



News & Updates

OUTSIDE CONTRACTOR GRANTED SUMMARY JUDGMENT UNDER FREQUENCY, PROXIMITY, AND REGULARITY PROXIMATE CAUSE ANALYSIS

In this Maryland case, the plaintiff's decedent was exposed to asbestos while aboard various Naval vessels. He claimed to have walked by outside contractors installing bulkhead Marinite panels and insulation while heading to and from the engine rooms. Defendant Hopeman moved for summary judgment based on product identification grounds. Applying Maryland law, the court denied Hopeman's motion on product identification grounds, even though that portion of the motion was unopposed, finding that the defendant had failed to meet its burden of proof that the work in question did not involve the use of asbestos-containing materials. The court, however, granted summary judgment to Hopeman on proximate cause grounds under Maryland's interpretation of the frequency, proximity, and regularity analysis. After analyzing the deposition testimony, the court reasoned that "...the evidence establishes that, at most, [plaintiff's decedent] passed through areas where Hopeman installed the Marinite panels on the 4549 eight to ten times for three to five minutes each time over the course of roughly two months. According to the Court of Special Appeals of Maryland, this is not sufficient to satisfy the substantial factor causation standard for asbestos exposure cases."

Read the full decision [here](#).

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

Joseph J. Welter (716.566.5457; jwelter@goldbergsegalla.com)
Jason A. Botticelli (716.566.5460; jbotticelli@goldbergsegalla.com)
Susan E. Van Gelder (716.566.5463; svangelder@goldbergsegalla.com)
Or another member of Goldberg Segalla's Toxic Torts Practice Groups

Files

[Asbestos Case Tracker - Maryland - August 11, 2015.pdf](#)

Attorney Advertising © 2018 Goldberg Segalla
Prior results do not guarantee a similar outcome.

- New York
- Chicago
- Los Angeles
- Orlando
- West Palm Beach
- St. Louis
- Philadelphia
- Miami
- Baltimore
- Newark
- Garden City
- Hartford
- Princeton

- Greensboro
- Buffalo
- Rochester
- Syracuse
- Albany
- White Plains
- London