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MUNICIPAL LIABILITY - MARYLAND

Ross v. Housing Auth. of Baltimore City

Court of Appeals of Maryland - March 22, 2013 - A.3d - 2013 WL 1164525

Court finds that expert witness was not qualified to provide expert testimony as to source of lead paint exposure, however, expert testimony not sole means of establishing causation as circumstantial evidence could suffice.

Former resident of home owned by city housing authority brought action against housing authority, alleging claims for negligence and unfair trade practices under the Consumer Protection Act, and alleging that resident had been injured by being exposed to lead in home while living there as a child.

The circuit granted housing authority's motion in limine to exclude testimony of resident's expert on source of resident's lead exposure, and entered summary judgment in favor of housing authority. Resident appealed.

The court of appeals held that:

- Expert testimony lacked factual basis; but
- Causation was not required to be established by expert testimony.

Pediatrician was not qualified to provide expert testimony as to source of plaintiff's lead exposure that resulted in elevated lead levels. Pediatrician's training and experience was to determine blood lead level and to treat patients with elevated blood lead levels, and she was not trained or experienced in quantifying lead exposure, identifying lead hazards, abating lead hazards, or in determining causality with respect to relative exposures.

However, proof of causation – the link between property owned by city housing authority and plaintiff's exposure to lead paint and dust – was not required to be established by expert testimony, but instead could be established through circumstantial evidence. Remanded.