

NEWS & INSIGHTS

LIGHTFOOT SECURES KEY PFAS APPELLATE WIN FOR DUPONT FROM ALABAMA SUPREME COURT

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A team of Lightfoot, Franklin & White LLC lawyers has secured a clarifying unanimous appellate win for DuPont before the Alabama Supreme Court in a case involving alleged contamination from perfluoroalkyl and polyfluoroalkyl substances (PFAS). The court granted DuPont a writ of mandamus, instructing the trial court to dismiss claims based on the statute of limitations.

The April 18 ruling reversed a lower court's decision that had allowed claims related to PFAS contamination in the Gadsden area to proceed, based on the plaintiffs' argument that the contamination constituted a continuing tort. In a unanimous and deeply reasoned opinion, the Alabama Supreme Court clarified and narrowed the scope of the continuing tort doctrine under Alabama law.

Crucially, the ruling provides much-needed clarity on the limits of the continuing tort doctrine in cases involving environmental contamination. The court distinguished between the consequences of conduct and the conduct itself, finding that while the alleged PFAS contamination may have ongoing effects, DuPont's sale of the relevant products ended well before the statutory deadline.

The court also agreed with Lightfoot's argument that the statute of limitations began to run in 2016 when the first Gadsden case was filed, and not at a later date due to alleged continuing effects. This aspect of the ruling is likely to have an influence on similar claims, particularly those brought outside the original limitation period.

"The court issued a thoroughly reasoned opinion on these crucial legal issues raised in environmental contamination litigation," said Lightfoot partner **John M. Johnson**, the firm's lead counsel to DuPont in this matter. "This ruling is a meaningful precedent for how Alabama courts will approach environmental and tort claims going forward."

In addition to Johnson, the Lightfoot DuPont team included partners **Adam K. Peck**, **Lana A. Olson** and **Brian P. Kappel**, of counsel **Nikaa B. Jordan** and associate **Mary Parrish McCracken**.