



Rebecca A. Young

Partner

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Rebecca Young often quotes legendary Alabama football coach Paul “Bear” Bryant: “I ain’t never been nothing but a winner.” Rebecca’s history of victories for her clients in state, federal and appellate courts and before various administrative commissions and boards backs up her claim. Rebecca works closely with her clients, taking a proactive and assertive position at the outset of every claim to get ahead of the opposition and secure valuable wins early.

Rebecca has a diverse litigation practice and serves as a trusted and pragmatic counselor to a broad range of clients operating across multiple industries. Whether handling a complex litigation matter or providing counsel on the many legal challenges faced by companies, Rebecca’s wide-ranging professional experiences enable her to think outside the box and find practical resolutions to her clients’ most complex legal issues.

Rebecca’s litigation experience is as diverse as her clients, spanning several areas of focus, including products liability, toxic torts, construction, transportation, employment and labor, and commercial disputes, as well as complex tort and general casualty matters.

Rebecca possesses an innate ability to connect with her clients, identify their needs and communicate effectively throughout the litigation cycle. Her rapport in the courtroom is equally impressive. As an aggressive litigator, Rebecca relies on persistence, preparation and personability.

Education

- University of Alabama School of Law (J.D., 2009)
- University of Alabama (B.A., *summa cum laude*, 2006)

Services

- Complex Tort & General Casualty
- Employment & Labor
- Medical Malpractice & Health Care
- Product Liability, Prevention & Government Compliance
- Toxic Tort
- Transportation

Bar Admissions

- Alabama

Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Southern District of Alabama
- U.S. District Court, Middle District of Alabama
- U.S. District Court, Northern District of Alabama

Representative Matters

Thomas v. Little Rock Housing Auth., No. 4:22-CV-01032 (E.D. Ark. Sept. 3, 2025)

Obtained complete dismissal of all claims against a housing authority client alleging various Title VII claims, including sex discrimination, hostile work environment, and retaliatory discharge.

Phillips v. Megalodon Pools, LLC, No. 04-cv-24-2818 (Ark. Cir. Ct. June 27, 2025)

All claims dismissed in construction defect case based on statute of repose and arguments that covering up a pool's structural defects with concrete does not amount to fraudulent concealment under Arkansas law to invoke a statutory exception. After extensive briefing and oral arguments, the court dismissed all claims.

Roberts v. Reebok International, LTD. No. 63-cv-25-900227 (Ala. Cir. Ct. June 25, 2025)

Obtained dismissal of all claims through motion for summary judgment. The plaintiff alleged she suffered catastrophic crush injuries and \$3.7 million in damages resulting from use of a defective work safety shoe. The summary judgment argued Reebok did not have the requisite connection to the safety design and sale of the shoe to create liability under Alabama law. The court granted the motion for summary judgment and dismissed all claims with prejudice.

L. Moseley v. AmerisourceBergen, et al., Civil Action No.: 2:23-CV-683 (M.D. Ala. April 23, 2025)

Secured a third summary judgment win for a global pharmaceutical distributor client arising out of a pile-up accident caused by a tractor trailer. The summary judgment win found that all claims were preempted under the Federal Aviation Administration Authorization Act.

Kruglyak vs. Chevron, No. 63-CV-2024-000070 (Ala. Cir. Ct. February 21, 2025)

Dismissal of all claims for multinational energy corporation accused of negligently and wantonly allowing the plaintiff to be assaulted at two of its fuel-branded gas stations. Rebecca argued that all of the claims were time-barred and that the plaintiff had failed to prosecute the claims by failing to properly serve the complaint on the appropriate legally recognized agent. The plaintiff argued that his service on an individual owner for one of the fuel stations was sufficient service. In response, we maintained that there was

insufficient evidence to show the level of control necessary to establish agency and that an alleged parent-subsidiary relationship alone was insufficient to establish agency for purposes of effectuating service of process.

Walter v. Staples, No. 47-CV-2022-900526 (Ala. Cir. Ct. Feb. 20, 2025)

Summary judgment granted for national retailer client that faced various premises liability claims following an injury caused during construction to the entryway of the retail store. The plaintiffs' claims included negligence and wantonness, invoking punitive damages. We argued the plaintiff failed to properly establish that her injury was caused by the allegedly dangerous conditions at the entrance, that the defendant had fulfilled its duty to warn of the construction conditions, and that the plaintiff could have avoided injury by exercising reasonable care.

