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## O'Quinn Law Firm Botched Silica Exposure MDL, Suit Claims

By Keith Goldberg

Law360, New York (December 17, 2012, 1:56 PM ET) -- The O'Quinn Law Firm was hit with another suit Friday accusing the Texas firm of overcharging clients and mishandling their multidistrict litigation over occupational silica exposure, including claims it overlooked potential errors in medical diagnoses in order to increase the number of plaintiffs.

The suit, filed in Texas federal court by several clients, claims O'Quinn — led by principal attorneys John O'Quinn and Richard Laminack — attempted to “fuel a silicosis litigation machine” by having their hand-picked medical professionals diagnose as many clients as possible with diseases related to silica exposure, even if those diagnoses were suspect.

The firm, which represented 3,000 clients in multidistrict litigation over occupational silica exposure in the early 2000s, also overcharged for medical experts and other, frivolous expenses, botched settlement agreements and mishandled settlement funds, all while racking up millions of dollars in fees, the suit claims.

“At the end of the day, Mr. O'Quinn, Mr. Laminack, the firm and its attorneys placed their interests and the interests of the screening companies involved above those of its clients,” the complaint said. “This is the sad reality of O'Quinn’s approach to mass-tort litigation and this is the story of the residual victims of that approach, their clients.”

The suit names the firm, the estate of John O'Quinn, who died in 2009, Laminack and other O'Quinn attorneys who left the firm in 2006, as well as several law firms that referred clients to O'Quinn. It asserts claims of negligence, breach of fiduciary duty and fraud, among others.

The suit is similar to one filed last year as part of probate proceedings in Texas state court concerning the 2009 death of John O'Quinn, which involves claims by hundreds of workers who allege the firm botched their silica exposure claims.

O'Quinn is accused of retaining medical professionals to diagnose the plaintiffs but falsely advised the professionals that the patients’ histories had been taken by a physician, according a suit filed by Ironshore Indemnity Inc. in September alleging it has no duty to defend or indemnify the firm.

The plaintiffs in the probate suit also allege, among other claims, that the firm charged excessive litigation expenses out of their settlement funds and mishandled proceeds of settlements from Halliburton Co., Clemtex Inc., Sandstorm Co. and Moldex Metric Inc., among others, Ironshore said in its complaint.

O'Quinn argued last month that the Texas federal court lacks subject matter jurisdiction to hear the insurer’s declaratory judgment suit because it is based on a “contingent and hypothetical controversy,” as Ironshore has no present or pending duty to defend or indemnify the firm.

The plaintiffs in the current suit are represented by Lance C. Kassab and David Eric Kassab of the Kassab Law Firm.

Counsel information for the defendants wasn't immediately available Monday.

The case is Bates et al. v. Laminack et al., case number 2:12-cv-00387 in the U.S. District Court for the Southern District of Texas.

--Additional reporting by Megan Stride and Juan Carlos Rodriguez. Editing by Chris Yates.

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