

Louisiana Fourth Circuit Affirms Trial Court's Decision to Dismiss Maritime Case in Favor of Fortune 500 Energy Clients

FormanWatkins secured a significant victory in the Louisiana Fourth Circuit Court of Appeals in favor of two of the firm's Fortune 500 energy clients in a mesothelioma asbestos exposure matter. The team included Forman Watkins & Krutz attorneys Michael Abraham, Byron Kitchens, Margaret McLaughlin and Patrick Fields.

Plaintiff-Appellants are Italian citizens who initially filed suit under maritime law nearly ten years after their decedent's mesothelioma diagnosis. The FormanWatkins team sought dismissal of the claim because it was filed beyond the applicable maritime statute of limitations. In September 2022, the District Court found after a bench trial on the issue that the case was beyond the statute of limitations and dismissed Plaintiff-Appellants' claims with prejudice. The FormanWatkins team cross-examined the plaintiff and plaintiff expert and presented affirmative testimony from a leading Italian medical expert.

Plaintiff-Appellants appealed that decision to the Louisiana Fourth Circuit. At the appellate stage, with briefing by associate Patrick Fields, associate Margaret McLaughlin successfully argued that injured plaintiffs have an affirmative duty to investigate the potential causes of known injuries, that an investigation in this case would have revealed the connection between the injury and its cause, and that the plaintiff-appellants in this case failed to carry out their duty to investigate. The Fourth Circuit agreed, finding that the Plaintiff-Appellant's own evidence at the trial stage made clear that the case was prescribed and affirmed the trial court's dismissal of the Plaintiff-Appellants' claims as to all defendants.

[Click here to see the Louisiana Fourth Court of Appeals' issued judgment.](#)