

Abbott and Maccherone Win Summary Judgment on Behalf of Fortune 500 Client

New Orleans partners, Charles Abbott and Amy Maccherone, recently won a significant motion for summary judgment on behalf of a Fortune 500 company whose business involves the manufacturing of, among other things, marine diesel engines. The new client had transitioned its entire docket of Louisiana asbestos cases from prior outside counsel to FormanWatkins weeks earlier, and which included one deceased mesothelioma case with a trial setting within 45 days. With little time to spare, our attorneys quickly analyzed that trial-set case, assessed the options, and identified two viable solutions given the unique posture of the case: (1) win on summary judgment or (2) try the case to an Orleans Parish jury.

In urging the motion for summary judgment, Abbott and Maccherone argued that there was no evidence Plaintiff was exposed to an asbestos-containing product manufactured, supplied, sold, or distributed by our client. The evidence was pretty clear in that the only alleged exposure to asbestos could have come from the Plaintiff insulating an exhaust system, which was attached to, but not a part of, our client's engine. Our client did not design, specify, recommend, or provide any input regarding the exhaust system and, more specifically, had nothing to do with the selection of the insulating materials that were used by the shipyard on the exhaust system.

Of the seven (7) motions for summary judgment heard on September 13, 2018, our client's motion was the only one taken under advisement. All other co-defendants' motions for summary judgment were denied from the bench. Uncertain of what the final outcome would be, our attorneys quickly shifted gears and began preparing for trial.

Finally, with only 23 days left before the start of trial, the Court issued its ruling granting our client's motion for summary judgment and fully agreeing that the Plaintiff could not sustain his burden of proof at trial as he was not "exposed to asbestos-containing products sold, designed, manufactured, supplied, or installed" by our client.

This is the second case where a Louisiana trial court has agreed with our client's bare metal defense. The briefing on the motion for summary judgment was completed by MS. Maccherone and Mr. Abbott argued the motion.