



MG+M Secures Three Appellate Victories for American Biltrite in New York

July 20, 2022

New York, New York—On Tuesday, July 19, American Biltrite secured summary judgment in three cases on appeal in New York's Appellate Division, First Department, based on lack of causation. The appeals and oral argument for all three cases were handled by MG+M The Law Firm Partner [Justin Reinhardt](#), in substantial collaboration with Partner [Candice Kusmer](#).

Each plaintiff alleged that he contracted lung cancer from working around Amtico vinyl asbestos floor tile decades prior to developing disease and bringing suit. American Biltrite argued that the Amtico floor tile did not and could not contribute to the development of disease, and that the plaintiffs failed to present any scientific foundation to establish otherwise.

The appellate court reversed the trial courts' prior denial of American Biltrite's motions and held that American Biltrite properly established that the plaintiffs were not exposed to levels of asbestos from American Biltrite's products sufficient to contribute to the development of lung cancer. Specifically, American Biltrite established that any asbestos emitted from floor tile "was not enough to raise the risk of contracting lung cancer beyond the existing risk of contracting the disease in the general environment." The court also found that the plaintiffs failed to show causation or a reliable correlation between the amount of asbestos fiber related to vinyl asbestos floor tile and the amount needed to cause lung cancer.

"We are proud to help our client secure these three tremendous victories," says Justin. "The causation evidence the plaintiffs relied on in these cases is quite similar to many other cases pending in New York asbestos litigation, and I anticipate these decisions will have a substantial impact on our client moving forward."