

Tanya Ellis & Benton York Obtain Big Win at the Mississippi Supreme Court

Forman Watkins attorneys Tanya Ellis and Benton York recently obtained a big win at the Mississippi Supreme Court on behalf of their client Illinois Central Railroad Company. The claims involved a former railroad worker who alleged that his lung cancer was caused by on-the-job asbestos exposure. Despite the fact that the plaintiff had no evidence that any asbestos exposure had occurred, the trial court denied Illinois Central's motion for summary judgment, and, in doing so, relied upon unsworn expert designations prepared by the plaintiff's lawyers. After granting Illinois Central's interlocutory appeal, the Mississippi Supreme Court reversed the trial court's ruling and rendered summary judgment in favor of Illinois Central. The Court held that the claims were baseless because the plaintiff lacked "even a mere scintilla of evidence of exposure" and "there is a complete absence of probative facts." The Court also ruled that the unsworn expert witness designations were "hearsay," "incompetent" summary judgment evidence, and should have been stricken from the record below.

The Court's opinion can be found at: <http://courts.ms.gov/Images/Opinions/CO109823.pdf>