

## NEWS & INSIGHTS

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### LIGHTFOOT WINS SUMMARY JUDGMENT IN PRODUCT LIABILITY CASE AFTER EXCLUSION OF KEY PLAINTIFF EXPERT WITNESS

January 11, 2022

A team from Lightfoot, Franklin & White LLC won a motion for summary judgment on all claims in a product liability case against clients Emerson Electric Co. and its subsidiary Emerson ClimateTechnologies, Inc. The win in Georgia federal court came after the firm successfully argued for the exclusion of the plaintiff's key expert witness.

The Northern District of Georgia case (*Jester v. Emerson Climate Technologies, Inc. et al.*) involved claims from an electrician who alleged that he was burned in September 2016 while servicing an air conditioning unit at an Atlanta restaurant because Emerson defectively designed and manufactured a compressor that was used in the unit. Emerson contended the compressor was altered and not used as intended because it was installed with mismatched parts from different manufacturers and a flammable refrigerant was used, which was not appropriate.

As part of Emerson's defense, Lightfoot filed a motion to exclude one of the plaintiff's expert witnesses, Dr. B. Don Russell, Jr., who offered testimony as to the viability of "alternative designs" for a compressor. Lightfoot partner **William H. Brooks** argued the motion in a hearing in December, saying that Dr. Russell's methodology regarding alternative designs was unreliable and inadmissible.

In an 18-page order issued January 6, 2021, the court agreed with Lightfoot and Emerson, determining that Russell's methodology behind his proposed alternative designs for the air conditioning unit's compressor was unreliable and untested since he didn't "explain the steps he took to develop the designs or to validate the designs." The court also noted that "it does not appear [Dr. Russell's] methodology is currently accepted" and Dr. Russell, by his own admission, "has not conducted testing on these designs, and...could not identify a single compressor from any manufacturer that uses the designs." The court found that Dr. Russell's repeated statements that his methodology was based upon "'plain old ordinary engineering' were insufficient to show that his methodology is reliable."

With the exclusion of this expert testimony, the court found that plaintiff could not establish a design defect and granted Emerson's motion for summary judgment on all claims.

"We are pleased the court found in our clients' favor on both excluding the expert witness and granting our motion for summary judgment," said Lightfoot partner **Adam K. Peck**. "Since the plaintiff's arguments relied exclusively on Dr. Russell's testimony, having that excluded left no justification for the matter proceeding."

In addition to Brooks and Peck, the Lightfoot team includes managing partner **Melody Eagan** and partner **Christopher C. Yearout**.