



## News & Updates

### **NORTHERN DISTRICT OF CALIFORNIA - PLAINTIFFS' COMPLAINT DISMISSED FOR FAILURE TO PLEAD CIRCUMSTANCES OF ASBESTOS EXPOSURE THAT JUSTIFY DEFENDANTS' POTENTIAL LIABILITY (MAR.2, 2015)**

In this California federal court case, plaintiffs Billy and Diana Jeffrey commenced an action generally claiming Mr. Jeffrey had asbestos exposure at numerous worksites spanning from 1962 to 1976. Several defendants moved to dismiss the complaint for failure to state a cause of action on the grounds that the plaintiffs' complaint merely listed jobsites and dates and generally alleged that the defendants supplied, installed, or maintained asbestos-containing products where Mr. Jeffrey worked.

The court granted the motions to dismiss, with leave to amend, holding: "Mr. Jeffrey's alleged exposure occurred 40 to 50 years ago and he is unlikely to have detailed knowledge of defendants' products and operations, such as the brand names of the specific products at issue. Plaintiffs' amended complaint need not include precise details of the facts underlying their claims. In order to plead plausible claims, plaintiffs can and should allege the circumstances of Mr. Jeffrey's exposure, such as the type of work he was performing and why that work may have exposed him to defendants' products, as well as any other material facts of which they are aware that justify the defendants' potential liability in this case."

The plaintiffs' attorney, in opposition to the motion, argued that the complaint was sufficient since defendants know their business as manufacturers of asbestos containing products, have admitted to such in their state-court responses to interrogatories, and that they are sued in this case as they have been in numerous other cases involving plaintiffs' counsel. The court was unswayed by this argument and stated: "Plaintiffs' obligation to plead plausible claims is not lessened by their counsel's prior experience litigating against these defendants."

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

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

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Or another member of Goldberg Segalla's Toxic Torts Practice Groups

#### **Files**

[Asbestos Case Tracker March 5, 2015 - California Federal Court.pdf](#)

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