Johnson v. Little Rock Housing Auth., No. 4:22-CV-01032 (E.D. Ark. Sept. 19, 2024)

Summary judgment granted on all claims, which included FMLA and ADA discrimination, failure to accommodate and constructive discharge. The claims were made by an employee who was in treatment for cancer and claimed that when she returned from medical leave her pay was wrongfully reduced, that the employer failed to accommodate her and engaged in bullying and unfair treatment that created unbearable working conditions that led to her constructive discharge. Rebecca defended the claims by presenting overwhelming evidence in favor of the defense and arguing that the plaintiff could not satisfy her burden under the *McDonnell Douglas* burden-shifting framework for the FMLA claims and the modified burden-shifting analysis for the ADA discrimination and failure to accommodate claims as followed by the Eighth Circuit. For the constructive discharge claim, Rebecca relied on admissions she elicited during the plaintiff's deposition, which demonstrated that the work environment did not amount to conditions necessary to support constructive discharge. The U.S. District Court Eastern District of Arkansas agreed and granted summary judgment.

Bradley, et al. v. AmerisourceBergen, et al., Civil Action No.: 2:23-CV-122 (M.D. Ala. Sept. 4, 2024)

Moseley, et al v. AmerisourceBergen, et al, Civil Action No.: 2:23-CV-00262(M.D. Ala. Sept. 4, 2024)

Summary judgment on all claims for leading global pharmaceutical distributor in two cases arising out of a pile-up accident caused by a tractor trailer that collided with several vehicles stopped for traffic, which resulted in the death of an 11-year-old girl and catastrophic physical injuries to nearly a dozen other people. The plaintiffs sued for negligent & wanton selection and supervision, alleged failure to comply with Federal Motor Carrier Safety regulations, and failure to provide and verify insurance. Rebecca argued that all claims against the client were preempted under the Federal Aviation Administration Authorization Act of 1994 (FAAAA). The U.S. District Court, Middle District of Alabama agreed and entered summary judgment in both cases covering all 11 plaintiffs' claims and the wrongful death action.

Jackson v. T-Mobile, No. 5:23-cv-00109-KS-BWR (S.D. Miss. May 20, 2024)

Dismissal of all claims against T-Mobile arising out of a truck accident involving one of its drivers. Rebecca first successfully removed the case to federal court to avoid a highly unfavorable venue. Even though the complaint did not provide an exact amount of

damages, Rebecca argued that the amount in controversy was satisfied because the plaintiffs alleged an unspecified amount of punitive damages, which the Fifth Circuit has deemed to exceed the federal jurisdictional minimum. Once in federal court, Rebecca argued that the plaintiffs' claims failed to satisfy the plausibility standard set forth by the U.S. Supreme Court in *Iqbal* and *Twombly*; the court agreed and dismissed all claims against the company.

Wils of Faith v. Big Tex, No. 2:22-cv-01547-NAD (N.D. Ala. April 25, 2024)

Summary judgment for product manufacturer in a case involving an allegedly defective trailer that caused an interstate breakdown and the plaintiff company to suffer significant consequential damages including loss of business. The plaintiff made claims under the Alabama Extended Manufacturer Liability Doctrine as well as claims for negligence, wantonness and breach of implied warranty of merchantability, and made a demand for nearly \$1 million to resolve the claims. Rebecca argued that the tort claims, implied warranty claims, business injury damages and all other consequential damages were barred by the economic loss rule and limited remedies in the express warranty. The court agreed and granted summary judgment disposing of those claims and damages.

Johnson v. Inland Residential Real Estate Servs., LLC, et al., No.23-12449 (11th Cir. 2024)

The Eleventh Circuit affirmed the district court's order dismissing all the claims against Rebecca's client, which included Fair Housing Act violations, breach of contract, fraud, harassment, retaliatory eviction, bad faith, and malicious prosecution. In addition to winning at the district court level and Eleventh Circuit, Rebecca previously obtained favorable determinations for the real estate group in response to a 2020 HUD complaint and 2021 HUD complaint both brought by the appellant plaintiff. The plaintiff's lease was not renewed after the 2020 and 2021 HUD complaints, which led to new claims of retaliation. In arguing for dismissal of the claims, and in seeking affirmation on appeal, Rebecca pointed out that the complaint and multiple amendments were shotgun pleadings that warranted dismissal under Eleventh Circuit precedent; the Eleventh Circuit agreed.

Jarmon v. Little Rock Housing Auth., No. 60-cv- 21-6938 (Ark. Cir. Ct. March 11, 2024)

Second summary judgment on behalf of a housing authority client accused of wrongfully terminating the employment of its former executive director in retaliation for making a whistleblower complaint to HUD and the city's mayor. Rebecca first obtained summary judgment on the federal whistleblower claim pending in the U.S. District Court based on jurisdictional arguments regarding failure to exhaust specific administrative remedies. Following the disposition of the federal claim on the jurisdictional grounds, the federal court remanded the related state claim of wrongful termination. Rebecca then filed another motion for summary judgment to dispose of the remaining state claim arguing that the plaintiff could not satisfy her burden under the *McDonnell Douglas* burden-shifting framework adopted by the state court from the Eighth Circuit. The state court agreed and granted summary judgment on the wrongful termination claim.

