

James Wins Summary Judgment Argument in Pest Control Litigation

Paul James recently obtained a summary judgment in a South Alabama case arising out of a Plaintiffs' claims that termites had infested the home. Specifically, the Plaintiff alleged that a large regional pest control operator failed to properly complete a pretreatment and failed to properly inspect the home during the course of an eight year period. As a result, extensive termite damage existed in the home that the Plaintiffs' blamed exclusively on the pest control operator.

In winning summary judgment, the Defendants correctly pointed out that the terms and the conditions of the contract did not require the company treat for the type of termite that infested that home. In addition, the Defendant also proved that there was no direct or indirect connection between the alleged insufficient application of termiticide and the infestation which occurred over eight years later. Despite the existence of expert testimony from the Plaintiffs, the Trial Court correctly acknowledged the lack of proximate cause and enforced the terms of the written agreement that governed the relationship between the parties and granted summary judgment for the pest control company.