

Forest Products Team Wins Summary Judgment

In another win for our forest products team, on February 21, 2020, FormanWatkins won summary judgment on all counts on behalf of a dimensional lumber manufacturer in a case involving a plaintiff's alleged childhood exposure to softwood dust in his father's hobby woodshop. FormanWatkins argued that because it was not reasonable to foresee that exposure to wood dust could cause sinonasal cancer, the manufacturer had no duty to warn the plaintiff of such risk. FormanWatkins also argued that regardless of the manufacturer's duty, any alleged failure to warn was not the proximate cause of the plaintiff's injury. The Eastern District of North Carolina agreed and dismissed the case.

In her in-depth opinion, Judge Flanagan reasoned that based on state of the art, wood dust was not a known cause of sinonasal cancer during the exposure period, and the manufacturer therefore had no duty to warn. Furthermore, there was no foreseeable risk of cancer from wood dust to a retail consumer of mostly softwood products, such as the plaintiff's father. In addition, the Court held that the plaintiff failed to establish proximate causation, as it was speculative to assume that the plaintiff's father would have taken any different action or avoided wood dust exposure if an additional warning had been provided.

Congratulations to FormanWatkins team members Joshua Metcalf, Alison McMinn, Tanya Ellis, Ruth Maron, Courtney Hunt, and Sam Kapoor, who all contributed to the win.