

## Fifth Circuit Affirms Summary Judgment Ruling in Favor of FormanWatkins Forest Products Client

FormanWatkins attorneys Joshua Metcalf, Peyton Smith, Chelsea Lewis and Charles Abbott secured a win in the U.S. Court of Appeals Fifth Circuit when the Court affirmed the Eastern District Court of Louisiana's grant of summary judgment in favor of the firm's forest products client in a pesticide application matter where the plaintiff sought monetary damages and an injunction. The FormanWatkins team secured the significant summary judgment in April 2021 after excluding all medical causation experts under Rule 702/*Daubert* and successfully convincing the district court to dismiss the plaintiff's nuisance and negligence claims. The Appellant contested the District Court's exclusion of a treating physician and challenged the summary judgment ruling, arguing that sufficient evidentiary and legal support was provided for the claims of negligent infliction of emotional distress. Metcalf presented oral argument to the Fifth Circuit in April of 2022, explaining why the treating physician's testimony did not satisfy the requirements of Rule 702 and why summary judgment was appropriate. The Fifth Circuit issued its opinion July 1, 2022, affirming the expert exclusion and the dismissal of the case, continuing a series of significant victories for our forest products clients.