe Diem: Seize Control of Your Operations Today and Minimize Your Risk of Litigation Tomorrow,” NNFA Annual Meeting, Las Vegas (July 2005)

Education

- J.D. (1992) Loyola Law School, Los Angeles
- B.A. (1989) Loyola Marymount University

During law school, Mr. Delaney served a judicial externship for the Hon. Dickran Tevrizian, U.S. District Court Judge in the Central District of California. Mr. Delaney also studied at Oxford University in Oxford, England in 1987.