



Christopher J. Predko

Partner | cpredko@wnj.com
Grand Rapids | T +1.616.752.2190 | F +1.616.222.2190



Chris Predko is a trial lawyer. For over two decades, Chris has represented clients in complex, highly technical, multiparty cases involving construction disputes, product safety issues, and environmental permitting disputes.

Chris is a forward-thinking and dynamic problem-solver. “No two cases or clients are the same. Strategy is always tailored to obtaining the results best suited for the client and the situation.” He has successfully defended and prosecuted numerous cases at trial and arbitration. Chris also regularly represents automotive, consumer product, food, drug, device manufacturers and distributors in enforcement actions, product recalls and other matters before the U.S. Food & Drug Administration, Department of Agriculture and Consumer Product Safety Commission. “Client service is not only important, it’s paramount.”

Representative Experience

Environmental/Mining

Chris represents businesses in environmental permitting disputes before courts and agency tribunals. He has extensive trial experience defending mining industry clients in cases involving complex issues of hydrology, geochemistry, contaminant transport, ecotoxicology, geotechnical engineering, wetlands, water treatment, blasting, and potential impacts to flora and fauna. His experience includes:

- ▶ Trial counsel for publicly traded mining company in contested case proceedings on multiple permits for construction of a nickel mine, including a permit under Michigan’s Part 632 sulfide mining regulations. Successfully defended mining company against claims by multiple parties, including allegations that a new mine would harm the environment. After a 42-day trial (the longest in MDEQ history), the mining company prevailed on all counts and claims. WN+J also successfully defended the trial rulings on appeal in circuit court and the court of appeals. The mine is operational.
- ▶ Trial counsel for mining company in contested case proceedings involving multiple permits issued for zinc-gold-copper mine.
- ▶ Represented numerous businesses in various environmental permitting and violation disputes.

Industries

- ▶ Agribusiness and Food
- ▶ Cannabis
- ▶ Construction
- ▶ Mining
- ▶ Automotive
- ▶ Aerospace and Defense and Government Services

Practices

- ▶ Consumer Product Safety Law
- ▶ Advertising and Marketing Law
- ▶ Business and Corporate Services
- ▶ Health Law
- ▶ Litigation and Dispute Resolution
- ▶ Construction Litigation/ADR Law
- ▶ Product Liability Law
- ▶ Construction Law
- ▶ Resources, Energy and Environment Law
- ▶ Regulatory and Compliance
- ▶ Government Contracting

Education

- ▶ Wayne State University Law School J.D. 1996
- ▶ Michigan State University B.S. 1990 with honors

Admitted

- ▶ 1996, Michigan

Construction

Chris represents businesses and individuals in construction-related matters and has extensive experience in complex, multi-party construction litigation cases. He regularly counsels and represents design professionals, contractors and owners in contract disputes, professional liability matters, defective construction claims, construction liens and surety bond claims. He provides advice at all phases of the construction process, from initial design to post-completion disputes, on both public and private projects. If litigation becomes necessary, Chris has successfully defended and prosecuted numerous cases at trial, arbitration and mediation.

Construction Experience

- ▶ Prepared and negotiated construction contracts on numerous large-scale complex private and public projects.
- ▶ Obtained \$1.7 million trial verdict for subcontractor in multi-party construction matter involving construction performance issues and defective products.
- ▶ Trial counsel for international design, engineering and construction management firm in a multiparty, multimillion-dollar case involving claims of design error and delay on a state project. The case was resolved by settlement favorable to the client.
- ▶ Trial counsel for major construction design/engineering firm in a multimillion-dollar claim by a hospital. After two days of trial, the hospital settled for a nominal amount.
- ▶ Successful defense of contractor in multimillion-dollar claim for defective construction on a public project. Case resolved by settlement favorable to the client through early mediation.
- ▶ Successful representation of owner in claims against contractor and insurer for defective construction. Case resolved by settlement favorable to the client through early mediation.

