

## PHILLIP A. WITTMANN

Member

New Orleans

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### OVERVIEW

Phil Wittmann joined Stone Pigman in 1961 and concentrates his practice in commercial litigation, class actions, toxic tort litigation, products liability, and antitrust matters. He has extensive trial experience, maintains an active litigation practice, and is a frequent lecturer. He also has an active family law practice. Notably, Phil represented Dole Food Company in litigation in state court filed by banana workers alleging personal injuries resulting from application of pesticides on banana plantations. Additionally, he defended Papa John's® Pizza slogan in a false advertisement suit alleging that Papa John's advertising slogan violated the false advertising laws. He has also represented R.J. Reynolds Tobacco Co., Merck, and several oil and gas companies in a variety of litigation, including ExxonMobil Corporation, ConocoPhillips, and Phillips Petroleum Company.

### REPRESENTATIVE MATTERS

- Represented ConocoPhillips in a toxic tort class action alleging personal injuries resulting from refinery emissions in Lake Charles, Louisiana.
- Represented Dole Food Company in litigation in state court filed by banana workers alleging personal injuries resulting from application of pesticides on banana plantations.
- Represented Merck & Co., Inc. as Defendants' Liaison Counsel in multi-district litigation in the Vioxx Litigation.
- Represented ExxonMobil Corporation in litigation alleging damage to coastal marshes and claims relating to Hurricane Katrina.
- Defended Papa John's® Pizza slogan in a false advertisement suit alleging that Papa John's advertising slogan violated the false advertising laws.
- Represented R.J. Reynolds Tobacco Company in defending a nationwide class action against the tobacco industry. The Fifth Circuit Court of Appeals decertified the class.
- Represented New York Life Insurance Company in a state-wide class action asserting claims for damages resulting from the sale of so-called "vanishing premium" life insurance policies. The case was decertified by the Louisiana First Circuit Court of Appeal and affirmed on appeal by the Louisiana Supreme Court. This is one of the leading Louisiana cases on class certification.
- Represented International Paper Company and the Masonite Corporation in defense of a nation-wide class action asserting product defects in Masonite hardboard siding. The case was tried to verdict and resulted in a split decision and was settled pending appeal.
- Represented VISA International Service Association, Inc. in defense of a class action on behalf of a class of internet gamblers asserting liability against VISA for extending credit on their VISA cards. The trial court dismissed the case on Rule 12 motions.

### PRACTICE AREAS

Class and Mass Action Litigation

Business Litigation

Products Liability

Family Law

Appellate

Antitrust

Toxic Tort Litigation

### BAR ADMISSIONS

United States Supreme Court

United States Fifth, Sixth and Eleventh  
Circuit Court of Appeals

Louisiana Federal and State Courts

### EDUCATION

Tulane University Law School, J.D.,  
1961

- Order of the Coif
- Phi Beta Kappa
- Omicron Delta Kappa
- Served on the *Tulane Law Review*  
Board of Editors

Tulane University, 1956

- Obtained a favorable settlement for Waste Management in a class action suit alleging personal injuries resulting from exposure to a permitted hazardous waste disposal facility in Grand Bois, Louisiana.
- Represented Phillips Petroleum Company in a toxic tort class action filed on behalf of approximately 8,000 residents residing in eastern New Orleans alleging personal injuries resulting from a tank car fire and explosion. The case, tried to verdict for 20 bellwether plaintiffs, resulted in several zero awards and generally favorable defense verdicts.

## PROFESSIONAL AND CIVIC ACTIVITIES

- New Orleans Bar Association Past President.
- Judicial Conference of the United States Civil Rules Committee member.
- American Bar Association's House of Delegates member.
- Louisiana State Board of Legal Specialization former Chair.
- Phil is a member of the House of Delegates, the Continuing Legal Education Committee, and the Antitrust Section of the Louisiana State Bar Association.
- American College of Trial Lawyers Fellow.
- American Academy of Appellate Lawyers Fellow.
- International Society of Barristers Fellow.
- Litigation Counsel of America Senior Fellow.

## HONORS & AWARDS

- *Best Lawyers in America* 1983 - 2023.
  - "Lawyer of the Year" New Orleans for Bet-the-Company Litigation 2009 and 2014.
  - "Lawyer of the Year" New Orleans for Personal Injury Litigation - Defendants 2013.
  - "Lawyer of the Year" New Orleans for Litigation - Environmental 2012.
- Chambers and Partners 2003 - 2022.
  - Star Individual in Litigation 2013 - 2022.
- *Louisiana Super Lawyers* 2007 - 2023.
  - Top 10 Louisiana Lawyers 2007 - 2021.
  - Top 50 Louisiana Lawyers 2007 - 2022.
  - Top 50 New Orleans Lawyers 2013 - 2022.
- *New Orleans Magazine* "Top Lawyer" 2012 - 2022.
- New Orleans Bar Association's Presidents' Award 2015 recipient.
- Federal Bar Association New Orleans Chapter's John R. "Jack" Martzell Professionalism Award 2011 recipient.
- Louisiana Bar Foundation's Distinguished Attorney Award 2010 recipient.
- Louisiana Bar Foundation's Curtis Boisfontaine Trial Advocacy Award 2008 recipient.
- American Inns of Court Professionalism Award in the Fifth Circuit 2005 recipient.
- G. Duffield Smith Outstanding Publication Award from the Defense Research Institute 2000 recipient.

- Tulane Law School Alumni Hall of Fame 2015 inductee.
- Benchmark Litigation 2020 Local Litigation Star.
- *Who's Who Legal--The International Who's Who of Business Lawyers-Product Liability Defense.*

**PRESENTATIONS**

New Orleans Bar Association 2022 Procrastinators' Programs, "Trial Preparation and Practice," December 28, 2022.

**PUBLICATIONS**

Co-authored an article for the Defense Research Institute with Al Cortese on the subject of Class Action and Mass Tort Litigation: Recent Developments, Legislation, and Jurisprudence.