Calhoun v. Ocwen Loan Servicing, LLC, et al., No. 2:21-cv-1417-AMM (N.D. Ala. March 12,2024)

Obtained summary judgment for a multinational financial services company in a case alleging significant bodily injuries suffered by a real estate agent during a property

inspection and a claim by the agent's wife for loss of consortium after the agent fell at the client-owned property. The plaintiff agent fell when dilapidated brick stairs collapsed, which flung the agent forward where he landed on a hidden iron stake that ripped through his kneecap. The plaintiffs made a policy limits demand of \$1 million and alleged that the defendant was aware of the dangerous condition, but failed to take action to keep the property in a reasonably safe condition.

The case was filed in one of the most notoriously difficult venues in Alabama state court, but Rebecca was able to remove the case to federal court, which then required the plaintiffs to pass the more strenuous hurdles of a heightened pleading standard and summary judgment sufficiency standards. The court's decision was largely based on the federal standard for evidence sufficient to submit a case to a jury on the issue of "notice" and determined that the plaintiffs failed to meet this standard and entered a judgment as a matter of law for the defense because they could not demonstrate that the defendants had knowledge of the dangerous condition.

Alabama Power v. R & L Transport, No. 40-SM-2023-900073.00 (Ala. Dist. Ct. Oct. 17, 2023)

Defense verdict for national transportation company following bench trial in a claim for property damage caused after one of the company's trucks hit cable lines that resulted in the destruction of multiple power lines. Alabama Power argued that it was entitled to reimbursement because the truck caused the damage. In response, we argued that there was no evidence that our company did anything wrong and pointed out that the damage resulted from the cable lines hanging too low over the roadway. In response, the power company argued that the cable lines were the contracted responsibility of a third party. We defended with arguments that under AL law, a party cannot contract its common law duty to prevent harm and that the power company had a responsibility to ensure its power poles were not used in a way that caused harm. The court agreed and a defense verdict was entered.

Wood v. North American ATK, Advance Auto Parts, No. 27-CV-20210000105) (Ala. Cir. Ct. August 16, 2023)

In entering trial verdict, the court agreed to enforce limiting terms of the defendant's warranty limiting plaintiff's recovery to less than \$600.

Jarmon v. Little Rock Hous. Auth., No. 4:21-CV001237 JM (E.D. Ark. Aug. 22, 2023)

Summary judgment granted on a whistleblower retaliation claim arising out of the termination of the employment of a former executive employee that was fired after making complaints to the U.S. Department of Housing and Urban Development and city mayor alleging that the defendant employer misappropriated government funds.

Johnson v. Inland Residential Real Estate Servs., LLC, No. 2:21-CV-493-WKW (M.D. Ala. July 11, 2023)

Obtained dismissal of multiple claims against defendant real estate group including Fair Housing Act violations, breach of contract, fraud, harassment, retaliatory eviction, bad faith and malicious prosecution. Rebecca previously obtained favorable determinations for the real estate group in response to a 2020 HUD complaint and 2021 HUD complaint both brought by the plaintiff in this case. The plaintiff's lease was not renewed in 2021, which

led to the filing of the federal lawsuit. In arguing for dismissal of the claims, Rebecca pointed out that the plaintiff repeatedly failed to state a claim for relief. (aff'd by 11th Cir.).

Ricky Woods v. Samsung, et al., No. 48-CV-2022-0900041 (Ala. Cir. Ct. July 2023)

Obtained voluntary dismissals of products liability claims on behalf of cell phone manufacturer (Samsung) and a nationwide cell phone service provider (Verizon). We were able to convince the plaintiffs' firm to drop its claims against the clients after piecing together detailed purchasing records and servicing and account information that refuted plaintiff's allegations. By taking an aggressive and proactive approach, we were able to get both of the clients out of the case early and without the burden of going through the time and expense of discovery.

Jefferson v. T-Mobile, et al., No. 47-cv-20230900279 (Ala. Cir. Ct. June 23, 2023)

Obtained a dismissal in an action arising out of a catastrophic automobile crash that resulted from the use of a smartphone while driving. The plaintiff passenger attempted to impose liability beyond the distracted driver by alleging that it was foreseeable to the carrier/retailer that its services and products caused distracted driving and that the carrier/retailer had a duty to ensure lock-out technology was implemented to prevent distracted driving. As to the general negligence and wantonness claims, Rebecca argued that there was no recognized legal duty on a wireless carrier or cell phone provider to prevent a driver from acting dangerously. Further, as pled, the driver's reckless driving was a superseding and intervening cause that, under Alabama law, breaks the causal chain. In response to plaintiff's products liability claims under the Alabama Extended Manufacturer Liability Doctrine (AEMLD), Rebecca pointed out that the allegations establish the plaintiff was not the "user" of the allegedly defective product as contemplated by the AEMLD. Similarly in response to breach of contract claims, Rebecca argued that the plaintiff was not an intended third-party beneficiary to the services and equipment contracts, that the carrier/retailer had specifically disclaimed liability arising out of the user's actions, and that there was no conceivable connection between the terms of the contracts and the car accident that could create liability. Following extensive briefing and oral arguments, the court agreed with the defense and dismissed all claims against T-Mobile with prejudice.

