

## Watkins & Arthur Win Contested Motion in Eastern District of Louisiana

Forman Watkins' O-I Louisiana team recently won a contested motion in the Eastern District of Louisiana in the Joseph Savoie case. In 1991, Joseph Savoie filed an asbestosis lawsuit against O-I and other defendants. O-I settled his claim as part of group settlement, and Mr. Savoie and his wife executed an agreement releasing O-I from any cause of action arising out of Mr. Savoie's asbestos-related injury, including mesothelioma, cancer, wrongful death, and survival claims. Seventeen years later, Mr. Savoie contracted mesothelioma. His wife and children sued O-I again, seeking survival and wrongful death damages. In response, O-I filed an Exception of Res Judicata, arguing for dismissal of the plaintiffs' claims because the prior release explicitly compromised any prospective mesothelioma claims. A co-defendant removed the case to federal court, where O-I re-urged its state court exception. The plaintiffs opposed O-I's motion, arguing that Mr. and Mrs. Savoie never intended to release any mesothelioma claims as evidenced by the small settlement sum they received.

After reviewing the briefing, Judge Barbier found the prior release was valid and that Mr. Savoie's mesothelioma claim existed when he executed the release because the prior settlement agreement expressly included mesothelioma and wrongful death claims. Further, Louisiana law provides that the actual settlement value a party receives is inconsequential if the settlement agreement includes a specific reference to the claim released. The Court granted O-I's exception and dismissed all Mr. Savoie's survival claims and Mrs. Savoie's wrongful death claims.

Forman Watkins attorneys Trey Watkins and Mimi Arthur drafted the briefing.