

FormanWatkins Wins Dismissal in Maritime Case

On April 29, 2022, an Orleans Parish District Court judge dismissed a mesothelioma asbestos exposure case in favor of two energy companies, represented by Forman Watkins & Krutz attorneys Nick Giallourakis, Byron Kitchens and Margaret McLaughlin, and Michael Abraham and Peter Moir, respectively.

Plaintiffs are Italian citizens who filed suit under maritime law nearly ten years after their decedent's mesothelioma diagnosis. Plaintiffs argued their lawsuit was timely filed because they did not learn of the connection between their decedent's mesothelioma and his alleged asbestos exposures until late 2020 or early 2021. The parties submitted extensive briefing concerning maritime law prescription statutes (statute of limitations) and state of knowledge in Italy regarding the connection between asbestos exposure and mesothelioma. At the hearing, McLaughlin and Abraham were successful in excluding the plaintiffs' evidence regarding what was known or knowable about the cause of decedent's mesothelioma; and, ultimately, Civil District Court Judge Robin M. Giarrusso granted the clients' Peremptory Exception of Prescription (motion to dismiss on statute of limitations grounds).