Hubbard v. Champion Windows and Doors, No. 4-2100-22-064 (U.S. Dept. of Labor, OSHA, May 15, 2023)

Obtained favorable ruling and complete dismissal of claims alleging retaliation for reporting hazardous working conditions.

Ammons v. Compass Group USA, Inc., et al., No. 04-cv-2021-900192 (Ala. Cir. Ct. March 6, 2023)

Won dismissal in a case alleging negligence and wantonness against defendant hospital and facilities management company. The plaintiff alleged he was severely injured from a fall while a patient at the hospital.

Schmitz v. Target Corp. et al., No. 2:21-cv-435-WKW (M.D. Ala. Dec. 12, 2022)

Summary judgment victory in a premises liability action arising out of injuries sustained when the plaintiff tripped and fell on a concrete wheel stop in the parking lot managed and owned by the defendants. It was undisputed that the plaintiff suffered significant injuries as

a result of her fall, which required surgery and months of expensive medical treatment, and resulted in permanent injury and restrictions. Plaintiff's liability theories included ADA and building code violations, premises liability, negligence per se and wantonness, for which the plaintiff sought punitive damages. Rebecca argued that the wheel stop that caused the plaintiff's fall was objectively "open and obvious," which eliminated our clients' duty and foreclosed all of the plaintiff's claims. The court agreed and granted the motion for summary judgment, disposing the plaintiff's case in its entirety.

Moore v. Coach Lines of Atlanta, et al., No. 43-cv-2020-900296 (Ala. Cir. Ct. Sept. 20, 2022)

Summary judgment granted to commercial bus company in a case arising out of an interstate accident that injured several passengers. At the time this summary judgment was argued, Rebecca had already obtained a summary judgment ruling in a related case involving a different set of passengers by demonstrating that there was no evidence showing the cause of the tire blowout that resulted in the accident. To avoid a similar ruling, the plaintiffs in this case conceded there was no evidence showing the tire blowout was caused by the bus company or its driver. Rather, these passengers argued that their injuries were caused by the bus company's failure to maintain the interior of the bus and argued that the bus had defective seats with "exposed metal" and no seat belts. Rebecca responded by pointing out that the plaintiffs did not demonstrate that the seats caused their injuries; the court agreed, granting the judgment as a matter of law to the defendants on all claims.

Nash v. Little Rock Housing Auth., No. 60-cv-20-5741 (Ark. Cir. Ct. June 27, 2022)

Successfully defended client against a \$40 million demand in a defamation case brought by a former executive level employee claiming the defendant employer published harmful and untrue information about the plaintiff's employment and departure from his position, which was later published by multiple news outlets. Rebecca obtained an order of dismissal of all claims and an order sanctioning plaintiffs' counsel for improperly contacting her client's employees.

Adams v. Labor Ready, et al., No. 63-cv-2021-900452 (Ala. Cir. Ct. May 17, 2022)

Plaintiff voluntarily dismissed its claims after Rebecca filed a dispositive motion outlining the lack of evidence and entitlement to judgment for the defense.

J.S. Management v. Pierce, et al., No. 3:21-cv-97-RAH-KFP (M.D. Ala. Oct. 2021)

Voluntary dismissal of all claims against insurance investigator accused of defamation, harassment, outrage and wrongful intrusion into privacy. The plaintiffs suffered a fire loss because of arson, to which the insurance investigator was assigned. The plaintiffs' complaint included extreme allegations that the investigator harassed and threatened them. These claims were especially damaging to the client because he regularly serves as an expert witness and his name is run through court databases for background searches on reliability and credibility. Rebecca moved to dismiss the claims of slander and harassment as unsupported under Alabama law, the court agreed during oral argument and the plaintiff counsel agreed to remove those claims in an amended complaint. Following this, Rebecca pushed for voluntary dismissal of the remaining claims of outrage and wrongful intrusion by confronting plaintiffs' counsel with evidence demonstrating the claims were completely unfounded. Rebecca explained that pursuing those claims in light

of the evidence, which included voice recordings, would be grounds for Rule 11 sanctions if not dismissed. In response, the plaintiffs dismissed the claims.

