

[November 2018, CAUSATION—CHEMICAL PRODUCTS—M.D. Fla.: Failure to warn claims against maker of roofing product dismissed for lack of causation evidence, \(Nov. 6, 2018\)](#)

Products Liability Law Daily Wrap Up

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By Miriam A. Friedman, J.D.

A vehicle restoration specialist who had developed oromandibular dystonia failed to present any evidence from which a reasonable jury could find, within a reasonable degree of medical certainty, that a roofing product he had used was capable of causing and did cause his medical condition, a federal district court in Florida found. The court therefore granted the manufacturer's motion for summary judgment (*McCasland v. Pro Guard Coatings, Inc.*, November 5, 2018, Whittemore, J.).

The restoration specialist used Pro Guard Coatings, Inc.'s Liquid Roof product to repair recreational vehicle roofs during a three-year period. After seeking treatment from a series of physicians over the course of approximately two years for symptoms including arrhythmia and involuntary movements of his tongue and mouth, he was diagnosed with oromandibular dystonia. The restoration specialist sued, alleging that the manufacturer failed to adequately warn him of the risks of using its product. The manufacturer moved for summary judgment.

Causation. The court found that the restoration specialist's expert witness failed to create a genuine issue of material fact as to causation because he, himself, acknowledged that he was a biochemist and that he could not offer medical opinions on causation. Similarly, the treating physician "repeatedly acknowledged" that he had no opinion that any product caused the dystonia. As such, the court stated, the restoration specialist's "conclusory allegation" that the product proximately caused his condition amounted to "nothing more than lay speculation on causation, insufficient as a matter of law to avoid summary judgment."

The case is No. [8:17-cv-990-T-27AEP](#).

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Companies: Pro Guard Coatings, Inc.

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