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CONTACT: Joe R. Whatley Jr. (212-447-7011)

**Landmark Settlement Reached For Class in
*In re Mattel, Toy Lead Paint Products Liability Litigation***

Class receives substantial monetary and injunctive relief in multi-district litigation arising from excessive lead, lead paint, and hazardous materials in children's toys

NEW YORK – Co-lead counsel Whatley Drake & Kallas has reached a landmark settlement in a multi-district litigation concerning the largest recall of children's toys in recent history by Mattel and its subsidiary Fisher-Price, *In re Mattel, Toy Lead Paint Products Liability Litigation*, MDL 1897 (C.D. Cal.). In 2006 and 2007, Mattel recalled over 14 million toys in the U.S. alone, due to excessive lead, lead paint, and hazardous magnets. Mattel also withdrew toy blood-pressure cuffs from retail shelves in Illinois after the state Attorney General found lead in the plastic, but never issued a formal nationwide recall. The settlement provides tens of millions of dollars in monetary relief as well as significant injunctive relief.

The monetary relief is tailored to respond to the variety of circumstances that class members find themselves in as a result of Mattel's conduct. First, class members who participated in the recalls will automatically receive either a check for 50% of total vouchers sent or \$10.00, whichever is greater. Second, class members who did not participate in the recalls, but who possess a recalled toy or proof of purchase of a recalled toy will receive either a check or a voucher in the amount of the toy. Third, class members who declare that they purchased or acquired a recalled toy, but who destroyed the toy after the recall, will receive a voucher in the amount of the toy for up to three toys, up to \$10 million for the class. Fourth, class members who purchased or acquired certain recalled toys in which only one standalone piece was affected may obtain up to \$12. Additionally, class members may recover all out-of-pocket expenses incurred for lead testing, up to \$600,000 for the class.

The injunctive relief provides important protections, for the class and the general public, against similar problems arising in the future. Mattel must certify annually for three years to the Court that it is maintaining certain quality assurance / quality control programs. Further, Mattel has agreed to comply with, among other things, new federal laws and regulations, emerging industry standards, and ASTM rules. To enhance the effectiveness of that agreement, Whatley Drake & Kallas took action to ensure that the Consumer Protection Safety Improvement Act of 2008, and implementing regulations there under, adequately safeguard against future toy safety events like the ones that led to this litigation.

Finally, the settlement provides for a *cy pres* payment to the National Association of Children's Hospitals and Related Institutions in the amount of \$275,000 for child safety programs.

"We are pleased that we have been able to help consumers who unknowingly acquired children's toys with serious defects," said Joe R. Whatley of Whatley Drake & Kallas. He added, "We intend to ensure that those consumers receive the benefits they are entitled to under the settlement."

About WDK: Whatley, Drake & Kallas, LLC is a national law firm with offices in Birmingham, New York City, and Boston. WDK practices extensively in the areas of complex class action and derivative litigation, including securities, ERISA, 401k, healthcare, insurance, antitrust, mass tort and consumer

litigation. WDK also remains devoted to its longstanding representation of unions and workers throughout the United States and represents several Taft-Hartley plans.

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Wharley Drake & Kallas, LLC Attorneys at Law 1540 Broadway, 37th Floor New York, New York 10036 Telephone: (212) 447-7070 Facsimile: (212) 447-7077

www.wdklaw.com

