

Abbott & Kitchens Win Early Defense Victory for National Power Tools Manufacturer

Charles Abbott and Byron Kitchens undertook representation of a national power tools manufacturer in July 2017 in claims arising out of a residential fire in Orleans Parish, Louisiana in which the homeowner's insurer claimed losses of nearly \$700,000.00, casting allegations of sole fault for the loss upon the power tool manufacturer, claiming its product was defective under the Louisiana Products Liability Act.

Partnering with attorneys from Lightfoot, Franklin & White, our team quickly removed the lawsuit from the Civil District Court of Orleans Parish to the United States Eastern District of Louisiana. Within two weeks of removal, the Plaintiff-Insurer transmitted a settlement offer.

Assessing the evidence, or more particularly lack thereof, the defense counter-offer was simply an opportunity for the Plaintiff-Insurer to dismiss its case with prejudice. A week later, the Plaintiff-Insurer accepted the "offer" and agreed to dismiss its case with prejudice.