



## Phase One Decision Issued in Cobb County, Georgia Personal Injury Cases

Since June 2021, the parties in the personal injury cases in Cobb County have been litigating eight “pool cases” to determine whether plaintiffs can prove general causation. The Court had framed the “Phase One” general causation issue as follows: “Plaintiffs must prove that exposure to EtO emission [from Sterigenics’ Atlanta facility] is capable of causing the harm that Plaintiffs allege. To carry their burden, they must demonstrate ‘the levels of exposure that are hazardous to human beings **generally.**’” (March 29, 2023 Order)

Sterigenics filed motions to exclude the three expert witnesses proffered by plaintiffs on general causation. On November 22, 2024, the Court issued an order (“the November 22 Order”) granting Sterigenics’ motions to exclude two of the experts, ruling that their opinions that “any exposure above background” can cause cancer and birth defects were not grounded in sufficient data or reliable scientific methodologies and that their opinions would not help a jury in deciding general causation. The exclusion of these two experts resulted in the dismissal of the pool case involving birth defects.

The Court denied Sterigenics’ motion to exclude plaintiffs’ third expert. The November 22 Order purports to create a new standard for the admissibility of expert testimony that ostensibly dispenses with any requirement to consider exposure levels in cases involving EtO. Under this new standard, which runs contrary to decades of *Daubert* law, the Court allowed the third expert’s opinion and denied Sterigenics’ motions for summary judgment in the pool cases involving breast, hematopoietic and lymphatic cancers.

Sterigenics believes that the Court’s reasons for excluding two of plaintiffs’ general causation experts apply with equal force to plaintiffs’ third expert and that, pursuant to a proper application of the *Daubert* standards and principles, summary judgment ought to have been granted in all the pool cases. Sterigenics is seeking immediate appellate review of the November 22 Order.