



## **Differential Diagnosis, Specific Causation, and *Daubert*: An Update on Courts' Exclusion of Unreliable Expert Opinions in Toxic Tort and Other Product Liability Cases**

**Wednesday, January 16, 2019  
12:00 - 1:00 p.m. CST**

**Dear IADC Member:**

Please join us for a complimentary Webinar (Web-based seminar produced through Adobe Connect) sponsored by the IADC Product Liability Committee and Toxic and Hazardous Substances Litigation Committee on Wednesday, January 16, 2019 for (1) hour beginning at:

10:00 AM PST / 11:00 AM MST / 12:00 PM Noon CST / 1:00 PM EST

### **HOW TO REGISTER:**

**ONLINE REGISTRATION!** Although there is no fee to attend, you must register so that the IADC can plan accordingly for the number of interested participants. [Click here](#) to register online. You must be logged in with your IADC username and password in order to register. If you are registering multiple participants from the same firm, please register each participant individually.

We hope that you will join us for this exciting and informative program. If you have any questions, please contact **Melisa Maisel Vanis, Assistant Director of Meetings and Professional Development**, at [mmaisel@iadclaw.org](mailto:mmaisel@iadclaw.org) or by telephone at 312.368.1494.

### **THE PRESENTATION:**

**Differential Diagnosis, Specific Causation, and *Daubert*: An Update on Courts' Exclusion of Unreliable Expert Opinions in Toxic Tort and Other Product Liability Cases**

Establishing specific causation in cases involving toxic substances requires proof of specific causation – that the plaintiff's exposure to a substance capable of causing a particular disease in the general population actually caused the plaintiff's disease. An expert's differential diagnosis applied to specific causation "rules in" all scientifically plausible causes of the injury and then "rules out" the least plausible until only the most likely remains. This Webinar will provide an update on recent decisions from federal courts exercising their gatekeeping role under *Daubert* and excluding experts' differential diagnoses as unreliable, and will discuss the potential impact on future litigation.

## **THE PRESENTERS:**

### **Michael L. Fox ([mlfox@duanemorris.com](mailto:mlfox@duanemorris.com))**

*Duane Morris LLP, San Francisco, CA*

Michael L. Fox is a partner with Duane Morris LLP in San Francisco. He represents energy companies; chemical and equipment manufacturers; construction companies; and public entities in toxic tort, environmental release, general liability, and serious personal injury matters. He has extensive experience litigating complex, multiparty disputes involving alleged exposure to asbestos, chemicals, and other airborne and groundwater contaminants.

Michael has tried and arbitrated several cases to verdict, and he has argued numerous appeals before the California Supreme Court, California Courts of Appeal, and Ninth U.S. Circuit Court of Appeals, including disputes involving public access, premises liability, civil procedure, silica exposure, California's anti-SLAPP statute, and police officer privacy rights. He frequently publishes articles and speaks regarding toxic exposure claims and mass torts, including most recently "Tenth Circuit *Daubert* Ruling Bars Plaintiff Expert's AML Benzene Opinion Based on Differential Diagnosis," IADC Toxic and Hazardous Substances Litigation Committee Newsletter (May 2018).

### **Dr. David Galbraith ([david.galbraith@cardno.com](mailto:david.galbraith@cardno.com))**

*Cardno ChemRisk, San Francisco, CA*

Dr. David Galbraith is a senior principal at Cardno-ChemRisk, a firm providing toxicology, industrial hygiene, epidemiology, and medical risk assessment consulting services. With more than 25 years of life sciences consulting experience, David specializes in understanding and quantifying human health risk, with a particular emphasis on exposures to chemical toxins in environmental and occupational settings.

He has been frequently called upon to offer opinions regarding exposures to chemicals that have been alleged to cause or contribute to a variety of different chronic or malignant health conditions. David has been a practicing emergency, acute care, and occupational medicine physician, and has presented at many scientific meetings and continuing education conferences, and has authored numerous publications in peer-reviewed journals regarding occupational health, health risk assessment, and product liability issues. Dr. Galbraith is a licensed physician in the state of California.

#### ***IADC Webinars are made possible by a grant from The Foundation of the IADC.***

The Foundation of the IADC is dedicated to supporting the advancement of the civil justice system through educational opportunities like these Webinars. For more information on The Foundation, visit [www.iadcfoundation.org](http://www.iadcfoundation.org).