



## News & Updates

### **CALIFORNIA COURT OF APPEAL: CALIFORNIA APPLIES HIGHER TEXAS STANDARD ON CAUSATION AND DISMISSES ASBESTOS CASE (FEB. 10, 2015)**

In this California state case, the plaintiff, a Texas resident, claimed asbestos exposure in both California and Texas, although the particular claimed exposure against certain defendants was in Texas. These defendants moved for summary judgment, claiming that under Texas law, the plaintiff was unable to meet the legal standard of causation. Both the lower and appellate courts in California, under choice of law principles, ruled that Texas law applied and, under the higher causation standard in Texas, granted summary judgment. With respect to Texas law on causation, the California court stated that "in the absence of direct proof of causation, establishing causation in fact against a defendant in an asbestos-related disease case requires scientifically reliable proof that the plaintiff's exposure to the defendant's product more than doubled his risk of contracting the disease. A more than doubling of the risk must be shown through reliable expert testimony that is based on epidemiological studies or similarly reliable scientific testimony. ' Additionally, the court noted that proof of doubling of the risk may not be sufficient in cases where there is evidence of significant exposure from other sources, for example, where it is established that a source of asbestos other than defendant increased the plaintiff's chances of contracting mesothelioma by a factor of 10,000."

[Click here for a copy of the decision.](#)

If you have questions about how this case may impact your business, please contact:

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#### Files

[Asbestos Alert - February 13, 2015-2.pdf](#)

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