

Defense Verdict in North Carolina Jury Trial

Tim Gray obtained a defense verdict for a FormanWatkins client in the United States District Court for the Western District of North Carolina. Plaintiff alleged that his leukemia was caused by exposure to a chemical the firm's client sold to a product manufacturer in the 1970s that incorporated the chemical into its product.

Tim Gray served as co-lead trial counsel. Through presentation and cross examination of expert witnesses, Tim contended that although a compound within the chemical sold by the client could cause the type of leukemia that the plaintiff had, his exposures were too low and occurred too long ago to have caused leukemia in his case. Other evidence presented at trial established that the client's warnings about its product were consistent with what was known about causes of leukemia at the time it sold the chemical and that the warning the product manufacturer placed on the product complied with federal labelling laws.

This is one of the few civil jury trials conducted during the COVID-19 Pandemic. Evidence in the case was presented to an 8 member jury who were socially distanced in the jury box and who wore masks throughout trial. Counsel likewise wore masks at counsel table. Witnesses and counsel did not wear masks during examination of witnesses during the trial. Of the 14 witnesses who testified at trial, 8 testified in person and 6 testified remotely by Zoom.

After an 8 day trial, the jury deliberated for less than 4 hours and returned a defense verdict in favor of the firm's client.