Dorsey v. Piper, Inc., No. 2:20-cv-02042-CLM (N.D. Ala. September 1, 2021)

Obtained dismissal with prejudice of ADA claim alleging hearing-impaired employee's employment was wrongfully terminated. Rebecca argued that the pleading demonstrated there was a legitimate, non-discriminatory reason for the termination and used the termination letter referenced by the complaint to support dismissal.

Charles v. Megabus Southeast, et al., No. 43-cv-2020-900302 (Ala. Cir. Ct. July 19, 2020)

Summary judgment for commercial bus company after a tire blowout caused an accident and injuries to several passengers.

Reeves v. Allied Universal, No. 08-cv-2019-900202 (Ala. Cir. Ct. July 2020)

Secured dismissal of wrongful death claims against client accused of negligently and wantonly causing the death of an employee by failing to provide a safe environment and alleging the client forced the decedent to work in violation of doctor's orders.

Wood v. ADT, LLC (Ala. Civ. App. May 29, 2020)

Alabama Court of Civil Appeals upheld summary judgment on claims of fraud and wantonness.

Davis v. Scott Technologies, No. 27-CV-2016-900073, (Ala. Cir. Ct. Aug. 5, 2018)

Summary judgment for manufacturer of a chemical detection system in a multi-party toxic exposure action involving allegations of personal injuries related to overexposure.

Carson v. Eagle Express Lines, et al., No. 01-cv-2017-901482, (Ala. Cir. Ct. March 5, 2018)

Dismissal granted on co-employee suit alleging injuries related to fall from tractor-trailer loading dock.

Bell Carr v. Nonferrous Products, et al., No. 32-CV- 2003-000142 (Ala. Cir. Ct. April 17, 2017)

Summary judgment win in a highly unfavorable venue after an intense litigation battle lasting more than a decade. The case was a mass action involving hundreds of plaintiffs and hundreds of millions claimed in damages. The mass group of plaintiffs were former manufacturing assembly line workers who alleged that the workplace products they used, including welding products manufactured by Rebecca's client, released dangerous levels of hexavalent chromium which led to an increased risk of cancer and death, and caused physical injuries. Rebecca's perseverance through the hard-fought litigation paid off and ended up saving her client from paying a multimillion-dollar settlement.

Client Wins

Young Secures Summary Judgment Using Video Evidence to Defeat Assault Claims

Rebecca Young (Partner-Birmingham, AL) secured summary judgment for an

entertainment venue client in the Circuit Court of Jefferson County, Alabama. The plaintiff alleged she was brutally assaulted by the venue's security staff while being wrongfully detained in a stairwell. Rebecca moved for summary judgment based on insufficient evidence to support the plaintiff's allegations. The plaintiff argued that the claims should go before a jury because her testimony alone about what occurred was sufficient to create a genuine issue of material fact, particularly in the absence of video footage from the alleged location of the assault disputing her version of events. Rebecca countered that extensive video footage from before and after the alleged assault contradicted the plaintiff's account. She prepared a detailed, minute-by-minute demonstrative timeline for the court that compared the footage to the plaintiff's testimony, showing that the plaintiff's version of the facts was impossible. Relying on Alabama law, which provides that when opposing parties tell two different stories, and one is blatantly contradicted by the record such that no reasonable jury could believe it, the court should not adopt that version of the facts in ruling on a motion for summary judgment. The court agreed and granted summary judgment on all claims.

Young & Simpler: Court Finds “Lawful, Obvious Alternative Explanations for the Alleged Conduct”

Rebecca Young (Partner-Birmingham, AL) and Porter Simpler (Associate-Birmingham, AL) obtained complete dismissal of a complaint against a housing authority client alleging various Title VII claims, including sex discrimination, hostile work environment, and retaliatory discharge. Rebecca and Porter argued that the plaintiff failed to state a claim. Plaintiff alleged that male employees were treated more favorably and outlined a year-long history of her supervisor treating her harshly, regularly cursing at her, using other inappropriate language, and threatening to fire her; a few days after she contacted the EEOC to make a complaint, her employment was terminated. Rebecca and Porter argued that the male employees were not similarly situated to provide an inference of sex discrimination. They argued the allegations that the plaintiff's supervisor used profanity and other inappropriate language did not amount to a hostile work environment under Eighth Circuit precedent. As to the retaliation claim, Rebecca and Porter pointed out that the overwhelmingly detailed complaint contained allegations that supported an inference that the plaintiff was discharged because of her work performance rather than retaliation. Further, even if the plaintiff had sufficiently pled but-for causation, the record from the pleadings supported that there were “lawful, obvious alternative explanations for the alleged conduct” that rendered the complaint implausible. The court agreed and dismissed all the claims.