Product Safety and Liability Experience

Chris's product expertise includes product regulation, risk management and product liability defense. He counsels and defends automotive, consumer product, food, drug and device manufacturers and distributors in regulatory and liability matters, including:

- ▶ NHTSA reporting obligations and compliance
- ▶ Recalls and corrective actions for products regulated by NHTSA, CPSC, FDA and USDA/FSIS
- ▶ Supplier and customer disputes and contract terms
- ▶ Automotive component and child restraint safety issues
- ▶ Product claims in marketing and labeling, including product disparagement matters
- ▶ Food safety issues (including matters under new FSMA requirements)
- ▶ Inspections and responding to 483s and enforcement actions
- ▶ GMO laws and legislation
- ▶ HACCP issues
- ▶ Product warnings
- ▶ Product warranties
- ▶ Product liability defense and avoidance
- ▶ EU REACH, U.S. FHSA, California Prop 65 and state chemicals of concern laws

Chris represents clients before the U.S. National Highway Traffic Safety Administration, Consumer Product Safety Commission, Food & Drug Administration, and Department of Agriculture. In the event a dispute arises that requires a more aggressive approach, Chris has successfully defended and prosecuted numerous cases at trial, arbitration and mediation.

Automotive Products

- ▶ Lead outside product safety counsel to original equipment component manufacturers regarding product recalls
- ▶ NHTSA compliance and reporting counsel to original equipment and after-market component manufacturers
- ▶ Counsel to Tier I and II suppliers regarding risk management, including product safety and recall policies, NHTSA whistleblower claims, supply contracts and terms and conditions, and product warnings
- ▶ Successful defense of numerous claims asserted by OEMs and higher tier suppliers for recovery of recall costs and expenses allegedly arising out of defective components

- ▶ Successful recovery of numerous claims against downstream suppliers for damages and costs arising out of defective sub-component parts

Consumer & Industrial Products

- ▶ Obtained reversal of CPSC substantial product hazard determination as lead counsel for national consumer product manufacturer
- ▶ Organized and negotiated numerous large-scale consumer product recalls for high risk products
- ▶ Creation and implementation of CPSC-compliant product safety policies and product testing programs for numerous private and public manufacturers
- ▶ Counsel team member for large manufacturer in a landmark CPSC action, organized and negotiated one of the country's largest consumer product recall programs which involved the entire U.S. household furnace and boiler industry, along with manufacturers of plastic vent pipes
- ▶ Lead product safety counsel for numerous manufacturers and distributors regarding CPSC reporting, CPSIA compliance and avoidance and defense of CPSC enforcement actions
- ▶ Counsel to publicly-traded online children's novelty company regarding CPSC regulation, product safety and recall, and product liability avoidance
- ▶ Obtained dismissal for welding manufacturer in product liability action where plaintiff alleged injuries resulting from inhalation of welding fumes
- ▶ Lead trial counsel for global furniture manufacturer in multimillion-dollar product liability claim in federal court. After limited discovery, manufacturer prevailed on an early motion to dismiss all but one of plaintiffs' claims. Plaintiffs voluntarily dismissed remaining claim without additional monetary demand

Food - Dietary Supplements – Drugs – Medical Devices

- ▶ Lead food counsel to large national food service distributor
- ▶ Lead food counsel to large co-packer regarding FDA/USDA regulation, food safety, recall programs, and product liability risk avoidance
- ▶ Successful defense of action against national nutritional supplement manufacturer alleging claims under California Consumer Remedies Act regarding product marketing and label claims, substantiation and efficacy of product

