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And The Defense Wins

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DRI members **Laura E. Proctor** of **Louisiana-Pacific Corporation** (LP) in Nashville, **Christopher B. Parkerson** of **Campbell Campbell Edwards & Conroy, PC** in Boston, and **Charles A. “Chuck” Stewart III** and **Scott Burnett Smith** of **Bradley Arant Boult Cummings LLP** in Montgomery and Huntsville, Alabama, respectively, secured a defense verdict for Louisiana-Pacific Corporation in a multi-million dollar case filed in Middlesex County, Massachusetts, after three brick masons were seriously injured in a construction site accident.

The lawsuit claimed that the polyester strapping that is used to bundle LP’s oriented strand board (OSB) tongue-in-groove flooring product was negligently welded, which allowed over 30 sheets (weighing 75 pounds each) of the product to cascade down an incomplete elevator shaft like a “deck of cards,” injuring the workers who were working in the shaft. The plaintiffs sued the general contractor, the framing subcontractor, LP and LP’s retailer.

In the fourth week of trial, the jury returned a verdict for the plaintiffs against the general contractor and the subcontractor in the amount of \$3.2 million. However, LP and its retailer received defense verdicts on all claims against them, both product and negligence claims. During trial, LP also convinced the court to exclude a Tuft University chemist’s opinion that the welds on the straps were defective, and to prevent a mechanical engineer from testifying about his testing of exemplar straps. LP was represented by Chuck Stewart, vice chair of DRI’s Product Liability Committee, with appellate assistance from his partner, Scott Smith, chair of DRI’s Appellate Advocacy Committee; Christopher Parkerson, a new member of DRI, as local counsel; and Laura Proctor, Secretary/Treasurer of DRI.