

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Gael Garon v. Illinois Central Railroad Company

No. 24-2599, Section E(4) (E.D. La. Jan. 6, 2026) · No. No. 24-2599 · Decided January 6, 2026

SUMMARY

The Eastern District of Louisiana granted Illinois Central Railroad Company’s motion to compel Gael Garon to provide a 10 mL blood sample for whole genome sequencing. The court held that Garon’s physical condition was in controversy and that good cause existed under Federal Rule of Civil Procedure 35 because the genetic testing could bear on whether her mesothelioma was caused independently of asbestos exposure. The court ordered the parties to confer and submit a proposed order governing the blood test.

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	January 6, 2026
DOCKET	No. 24-2599
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 35 to compel Plaintiff to provide a 10 mL blood sample for whole genome sequencing. The court granted the motion and ordered the parties to submit a proposed order governing the blood test.
STANDARD OF REVIEW	A motion under Federal Rule of Civil Procedure 35 requires the moving party to show that the examined party's physical or mental condition is in controversy and that good cause exists for the examination.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- civil procedure
- negligence
- products liability
- premises liability

PRACTICE AREAS

- civil procedure
- discovery
- products liability
- negligence
- premises liability
- asbestos litigation

QUESTIONS PRESENTED

1. Whether Plaintiff's physical condition was in controversy for purposes of Federal Rule of Civil Procedure 35.
2. Whether Defendant demonstrated good cause to compel Plaintiff to provide a 10 mL blood sample for whole genome sequencing.

HOLDINGS

1. Plaintiff's physical condition was in controversy because she alleged that Defendant's conduct caused her mesothelioma and the requested genetic information was relevant to determining the cause of that condition.
2. Defendant demonstrated good cause to compel Plaintiff to provide a 10 mL blood sample for whole genome sequencing because the results were relevant to causation and the procedure was minimally invasive.

KEY QUOTATIONS

"IT IS ORDERED that Defendant's Motion to Compel is GRANTED." (Conclusion)

"As the results of the WGS are relevant to determining the cause of Plaintiff's mesothelioma and the procedure is minimally invasive, good cause exists for an order compelling the blood sample necessary to complete the WGS." (Law and Analysis)

FACTUAL BACKGROUND

Plaintiff alleged that she developed mesothelioma from secondary asbestos exposure through her father, Robert Garon, who worked for Illinois Central Railroad Company from 1949 through the late 1990s. Defendant sought a 10 mL blood sample for whole genome sequencing to determine whether inherited genetic mutations could have caused Plaintiff's mesothelioma independently of asbestos exposure. Plaintiff disputed the relevance and medical premise of the testing, while Defendant's genetic expert stated that Plaintiff's medical and family history potentially indicated mutations capable of independently causing mesothelioma.

PROCEDURAL HISTORY

Plaintiff filed suit in the Civil District Court for Orleans Parish on May 9, 2024, asserting products-liability, negligence, and premises-liability claims arising from her mesothelioma diagnosis. Defendant removed the case to the Eastern District of Louisiana on November 4, 2024. Defendant then moved to compel genetic testing, Plaintiff opposed the motion, and Defendant filed a reply.

DISPOSITION

other

CASES CITED

- Miller v. Diego, No. 3:17-CV-593-TSL-RHW, 2018 WL 8967203, at *1 (S.D. Miss. Apr. 23, 2018)

- Howell v. Hillcorp Energy Co., No. CIV.A. 12-0293, 2013 WL 1455758, at *2–3 (E.D. La. Apr. 9, 2013)
- Smith v. Serviceman's Group Life Insurance, 124 F.R.D. 195, 196 (N.D. Ind. 1989)
- Schlagenhauf v. Holder, 379 U.S. 104, 118 (1964)
- Burt v. Winona Health, No. CV 16-1085 (DWF/FLN), 2018 WL 3647230, at *2 (D. Minn. Aug. 1, 2018)
- Bennett, By & Through Bennett v. Fieser, No. 93-1004-MLB, 1994 WL 542089, at *2 (D. Kan. Feb. 25, 1994)
- Chauvin v. Exxon Mobil Corp., et al, No. 713-971 (La. 24th Jud. Dist. Ct. Jefferson Par. Sept. 6, 2013)
- Guzman v. Exxon Mobil Corp., et al, No. 693-606 (La. 24th Jud. Dist. Ct. Jefferson Par. May 15, 2012)
- Craft v. Eagle, Inc., No. 2023-11586 (Orleans Civ. Dist. Ct. July 1, 2024)

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