Young and Simpler Secure Dismissal of All Claims in Construction Defect Suit

Rebecca Young (Partner-Birmingham, AL) and Porter Simpler (Associate-Birmingham, AL) prevailed on a motion to dismiss in the Circuit Court of Benton County, Arkansas, in a construction defect case against Wilson Elser's construction company client. The plaintiff alleged that a pool constructed by our client in 2018 had structural issues. Rebecca and Porter filed a motion to dismiss, based on the Arkansas five-year Statute of Repose. To avoid dismissal, the plaintiff amended the complaint, alleging the client fraudulently concealed the pool's structural defects by covering them with concrete, thereby invoking a statutory fraud exception to the five-year time limit. Rebecca and Porter then filed a motion to dismiss the amendment, arguing that the plaintiff's pleading still failed, as our client's act of covering the pool's structural issues with concrete did not amount to fraudulent

concealment under Arkansas law, which requires the alleged fraud to be "furtively planned and secretly executed." After additional briefing and oral arguments, the court dismissed all claims against the client.

Young & Simpler Obtain Dismissal in Product Liability Case

Rebecca Young (Partner-Birmingham, AL) and Porter Simpler (Associate-Birmingham, AL) obtained dismissal on a motion for summary judgment in Tuscaloosa County Circuit Court, Tuscaloosa, Alabama. The plaintiff alleged she suffered catastrophic crush injuries to her foot and \$3.7 million in damages resulting from use of a defective work safety shoe. The plaintiff alleged our shoe company client misrepresented the extent of the shoe's safety and, in addition to compensatory and punitive damages, sought a statewide injunction enjoining the sale of the shoe in all manufacturing areas with crush risk hazards and for our client to issue refunds to past consumers. In response, Rebecca and Porter filed a motion for summary judgment arguing their client did not have the requisite connection to the safety design and sale of the shoe to create liability under Alabama law. It was undisputed that our client's company name was included on the shoe at issue, but Rebecca and Porter explained that this by itself was not enough to create liability, and presented evidence demonstrating the company was not involved in the specific safety design and did not have any interaction with the plaintiff to support the misrepresentation claims. In opposition to these arguments, the plaintiff submitted numerous business organization records claiming that the defendant was operating as the same entity that was responsible for the licensing of the product. At the hearing on the summary judgment, the plaintiff's counsel argued that he needed more time to gather information about the corporate structure of our client but later conceded there was inadequate evidence to create liability. The court granted the motion for summary judgment and dismissed all claims with prejudice.

Young Secures Summary Judgment on All Claims in Wrongful Death, Catastrophic Injury Resulting from Pile-Up Accident

Rebecca Young (Partner-Birmingham, AL) secured a third summary judgment win for a global pharmaceutical distributor client arising out of a pile-up accident caused by a tractor trailer that collided with several vehicles, which resulted in the death of an 11-year-old girl and catastrophic physical injuries to nearly a dozen other people. The plaintiffs sued for negligent and wanton selection and supervision, alleged failure to comply with Federal Motor Carrier Safety regulations, and failure to provide and verify insurance. Rebecca argued that all claims against the client were preempted under the Federal Aviation Administration Authorization Act of 1994 (FAAAA). The U.S. District Court, Middle District of Alabama agreed and entered summary judgment in two related cases covering 11 plaintiffs' claims and the wrongful death action. This third action was brought by the sister of the young girl that died, who was also a passenger in the vehicle and suffered substantial injuries. In attempting to defeat summary judgment in this third case, plaintiff's counsel argued that the Eleventh Circuit law of federal preemption relied on by the defense was narrowly tailored and only applicable to claims involving cargo theft, and not claims that involve tort claims for personal injury. Rebecca responded to this argument by directing the court to new precedent from the Eleventh Circuit, which found such arguments to be unavailing and specifically applied FAAAA preemption in the personal injury context.

Jolley and Young Obtain Dismissal for Multinational Corporation Based on Failure to Establish Agency

Eleanor Jolley (Partner-Atlanta, GA) and Rebecca Young (Partner-Birmingham, AL) obtained dismissal of all claims made against a multinational energy corporation accused of negligently and wantonly allowing the plaintiff to be brutally assaulted at two of its fuel-branded gas stations. Eleanor and Rebecca argued that all of the claims were time-barred and that the plaintiff had failed to prosecute the claims by failing to properly serve the complaint on the appropriate legally recognized agent. The plaintiff argued that his service on an individual owner for one of the fuel stations was sufficient service. In response, Eleanor and Rebecca maintained that there was insufficient evidence to show the level of control necessary to establish agency and that an alleged parent-subsiary relationship alone was insufficient to establish agency for purposes of effectuating service of process. Following briefing and oral argument, the Circuit Court of Tuscaloosa County, Alabama, granted our dispositive motion dismissing all the claims with prejudice.

