

Metcalf and Lewis Win Summary Judgment in Federal Pesticide Case

In a significant victory for a national forest-products client, FormanWatkins attorneys Joshua Metcalf and Chelsea Lewis won summary judgment in federal court in Louisiana. Plaintiffs had sued over the application of a commonly-used herbicide to the client's timberland, seeking monetary damages and an injunction preventing the use of any herbicide or pesticide on thousands of acres of the client's property. After earlier excluding Plaintiffs' medical causation experts, Metcalf and Lewis convinced the court to dismiss all claims against the client. The court determined that spraying herbicides to maintain a commercial forest is reasonable behavior that does not give rise to a nuisance claim and Plaintiffs' fear of exposure from such a common practice is not enough to give rise to a negligence claim. This victory is the latest for our forest products team and continues the Firm's long-standing involvement in the defense of pesticide exposure cases.