

La. Court Denies Motion to Compel Discovery in Asbestos Drilling Mud Additive Case

BATON ROUGE, La. — A Louisiana federal court has denied an asbestos plaintiff's attempt to compel discovery, concluding that efforts to obtain seven years' worth of well logs from 40 years ago covering over half a million square miles in the Gulf of Mexico were not "proportional to the needs of the case."

In the Aug. 9 opinion, the U.S. District Court for the Middle District of Louisiana ultimately concluded that the plaintiff failed to carry his burden of proving that the information request was relevant to his lawsuit.

David Hsieh filed the underlying complaint, contending that he developed malignant mesothelioma and adenocarcinoma as a result of exposure to asbestos in the 1980s. Hsieh contended in his lawsuit that he encountered asbestos fibers in drilling mud additives.

The plaintiff moved to compel discovery from BP America Inc., BP Corp. North America Inc., BP Products North America Inc., Chevron U.S.A. Inc., ExxonMobil Oil Corp., Exxon Mobil Corp., and Texaco Inc. The defendants opposed the plaintiff's efforts.

In addressing the dispute, the federal court noted that "information need not be admissible into evidence to be discoverable."

"Rather," the court continued, "the information merely needs to be proportional and relevant to any claim or defense. The threshold for relevance at the discovery stage is lower than the threshold for relevance of admissibility of evidence at the trial stage. This broader scope is necessary given the nature of litigation, where determinations of relevance for discovery purposes are made well in advance of trial."

In the instant proceedings, the court found that the plaintiff had failed to carry the initial burden of establishing that the information he seeks is relevant to his claims and proportional to his case.

"While well logs may provide information as to materials used by Defendants, Plaintiff fails to explain how any information from the well logs will shed any light on whether or not Plaintiff performed any services at that particular location during the use of such materials," the court opined. "...Absent such evidence, Plaintiff's argument that the information sought is relevant to his claims is factually unsupported and wholly unpersuasive. As plaintiff has failed to provide any factual basis or information regarding alleged exposure to asbestos on Defendants' premises, his request that Defendants produce seven years' worth of well logs from 40 years ago covering over half a million square miles in the Gulf of Mexico is improper and not proportional to the needs of the case."

Hsieh v. Apache Deepwater LLC, et al., No. 19-00408 (M.D. La.).

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