Young and Makarenko Secure Summary Judgment for National Retailer in Premises Liability Case

Rebecca Young (Partner-Birmingham, AL) and Alexander Makarenko (Associate-Birmingham, AL) won summary judgment for a national retailer client that faced various premises liability claims following an injury caused during construction to the entryway of the retail store. The plaintiffs' claims included negligence and wantonness, invoking punitive damages. Additionally, the plaintiff sought more than half a million dollars for medical costs, pain, suffering, and future limitations. Rebecca and Alex filed a motion for summary judgment on all claims, arguing that the plaintiff failed to properly establish that her injury was caused by the allegedly dangerous conditions at the entrance of the store, that the defendant had fulfilled its duty to warn of the construction conditions, and that the plaintiff could have avoided injury by exercising reasonable care. After briefing and oral arguments, the Madison County Circuit Court, agreed that summary judgment was appropriate and disposed of all claims.

Birmingham Team Obtains Dismissal of Tort Claims in Construction Defect Case

Rebecca Young (Partner-Birmingham, AL) and Alexander Makarenko (Associate-Birmingham, AL) obtained dismissal of all tort claims brought against Wilson Elser's construction contractor client in a construction defect case in Alabama Circuit Court, Jefferson County. The plaintiffs' claims included negligent hiring and supervision and wantonness, invoking punitive damages. Additionally, the plaintiffs sought damages beyond property loss, including consequential damages for loss of income, emotional distress and mental anguish, and the reimbursement of medical costs. Rebecca and Alex filed a motion to dismiss, arguing that the plaintiffs executed a limited warranty agreement waiving all claims against the client except for breach of contract and limiting relief solely to the repair or replacement of latent defects. After briefing and oral arguments, the court concurred that the warranty applied, dismissing all claims outside the limited warranty.

Young Secures Summary Judgment for Housing Authority in Allegations of Failure to Accommodate

Rebecca Young (Partner-Birmingham AL) obtained summary judgment on behalf of a housing authority client accused of FMLA and ADA discrimination, failure to accommodate and constructive discharge. The plaintiff employee, who was in treatment for cancer,

claimed that when she returned from medical leave her pay was wrongfully reduced in violation of the FMLA. She also claimed that our client failed to accommodate her and engaged in bullying and unfair treatment that created unbearable working conditions that led to her constructive discharge. Rebecca defended the claims by presenting overwhelming evidence in favor of the defense and arguing that the plaintiff could not satisfy her burden under the McDonnell Douglas burden-shifting framework for the FMLA claims and the modified burden-shifting analysis for the ADA discrimination and failure to accommodate claims as followed by the Eighth Circuit. For the constructive discharge claim, Rebecca relied on admissions she elicited during the plaintiff's deposition, which demonstrated that her work environment did not amount to conditions necessary to support constructive discharge. The U.S. District Court Eastern District of Arkansas agreed and granted summary judgment.

Young Obtains Summary Judgment Based on the Federal Aviation Administration Authorization Act Preemption

Rebecca Young (Partner-Birmingham AL) defended a leading global pharmaceutical distributor in two cases arising out of a pile-up accident caused by a tractor trailer that collided with several vehicles stopped for traffic, which resulted in the death of an 11-year-old girl and catastrophic physical injuries to nearly a dozen others involved. The liability against the tractor trailer driver and his employer, neither of which had insurance, was undisputed. At the time of the accident, the driver was contracted to perform work for our distributor client through a broker. The plaintiffs sued our client and its broker for negligent, wanton selection and supervision, alleged failure to comply with Federal Motor Carrier Safety regulations, and failure to provide and verify insurance. The broker only had \$1 million in coverage, which was contested, and filed for bankruptcy, leaving our client with the only pockets to pull from and a potential exposure of over \$200 million based on Alabama's joint and several liability. Rebecca argued that all claims against the client were preempted under the Federal Aviation Administration Authorization Act of 1994 (FAAAA). The U.S. District Court, Middle District of Alabama agreed and entered summary judgment in both cases covering all 11 plaintiffs' claims and the wrongful death action.

Young and Enger Bring Construction Defect Suit to Successful Early Close

Rebecca Young (Partner-Birmingham, AL) and Ericson Enger (Associate-Jackson, MS) obtained dismissal in a multi-party construction defect case. They were able to convince the plaintiffs' counsel to voluntarily dismiss the claims against our construction company client by obtaining crucial witness statements directly refuting the property owners' allegations and demonstrated that the construction defect claims against the firm client would likely fail if pursued and could potentially weaken the plaintiffs' position against the other parties. By taking an aggressive and proactive approach, Rebecca and Ericson were able to get the case resolved at the very early stages to save the client and multiple carriers the extensive time and expense of going forward with complex construction defect discovery, which would have included dozens of depositions, expert discovery and volumes of document production.

