

T.H. LYDA

BIOGRAPHY

A litigator with more than 20 years of experience, T.H. Lyda concentrates his practice in occupational disease, toxic tort/environmental and products liability litigation. He also serves on Burns White's Executive Committee.

As Chair of the Environmental Group, T.H. handles the defense of DEP and EPA citations, notices of violation, and any ensuing litigation. He is a preferred provider of regulatory services for the National Association of Chemical Distributors. T.H. has also litigated numerous environmental and personal injury cases on behalf of manufacturers and distributors, including claims of brain damage, pulmonary disease, and various cancers due to alleged chemical and toxic exposure. He currently represents clients in class action matters relating to the accidental release of hazardous substances, and has successfully defended environmental and personal injury cases at trial. T.H. has also been involved in commercial litigation involving breach of contract.

As Co-Chair of the firm's Railroad Law Group, T.H. represents Class I and short line railroads in a variety of business and legal matters across the country. He advises his clients on risk management and risk avoidance techniques, regulatory compliance issues, FELA, and proposed legislation. With an active caseload of several hundred cases, T.H. has extensive experience litigating repetitive stress injury and occupational illness cases throughout the United States. He has served as National Coordinating Counsel for two Class I railroads with respect to their occupational illness dockets.

In addition, T.H. handles OSHA citation contests and inspections for clients in several industries and is an invited speaker on the topic at national conferences. He also has a deep understanding of the issues surrounding the defense of food-borne illness claims, and writes and presents about food liability litigation generally.

Prior to joining the Pittsburgh office of Burns White, T.H. practiced in Atlanta, where he focused his practice on products liability and toxic tort matters representing large, self-insured companies. He also handled general insurance defense matters, including premises liability, automobile accident liability, and professional negligence cases.

T.H. teaches "Pennsylvania Practice and Procedure," a continuing legal education course, on behalf of the Pennsylvania Bar Institute, and is an invited speaker to Transportation and Chemical Industry Conferences on a national level.

CREDENTIALS

Areas of Law

- Environmental
- Occupational Illness Litigation
- Toxic Tort Litigation
- Transportation and Logistics
- Cybersecurity
- Energy
- Entertainment
- Regulatory Compliance & Consulting
- Food Liability Litigation



412-995-3147

thlyda@burnswhite.com

Burns White Center
48 26th Street
Pittsburgh, PA 15222

Education

- West Virginia University School of Law (J.D., 1992)
- Pennsylvania State University (B.A., 1989)

Bar and Court Admissions

- Georgia
- New York
- Pennsylvania

Memberships

- National Association of Railroad Trial Counsel
 - Eastern Regional Vice President and Executive Committee Member
 - COVID-19 Employee Claims FELA Subcommittee, Chair
 - COVID-19 Trial Preparation Subcommittee
- ASLRRRA General Counsel Committee Member

ACCOLADES & INVOLVEMENTHonors/Awards

- Selected for inclusion on the 2006, 2008 and 2009 *Pennsylvania Super Lawyers*® lists
- Selected as one of 50 “*Lawyers on the Fast Track*” in 2007 by *The Legal Intelligencer* and *Pennsylvania Law Weekly* publications
- AV® Preeminent™ 5.0 out of 5 peer rated in Martindale-Hubbell
- Selected by his peers for inclusion in *Best Lawyers in America*® 2012-2022; named Pittsburgh Railroad Law “Lawyer of the Year” in 2021
- Selected by his peers for inclusion in *Pennsylvania’s Best Lawyers*®
- Named as *Who’s Who in Energy* by the *Pittsburgh Business Times*

Community/Civic Involvement

- Pittsburgh Civic Light Opera, board member
- American Cancer Society, board member (1998-2003)

PRESENTATIONS

- National Association of Rail Trial Counsel
 - “OSHA Whistleblowers” (July 29, 2012, Santa Barbara, CA)
 - “Round Up the Claims! Glyphosate and Lymphoma” (October, 18, 2018, New Orleans, LA)
- National Railroad Construction & Maintenance Association
 - “Managing Risk and Minimizing Claims During Railroad Construction” (January 5, 2012, San Diego, CA)
- National Association of Chemical Distributors
 - “What to do when an inspector leaves” (April 3, 2012, Houston, TX)
 - “Know Your Rights and Responsibilities if an Agency Inspector Shows up at Your Facility” (June 13, 2012, Kansas City, MO)
 - “Regulatory Enforcement: Beyond the Knock on the Door” (August 23, 2012, Indianapolis, IN)
 - “Contesting and OSHA Citation” (August 21, 2014, Dallas, TX)
 - “Failure to Warn” (August 21, 2015, Nashville, TN)

