

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Edward Montelongo v. Bayer Cropscience, Inc., et al.

Montelongo · No. 2:25-cv-00555 · Decided May 19, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Huntington Ingalls Incorporated’s motion to partially exclude the testimony of Plaintiff Edward Montelongo’s industrial hygiene expert under Daubert and Federal Rule of Evidence 702. The court concluded that the expert’s opinions concerning asbestos being carried home on clothing and contaminating the plaintiff’s residence were sufficiently reliable, and that challenges to the supporting evidence were appropriate for cross-examination rather than exclusion.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	May 19, 2026
DOCKET	2:25-cv-00555
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Huntington Ingalls Incorporated moved to partially exclude Plaintiff Edward Montelongo's retained industrial hygiene expert under Federal Rule of Evidence 702 and Daubert. The court denied the motion.
STANDARD OF REVIEW	The district court has discretion to admit or exclude expert testimony under Federal Rule of Evidence 702. Reliability and relevance are evaluated under the flexible Daubert and Kumho Tire framework, with the proponent bearing the burden to establish reliability by a preponderance of the evidence.
PRECEDENTIAL VALUE	unpublished district court order; not assigned a reported citation or stated precedential status in the source
PARTIES	Huntington Ingalls Incorporated, formerly Avondale v. Edward Montelongo

TOPICS

daubert standard

expert testimony

evidence

personal injury

civil procedure

PRACTICE AREAS

evidence

asbestos litigation

toxic torts

civil procedure

QUESTIONS PRESENTED

1. Whether Baril's opinions that Montelongo's work with and around asbestos-containing products contaminated his home through take-home asbestos fibers were sufficiently reliable and relevant for admission under Federal Rule of Evidence 702 and Daubert.
2. Whether alleged disputes concerning the factual basis and interpretation of Baril's opinions required exclusion of the testimony rather than cross-examination and presentation of contrary evidence.

HOLDINGS

1. Baril's testimony was sufficiently reliable to satisfy the court's Daubert gatekeeping function, and the challenged opinions were not excluded.
2. Disagreements with the facts relied on by an expert or the expert's interpretation of those facts generally concern the weight of the testimony and are appropriately addressed through cross-examination and contrary evidence rather than exclusion under Rule 702.

KEY QUOTATIONS

“any and all scientific testimony or evidence admitted is not only relevant, but reliable.” (509 U.S. at 589)

“is to make certain that an expert, whether basing testimony upon professional studies or personal experience, employs in the courtroom the same level of intellectual rigor that characterizes the practice of an expert in the relevant field.” (526 U.S. at 152)

“It is “the role of the adversarial system, not the court, to highlight weak evidence.”” (Section III)

“Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence.” (509 U.S. at 596)

FACTUAL BACKGROUND

Edward Montelongo alleged that occupational exposure to asbestos-containing products caused asbestos-related health problems. His retained industrial hygiene expert, Gerard Baril, opined that Montelongo carried asbestos fibers home on his clothing, contaminating his residence and causing continued exposure after the work ceased. Huntington Ingalls challenged the reliability of those opinions, while Montelongo relied on numerous studies, peer-reviewed literature, government publications, and exposure standards.

PROCEDURAL HISTORY

Montelongo filed an asbestos-exposure action against multiple defendants, including Avondale, seeking damages for alleged asbestos-related health problems. As trial approached, Huntington Ingalls moved to exclude portions of expert Gerard Baril's testimony concerning alleged asbestos carry-home contamination of Montelongo's residence. The court considered the briefing and denied the motion.

DISPOSITION

other

CASES CITED

- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)
- General Electric Co. v. Joiner, 522 U.S. 136, 139 (1997)
- Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999)
- In re Taxotere (Docetaxel) Products Liability Litigation, 26 F.4th 256, 268 (5th Cir. 2022)
- Urda v. Valmont Industries, Inc., 561 F. Supp. 3d 632, 638 (M.D. La. 2021)
- Moore v. Ashland Chemical Inc., 151 F.3d 269, 276 (5th Cir. 1998)
- Vogler v. Blackmore, 352 F.3d 150, 155 (5th Cir. 2003)
- Primrose Operating Co. v. National American Insurance Co., 382 F.3d 546, 562 (5th Cir. 2004)
- Delta Towing, LLC v. Justrabo, No. 08-3651, 2009 WL 3763868, at *4 (E.D. La. Nov. 9, 2009)

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