



News

Scott Seaman Discusses Significance of a Legal Victory for "Forever Chemicals" Manufacturers - in Yahoo Finance

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Scott Seaman was quoted in *Yahoo Finance*, discussing the significance of a legal victory achieved by 3M, DuPont, and eight other defendants in forever chemical litigation.

The United States Court of Appeals for the Sixth Circuit vacated a district court order certifying a class of 11 million Ohio residents consisting of persons allegedly injured by per- and polyfluoroalkyl substances (PFAS) chemicals. The Sixth Circuit determined that the class representative, a 40-year firefighter, failed to establish standing based upon his failure to establish "traceability."

According to the court's opinion:

"Seldom is so ambitious a case filed on so slight a basis. The gravamen of Kevin Hardwick's complaint is that his bloodstream contains trace quantities of five chemicals—which are themselves part of a family of thousands of chemicals whose usage is nearly ubiquitous in modern life. Hardwick does not know what companies manufactured the particular chemicals in his bloodstream; nor does he know, or indeed have much idea, whether those chemicals might someday make him sick; nor, as a result of those chemicals, does he have any sickness or symptoms now. Yet, of the thousands of companies that have manufactured chemicals of this general type over the past half-century, Hardwick has chosen to sue the ten defendants present here. His allegations regarding those defendants are both collective—rarely does he allege an action by a specific defendant—and conclusory. Yet Hardwick sought to represent a class comprising nearly every person 'residing in the United States'—a class from which, under Civil Rule 23(c), nobody could choose to opt out."

Seaman noted, "[t]here is no doubt that PFAS claims will trump tobacco." He added, "[w]hatever you want to say about it, it would have been disastrous for defendants and bad law if the class action were allowed to proceed based on these allegations. But this is going to be a long-term war."

Yahoo Finance also linked to a post that Seaman [published on LinkedIn](#), noting that PFAS plaintiffs face significant challenges, including linking their alleged injuries to particular chemicals and defendants.

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"Forever chemicals' ruling provides legal victory for 3M, Dupont" was published by *Yahoo Finance* on November 28, 2023.