T.H. Lyda
412-995-3147

thlyda@burnswhite.com

Burns White Center
48 26th Street
Pittsburgh, PA 15222

PRESENTATIONS

- American Short Line Rail Road Association
 - “Run, Hide, Fight: Active Shooter Events” (October, 5, 2020)
 - “Proper locomotive seat selection” (April 24, 2012, Indianapolis, IN & July 12, 2013, Las Vegas, NV)
 - “Mining for Claims: Diesel Studies and the RR Industry” (August 9, 2013, Coeur d’Alene, ID)
 - “Implications of a Significant Derailment” (April 24, 2014, San Diego, CA)
 - “One Train: Defending Complex Proceedings” (March 31, 2015, Orlando, FL)
- The Emerging and Environmental Claims Managers Association
 - “What’s for dinner?” (May 3, 2012, Captiva Island, FL)
 - “Mining for Claims – Diesel Exhaust, Lung Cancer and Miner Studies” (May 2, 2013, Captiva Island, FL)
 - “Cybersecurity Litigation and Liabilities” (May 1, 2014 Captiva Island, FL)
 - “Evaluation and Defense of Parkinson’s Disease Claims” (April 30, 2015, Captiva Island, FL)
- Commercial Insurance Associates Rail Seminar
 - “Managing indemnification and contractual risk transfer between Class I railroads, shortlines, contractors and subcontractors” (May 17, 2012, Brentwood, TN)
- The National Forum for Environmental and Toxic Tort Issues
 - “Medicine and Science Behind Benzene Claims” (October 1, 2009, Chicago, IL)
 - “Food Liability Claims” (September 27, 2012, Chicago, IL)
- National Railroad Construction & Maintenance Association
 - “Avoiding Imputed Liability for FELA” (January 10, 2013, Miami Beach, FL)
- Pittsburgh Journal of Environmental & Public Health Law
 - “Can you keep a secret? Trade secret challenges under Act 13” (February 28, 2013, Pittsburgh, PA)

REPRESENTATIVE MATTERS

- Successfully received a defense verdict on behalf of a major railroad client in a 2.5-week Federal Employers Liability Act (FELA) case trial in New York state court, where the plaintiff boarded roughly \$200,000 in wage losses and alleged a 25% permanent disability for advanced degenerative changes in his lumbar spine and subsequent spinal fusion. After the defense team argued that the client provided a reasonably safe place to work and that the plaintiff’s back degeneration was due to a preexisting congenital pars defect, the jury found that the railroad did not violate the Locomotive Inspection Act and had provided the plaintiff with a reasonably safe place to work under FELA.
- Obtained two defense verdicts for a major Class I railroad in two alleged solvent-induced brain damage cases. The plaintiffs alleged exposure to various chemicals, paints and degreasing agents over the course of their 23-year long careers. Plaintiffs offered testimony at trial that PET scans and MRIs demonstrated white matter disease and diffuse brain injuries. After two weeks of trial, the jury returned defense verdicts finding that the railroad provided both plaintiffs with reasonably safe places to work.

T.H. Lyda
412-995-3147

thlyda@burnswhite.com

Burns White Center
48 26th Street
Pittsburgh, PA 15222

REPRESENTATIVE MATTERS

- Successfully defended two Class I railroads in a three-week jury trial in which the plaintiff alleged that his neck and back injuries and resultant total disability were due to whole body vibration exposure and poorly designed locomotive seats and engines throughout his career working on the railroad. The jury returned a defense verdict on plaintiffs' claims of occupational long-term vibration exposure.
- Successfully defended a national auto parts chain in an OSHA citation contest involving a scissor lift fatality.
- Obtained a favorable settlement on behalf of a national construction company in an OSHA citation involving a fatality resulting from the use of alleged faulty and defective handheld tools.
- Successfully defended a large international chemical distribution company in an OSHA citation alleging inadequate Process Safety Management with regard to formaldehyde packaging. The client received a substantial reduction in fines and the withdrawal of several alleged violations.
- Successfully defended a Class I railroad in a two-week jury trial in which it was alleged that the plaintiff's exposure to repetitive bending, lifting and twisting on the job as a trackman led to his herniated and bulging lumbar and cervical disks resulting in his disability. The plaintiff sought damages in excess of \$1 million for future wage loss. The jury returned a defense verdict.

Successfully defended a Class I railroad in a three-week jury trial in which the plaintiff alleged that his rotator cuff injury, surgery and six figure wage loss was due to exposure to repetitive motions as a signal maintainer. The jury returned a modest verdict at a level below the last settlement offer.

- Successfully defended a Class I railroad in a two-week jury trial involving two consolidated plaintiffs claiming that they developed carpal tunnel syndrome and ulnar nerve entrapment due to repetitive forceful hand use on the job throughout their career. The jury returned verdicts below the last offer of settlement.
- Successfully defended a Class I railroad in a bench trial in which it was alleged that plaintiff's work as a maintenance-of-way employee caused him to develop degenerative changes and a bulging disk in his lumbar spine. Defense verdict obtained.
- Successfully defended a Class I railroad in which the plaintiff alleged that the railroad's negligence caused him to fall from a locomotive and break his elbow while performing repair work at a repair facility. The jury returned a defense verdict.
- Successfully defended a Class I railroad in a two-week jury trial in which the plaintiff alleged that his recurrent carpal tunnel syndrome was due to repetitive motion and negligence of defendant in failing to properly train on ergonomic risk factors on the job and failure to provide an adequate ergonomic program. Defense verdict obtained.

T.H. Lyda
412-995-3147

thlyda@burnswhite.com

Burns White Center
48 26th Street
Pittsburgh, PA 15222

REPRESENTATIVE MATTERS

- Successfully defended a big box retailer in a premises liability case in which the plaintiff alleged that he suffered from a broken hip as a result of a slip and fall. Motion for summary judgment granted.
- Successfully provided risk management consulting services to a short line railroad confronted with novel personal injury litigation. On behalf of the railroad, the firm assembled standard defense experts and implemented a defense strategy with local counsel.
- Successfully provided regulatory compliance consulting services to segments of the transportation and chemical industries confronted with onerous proposed federal regulations.
- Has successfully handled OSHA citation contests in employee fatality and injury cases in several industries including construction, warehousing, retail and oil and gas.

T.H. Lyda
412-995-3147

thlyda@burnswhite.com

Burns White Center
48 26th Street
Pittsburgh, PA 15222