- ▶ Successfully represented co-packer in multimillion-dollar supplier lawsuit in federal court relating to non-conforming product
- ▶ Counsel to national food/grocery supplier regarding product claims, nutritional labeling program, and product liability risk avoidance
- ▶ Counsel to multinational pediatric formula and nutritional product manufacturer regarding FDA facility and GMP requirements and product liability risk avoidance
- ▶ Successful defense and resolution of product exposure liability claim against multinational pharmaceutical/chemical company
- ▶ Counsel to sugar-free candy manufacturer regarding product claims, substantiation, labeling, on-line marketing and FDA regulation
- ▶ Counsel to fruit growers association regarding FDA regulation, food safety and product liability avoidance
- ▶ Counsel to dietary supplement and holistic food manufacturer regarding product claims, claim substantiation, and product liability
- ▶ Counsel to multinational food processor regarding USDA regulatory requirements
- ▶ Counsel to over-the-counter and prescription medical device manufacturers regarding FDA regulation, product claims, labeling, warnings and avoidance of product liability risk
- ▶ Counsel to soap and hand sanitizer product manufacturer regarding FDA regulation, product claims, labeling and product liability avoidance

Honors and Awards

- ▶ *Best Lawyers in America*, Litigation - Construction, 2018-19
- ▶ Editor-in-Chief (1995-96) and Assistant Editor (1994-95), *Wayne Law Review*
- ▶ Author, "Substantive Consolidation Involving Non-debtors: Conceptual and Jurisdictional Difficulties in Bankruptcy," 41 *Wayne L. Rev.* (1995)
- ▶ Award Recipient, Jason L. Honigman Scholarship. Wayne State University Law School
- ▶ Dean's List (1989 and 1990), Michigan State University

Publications

- ▶ ADA Compliance: Check Your Websites Now!, 11/20/2019

- ▶ NHTSA Reporting: The Agency is in Flux but Suppliers Must Be Proactive, 7/20/2017
- ▶ Court Holds Business Liable for Website's Failure to Comply with the Americans with Disabilities Act, 6/16/2017
- ▶ Is Your Website Putting Your Business at Risk?, 2/16/2017
- ▶ Senate Agrees on Federal Mandatory GMO Labeling Bill , 6/24/2016
- ▶ FDA Releases Final Food Defense Rule , 5/26/2016
- ▶ FDA Releases Final Rule for Sanitary Transportation of Human and Animal Food, 4/5/2016
- ▶ FDA releases more new Food Safety Rules, 11/17/2015
- ▶ FDA releases first two final rules under Food Safety Modernization Act, 9/11/2015
- ▶ FDA Bans Trans Fats, 6/16/2015
- ▶ Lawsuits Adding Up as FDA Nears Ruling on Trans Fats; Manufacturers Should Check Their Potential Liability, 5/7/2015
- ▶ Federal Judge Issues First Ruling on New Vermont GMO Labeling Law, 4/28/2015
- ▶ Vermont GMO Labeling Law FAQ, 5/28/2014
- ▶ New law seeks to fix Consumer Product Safety Improvement Act, 8/18/2011
- ▶ Now Online: Unproven Reports About Your Products, 3/10/2011
- ▶ "Debate returns on item pricing rules," quoted in *The Grand Rapids Business Journal*, 1/31/2011
- ▶ President Signs Major Food Safety Bill, 1/5/2011
- ▶ Avoid CPSC Fines: Implement a Product Safety Program, 3/18/2010
- ▶ And The New Product Safety 'Hits' Just Keep On Comin' Are You Prepared for the CPSIA?, 7/27/2009

Professional Affiliations

- ▶ American Health Lawyers Association

Bar Associations

- ▶ Federal Bar Association
- ▶ American Bar Association
Litigation, Construction and Product Liability Law Sections; Construction Litigation Committee;

Construction Law Forum; Consumer Product Subcommittee

- ▶ State Bar of Michigan
Litigation Law Section; Construction Law Section
- ▶ Grand Rapids Bar Association
Community Relations Committee (1997-00)

Speaking Engagements

- ▶ "The Current State of Safety and Recall Policy," The Automotive Supplier's Guide to 2017: Legal Trends and Insight for the New Year, OESA Seminar, 2/2/17, Troy, Michigan