

## Forest Products Team Wins Major Ruling from U.S. Court of Appeals for the Fourth Circuit

On July 14, 2021, the U.S. Court of Appeals for the Fourth Circuit issued a significant opinion defining state of the art evidence for product liability cases. The opinion affirmed a summary judgment award won by FormanWatkins in the Eastern District of North Carolina on behalf of a dimensional lumber manufacturer. The case involved a plaintiff's alleged childhood exposure to softwood dust in his father's hobby woodshop and his later diagnosed sinonasal cancer.

The District Court awarded summary judgment on the ground, among others, that the state of the art evidence during plaintiff's alleged exposure period was insufficient to establish a duty to warn that wood dust was a carcinogen. In its opinion affirming the summary judgment, the Fourth Circuit explained that the state of the art for any product liability case represents "the culmination of the relevant research in a given field, . . . or the synthesis of the available knowledge on a certain subject at a given time." The Court emphasized that the state of the art is not "defined by cutting edge knowledge or new research that pushes the envelope" and that a product manufacturer or seller has no "duty to react to each of the many studies conducted over the years, however isolated or cutting edge," prior to the culmination and syntheses of the relevant research and knowledge.

Congratulations to FormanWatkins team members Alison McMinn and Joshua Metcalf, who led the efforts before the District Court and the Fourth Circuit. Ruth Maron Huskey, Tanya Ellis, Courtney Hunt, and Sam Kapoor contributed greatly towards winning summary judgment before the District Court. Spencer Ritchie helped secure the victory before the Fourth Circuit.

A news article from Bloomberg Law about the Fourth Circuit's decision can be found [here](#).