

[Products Liability Law Daily Wrap Up, EXPERT EVIDENCE—CLOTHING AND ACCESSORIES—N.D. Ill.: Court grants summary judgment in favor of American Airlines, clothing manufacturer over alleged toxic uniforms, \(Apr. 15, 2025\)](#)

Products Liability Law Daily Wrap Up

By Wendy Biddle, J.D.

Causation experts failed to put forth a biological theory of exposure which could be independently validated.

Expert testimony set forth in a class action lawsuit against a uniform manufacturer by airline employees who experienced a variety of adverse health issues within weeks of having been issued new uniforms was deemed unreliable, a federal district court in Illinois ruled. The court found that both of the plaintiffs' causation experts failed to articulate a biological theory of how exposure to the uniforms could have caused their adverse symptoms, rendering their opinions unreliable under *Daubert* and Rule 702. But even if their methods and opinions had been found reliable, the court found that the plaintiffs failed to plausibly establish that they were exposed to harmful defects and granted summary judgment in favor of the uniform manufacturers and airline ([Zurbruggen v. Twin Hill Acquisition Co.](#), No. 1:17-cv-05648 (N.D. Ill. Apr. 11, 2025)).

Background. Eleven employees of American Airlines filed a class action complaint on behalf of themselves and thousands of fellow employees alleging that the new uniforms manufactured by Twin Hill Acquisition Co., Inc. had caused a wide variety of health problems. According to the complaint, the alleged problems began within weeks after the uniforms were rolled out to the workforce, and that within ten months following the rollout, over 4,000 flight attendants and pilots who had either worn or worked in proximity to those wearing the uniforms, had reported experiencing health issues, including skin rashes, ear and throat irritation, headaches, fatigue, vertigo, and various auto-immune conditions [see *Products Liability Law Daily's* Sept. 5, 2018 [analysis](#)].

The employees alleged that the airline engaged in battery and intentional infliction of emotional distress by refusing to cancel the rollout of the new uniforms despite reports of reactions during testing periods. The employees also alleged strict product liability claims and negligence product liability claims against the uniform manufacturer.

The defendants moved for summary judgment on all claims.

Alleged defects. The court first determined that all of the plaintiff's causes of action (battery, intentional infliction of emotional distress, strict products liability, negligent products liability) all require a showing of a harmful defect. The court also noted that the choice of law in the case was not obvious as it could be Illinois where the case is being tried, or in North Carolina, Texas, Florida, Massachusetts, or New York, where the plaintiffs each reside and were injured.

But regardless of which state law governs the case, the court found that the plaintiffs must first prove that their uniforms contained harmful defects. The court concluded that the plaintiffs cannot do that without the testimony of experts, who can testify to the potency and stability of certain chemicals and whether use of a particular chemical is a manufacturing defect. The court also noted that the allegations of symptoms in the complaint were insufficient on its own to establish that the Twin Hill uniforms were defective.

Expert testimony. The plaintiffs had two experts that were to testify regarding causation. Both concluded that exposure to the uniforms caused the plaintiffs' symptoms. However, neither identified a specific chemical or a set of chemicals responsible for the symptoms. Instead they opined that causation could be inferred from the multiple

chemicals detected in the testing and that when the uniforms were introduced, a high number of employees reported symptoms which ultimately led to the uniforms being replaced. The defendants challenged the reliability of the experts' methodologies.

The court found that the plaintiff's first expert, Dr. Carson, failed step one of the *Daubert* analysis because he never developed a theory for how the uniforms caused the plaintiffs' reactions. Instead of identifying a potential theory, his testimony would leave jurors guessing as to whether any of the chemicals identified in the testing was toxic or allergenic to account for the plaintiffs' symptoms. The court also noted that even if he had identified chemicals capable of triggering the plaintiffs' reactions, his testimony would still be incomplete because he never provided a description of the environmental conditions necessary for exposure to trigger a reaction. His testimony lacked key elements like type, duration, intensity of exposure or how temperature, humidity or air pressure might impact exposure. Without that information, it would be implausible for a jury to be able to assess the likelihood that the uniform caused the plaintiffs' injuries. Because Dr. Carson failed to provide a plausible biological theory of exposure, the court concluded that his causation opinion was insufficiently reliable to be admitted under *Daubert* and Rule 702.

The plaintiffs' other causation expert, Dr. Hauser, did not fare much better. The court concluded that his opinion was even less reliable than Dr. Carson's. Like Dr. Carson, Dr. Hauser also failed to opine a biological theory for how exposure might have caused the symptoms. He did not identify any chemicals that could have triggered the symptoms. He did not provide any test results, studies, or anything to support the proposition that the chemicals in the uniforms could have triggered the plaintiffs' symptoms. That along with his over reliance on employee complaints caused the court to find his testimony inadmissible.

Summary judgment. Even if the expert testimony had been deemed admissible, the court concluded that summary judgment would still be appropriate. The court noted that even if the experts' testimony supported the conclusion that some of the uniforms contained defects capable of causing adverse reactions, it would not show that the plaintiffs' specific uniforms were defective.

The Twin Hill uniform line consisted of approximately 250 garment types and 50 accessories manufactured at 12 factories in 6 countries from varying combinations of at least 5 natural and synthetic fiber types produced at 14 textile mills in 7 countries. The court noted that even within a single mill, fibers were synthesized in batches, 100 to 1,000 yards at a time. And with so many variations in garment type, material, and origin, it was exceedingly unlikely that a single defect pervaded every item manufactured by Twin Hill.

The court therefore concluded the plaintiffs failed to prove by a preponderance of the evidence that they were exposed to uniforms containing harmful defects. The court granted summary judgment in favor of the defendants.

The case is No. [1:17-cv-05648](#).

Judge: Tharp, J.

Attorneys: Charles Jacob Gower (Gower Legal LLC) for Thor Zurbriggen. Francis A. Citera (Greenberg Traurig, LLP) for Twin Hill Acquisition, Inc. Charles Joseph Mahoney (O'Melveny & Myers LLP) for American Airlines, Inc.

Companies: Twin Hill Acquisition, Inc.; American Airlines, Inc.

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