

Oregon Ct. of Appeals Affirms Grant of New Trial for Firm Client

On August 26, 2020, the Oregon Court of Appeals affirmed the trial court's grant of a new trial to our client, finding that plaintiff's counsel engaged in misconduct by failing to produce asbestos bankruptcy trust affidavits that proved alternative asbestos exposures, and that plaintiff's counsel's misconduct "materially affected" our client's rights at trial. In 2015, after a Multnomah County jury returned a verdict against three premises defendants, FormanWatkins discovered that plaintiff's counsel failed to produce exculpatory evidence during discovery. FormanWatkins successfully moved for a new trial based upon plaintiff's failure to produce evidence of alternative exposures that impaired our client's ability to defend itself at trial. Plaintiff appealed the trial court's order granting a new trial. The decision of the Oregon Court of Appeals is a significant victory for asbestos defendants and affirms the importance of obtaining bankruptcy trust submissions in asbestos exposure cases. FormanWatkins attorneys Joshua Metcalf, Nick Giallourakis, and Ruth Maron Huskey were integrally involved in both the trial and the appeal.