

Firm Successfully Defends Against National Manufacturer's *Daubert* Challenge to Expert Testimony

In *AIG Property Casualty Company a/s/o Angelo Fraggos v. A.O. Smith Corporation*, a case pending before the United States District Court for the District of New Jersey, attorneys in the firm's subrogation department filed suit against A.O. Smith Corporation (A.O. Smith). The suit alleged that various design and manufacturing defects in an A.O. Smith hot water heater caused the water heater to catastrophically fail, resulting in significant and extensive damage to property owned by AIG's insured. Seeking to repeat its recent and effective *Daubert* challenge against a different expert in another case involving a failed hot water heater, A.O. Smith moved to exclude the testimony of AIG's engineering expert in the *Fraggos* case.

In addition to seeking the exclusion of AIG's expert, A.O. Smith sought the complete dismissal of the case via a motion for summary judgment. In its moving papers, A.O. Smith argued that AIG's expert was not qualified to render the opinions he was offering, that his opinions were unreliable and that the case should be dismissed as a result thereof.

After extensive briefing, the court denied both of A.O. Smith's motions in their entirety.