

Metcalf and Lewis Successfully Exclude Speculative Medical Testimony in Forestry Herbicide Case

The FormanWatkins forest products team continues its strong performance defending companies who have been sued for alleged personal injuries. Recently, FormanWatkins attorneys Joshua Metcalf and Chelsea Lewis argued successfully for the exclusion of two medical doctors in a herbicide spraying case where the plaintiffs sought to use the doctors to establish a causative link between the herbicide at issue and the plaintiffs' alleged injuries. Plaintiffs claimed the application of the herbicide to our client's timberland exacerbated their pre-existing hypersensitivity to chemicals. Our team attacked the medical and scientific basis for the claims and filed a motion to exclude the testimony of the doctors because the doctors had not been properly disclosed, and more importantly, because their testimony did not satisfy the *Daubert* standards for causation testimony in a chemical exposure case. The court agreed in a written opinion and granted the motion on January 8, 2021.