

## FormanWatkins Defends Summary Judgment Before Fifth Circuit

On March 5, 2018, Alison McMinn and Peyton Smith argued before the United States Court of Appeals for the Fifth Circuit, defending the summary judgment granted to their client last year. The Appellant contended that summary judgment was improper because fact questions remained regarding the cause of a truck rollover because their expert witness testified that the only possible cause of the accident related to the packaging of the load. In response, Alison McMinn urged the court to affirm summary judgment by highlighting several deficiencies in the expert's opinion to underscore its speculative nature.

In 2017, Judge Elizabeth Erny Foote granted summary judgment for Forman Watkins' client in the personal injury action pending in the United States District Court for the Western District of Louisiana. In the trial court, Plaintiff-Appellant alleged that our client negligently loaded its products onto his trailer, leading the truck to roll over causing his injuries. Alison McMinn, Joshua Metcalf, Mimi Arthur, and Peyton Smith successfully argued that Plaintiff-Appellant could not survive summary judgment because he failed to present causation evidence in support of his claims. In particular, the court stated that the opinion of the causation expert was "too speculative in nature to create a genuine dispute of fact".