Young Obtains Summary Judgment for Product Manufacturer on Defective Product Claims

Rebecca Young (Partner-Birmingham, AL) won summary judgment for a product manufacturer in a case involving an allegedly defective trailer that caused the plaintiff

company significant consequential damages including loss of business, substantial storage and towing costs, and loss of use. The plaintiff made claims under the Alabama Extended Manufacturer Liability Doctrine (AEMLD) as well as claims for negligence, wantonness and breach of implied warranty of merchantability, and made a demand for nearly \$1 million to resolve the claims. Rebecca filed for summary judgment and argued that the tort claims, implied warranty claim, business injury damages and all other consequential damages were barred by the economic loss rule and limited remedies in the express warranty. The U.S District Court for the Northern District of Alabama agreed with these arguments and granted summary judgment disposing of those claims and damages.

Young Secures Dismissal for Major Mobile Communication / ISP Client

Rebecca Young (Partner-Birmingham, AL) obtained a dismissal of all claims against one of the country's largest mobile communication and internet service providers arising out of a truck accident involving one of the company's drivers. Rebecca first successfully removed the case to federal court to avoid a highly unfavorable venue. Even though the complaint did not provide an exact amount of damages, Rebecca argued that the amount in controversy was satisfied because the plaintiffs alleged an unspecified amount of punitive damages, which the Fifth Circuit has deemed to exceed the federal jurisdictional minimum. Once in federal court, Rebecca argued that the plaintiffs' claims failed to satisfy the plausibility standard set forth by the U.S. Supreme Court in *Iqbal* and *Twombly*. The U.S. District Court for the Southern District of Mississippi agreed and dismissed all claims against the client.

Young Prevails in Highly Publicized Case against Housing Authority

Rebecca Young (Partner-Birmingham, AL) recently won a second summary judgment on behalf of a housing authority client accused of wrongfully terminating the employment of its former executive director in retaliation for making a whistleblower complaint to the U.S. Department of Housing and Urban Development and the city's mayor. The matter was highly publicized and brought severe criticism against the client, which was ultimately redeemed through judgments in its favor. Rebecca first obtained summary judgment on the federal whistleblower claim pending in the U.S. District Court based on jurisdictional arguments regarding failure to exhaust specific administrative remedies. Following the disposition of the federal claim on the jurisdictional grounds, the federal court remanded the related state claim of wrongful termination. Rebecca then filed another motion for summary judgment, arguing that the plaintiff could not satisfy her burden under the *McDonnell Douglas* burden-shifting framework adopted by the state courts from the Eighth Circuit. The state court agreed and granted summary judgment.

Young Secures Dismissal of "Shotgun" Pleading in Eleventh Circuit

Rebecca Young (Partner-Birmingham, AL) won an appeal to the U.S. Court of Appeals, Eleventh Circuit on behalf one of the nation's largest commercial real estate and financial organizations. The Court affirmed the district court's order dismissing all claims brought against the Wilson Elser client, including Fair Housing Act violations, breach of contract, fraud, harassment, retaliatory eviction, bad faith and malicious prosecution. In addition to winning at the district court level, Rebecca previously obtained favorable determinations for the real estate group in response to a 2020 HUD complaint and 2021 HUD complaint, both brought by the appellant plaintiff. The plaintiff's lease was not renewed after the 2020 and 2021 HUD complaints, which led to new claims of retaliation. In arguing for dismissal

and in seeking affirmance on appeal, Rebecca pointed out that the complaint and subsequent amendments were “shotgun” pleadings that warranted dismissal under Eleventh Circuit precedent. The Eleventh Circuit agreed.

Young and Saunders Obtain Summary Judgment for Multinational Financial Services Company in \$1 Million Premises Liability Suit

Rebecca Young (Partner-Birmingham, AL) and Anna Saunders (Associate-Birmingham, AL) obtained summary judgment for a multinational financial services company in a case alleging significant bodily injuries suffered by a real estate agent during a property inspection at the client-owned property, and a claim by the agent’s wife for loss of consortium. The plaintiff agent fell when dilapidated brick stairs collapsed, throwing him forward where he landed on a hidden iron stake that ripped through his kneecap. The plaintiffs made a policy limits demand of \$1,000,000, and alleged that the Wilson Elser client was aware of the dangerous condition, but failed to take action to keep the property in a reasonably safe condition. The case was filed in one of the most notoriously difficult venues in Alabama state court, but Rebecca and Anna were able to have the case removed to federal court, which then required the plaintiffs to pass the more strenuous hurdles of a heightened pleading standard and summary judgment sufficiency standards. The court’s decision was largely based on the federal standard for evidence sufficient to submit a case to a jury on the issue of “notice” and determined that the plaintiffs failed to meet this standard; the court entered a judgment as a matter of law for the defense because plaintiff could not demonstrate that the defendants had knowledge of the dangerous condition.