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## La. Federal Court Denies 3M Motion to Dismiss

NEW ORLEANS -- A Louisiana federal court has declined to dismiss benzene claims against 3M Co., finding that, considering the limited development of discovery in the proceedings, the facts were sufficiently pled against the defendant. *Wright v. Shell Offshore Inc., et al.*, No. 10-02108 (E.D. La.).

In the Feb. 16 ruling, the U.S. District Court for the Eastern District of Louisiana further opined that the facts pled against the company were plausible and were enough to give 3M Co. notice.

The lawsuit was filed by Eric and Carolyn Wright, who claim that Eric Wright was exposed to benzene-containing solvents while working on various vessels from 1976 to 2009. As a result of the exposure, Eric Wright allegedly developed acute myelogenous leukemia.

The Wrights asserted a claim under the Jones Act in addition to products liability claims against the manufacturer defendants.

3M Co., however, moved to dismiss on grounds that the plaintiffs had failed to specify the 3M Co. products to which Wright was exposed.

The court disagreed, finding that the plaintiffs had sufficiently pled facts against 3M Co.

"Given the limited discovery expected of plaintiffs at the pleadings stage of the litigation and the strict liability imposed on product manufacturers, Plaintiffs' lack of certain specific factual allegations as to Defendant 3M Co. does not necessitate a dismissal of those claims," the court said. "The Court finds that Plaintiffs have plead enough facts to state a claim for relief that is plausible on its face and to give Defendant 3M Co. fair notice of those claims."

Counsel for the plaintiffs are Richard Fernandez and Amber E. Cisney of Richard J. Fernandez, LLC in Metairie, La.; Chris Madeksho of Madeksho Law Firm in Houston; and L. Eric Williams Jr. of Williams Law Office in Metairie, La.

3M is represented by Richard Sarver, Celeste R. Coco-Ewing and Christy C. Harowski of Barrasso, Usdin, Kupperman, Freeman & Sarver in New Orleans.

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