

## NEWS & INSIGHTS

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### ALABAMA SUPREME COURT AFFIRMS LIGHTFOOT VICTORY ON BEHALF OF PROGRESS RAIL

July 12, 2020

The Supreme Court of Alabama affirmed a defense victory obtained by Lightfoot, Franklin & White LLC on behalf of its client, Progress Rail Services Corporation.

In 2016, the Alabama Great Southern Railroad (AGS) brought an indemnity lawsuit against Progress Rail for \$1.3 million. The suit alleged that Progress Rail breached its contractual duties to indemnify and defend AGS in an underlying lawsuit brought against it by a former AGS employee.

“Opposing counsel moved for summary judgment before any substantive discovery had occurred to obtain a hearing in front of the outgoing judge who had lost reelection,” said Lightfoot partner **Adam K. Peck**, who led the team representing Progress Rail. “That judge ultimately granted AGS summary judgment on the issue of liability.”

After the new judge took the bench and opened the door for additional discovery, the Lightfoot team filed a motion to reconsider the previous order. Ultimately, the court vacated the first judge’s ruling and entered summary judgment for Progress Rail.

AGS appealed and the Supreme Court of Alabama affirmed the new order, without opinion, on April 14, 2020. A petition for rehearing filed by AGS was overruled on July 10, 2020, bringing a close to the matter.

“We are pleased that the state’s highest court adopted our client’s position on the meaning of the contract at issue,” said Peck.

In addition to Peck, Progress Rail was represented by Lightfoot partner **Sanford G. Hooper** and associate **Jonathan R. Little**.

Peck has been with the firm since its founding in 1990. For more than 30 years, his practice has been devoted to trial work with an emphasis on cases involving toxic torts, product liability and catastrophic injuries throughout the country.

Hooper’s practice centers on product liability, premises liability, transportation litigation and medical device litigation. In particular, he has extensive experience in defending automobile and heavy truck manufacturers and motor carriers in suits arising from catastrophic accidents.

Little defends companies in commercial disputes, product liability, fire, and personal injury litigation. A significant portion of his practice is also devoted to representing media and communications companies.