

A \$10M Defense Win in a Tragic Case

It's hard to truly revel in winning at trial when your opponent is a horribly burned child.

Still, lawyers from **Tyson & Mendes** convinced a federal jury in San Diego that the injury was not their client's fault.

Managing partner **Robert Tyson** and San Diego partner **Kristi Blackwell** represented children's clothing manufacturer **Schwab Company**, which was sued along with **Macy's** and **Ralph Lauren** after a young boy suffered third-degree burns on his torso and 30 percent of his body.

Jesus Romero, age 8, was allegedly playing with a lighter in a neighbor's yard when his Ralph Lauren shirt caught fire.

Represented by **Boucher LLP** and **Gomez Trial Attorneys**, the plaintiffs claimed the fabric "was not '100% Cotton' as its label indicated, but instead was a highly flammable, dangerous, and unlawful blend of cotton and synthetic fibers." They asked for \$10 million in damages.

Macy's and Ralph Lauren, represented by **Manning & Kass Ellrod Ramirez Trester** and **Jeffrey M. Lenkov**, settled for hundreds of thousands of dollars, but Schwab went to trial.

The Tyson & Mendes trial team focused on showing that the shirt met all required federal manufacturing standards, questioned whether evidence conclusively proved the shirt in question was even made by Schwab, and argued that some responsibility should be placed on the lack of awareness and oversight by the child's parents.

"We believe the legislature is the correct forum to bring about changes to federal clothing manufacturing and fire testing guidelines, but plaintiff's counsel asked the jury to find the federal standards were not enough," Tyson said in a written statement. "While plaintiff did sustain life-changing injuries, the jury saw the unreasonableness of this ask, and ultimately agreed our product was safe for children."