

FormanWatkins Wins at the Fifth Circuit

On April 2, 2018, the United States Court of Appeals for the Fifth Circuit affirmed the Western District of Louisiana's grant of summary judgment, finding persuasive the argument presented by Forman Watkins that the testimony of Appellant's expert failed to create a genuine issue of material fact. The case was argued before a three-judge panel on March 5, 2018 by Alison McMinn and Peyton Smith. 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. The court's opinion affirming the summary judgment is attached here.

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. McMinn, Smith, Joshua Metcalf, and Mimi Arthur 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".