

Winstead in Law360: 5th Circ. OKs Toss of Wrongful Death Suit in Favor of Home Depot

04.17.20

Winstead PC attorneys Jason Bernhardt and Katie Banks secured a victory for Home Depot in a wrongful death suit filed by the wife of a former employee. Below is an excerpt of the *Law360* article.

The Fifth Circuit on Wednesday affirmed a lower court's ruling bringing an end to a negligence lawsuit filed against Home Depot by the wife of a former employee who died after suffering a stroke on the job, holding she hadn't shown the retailer failed to accommodate his work restrictions.

In a five-page opinion, a three-judge panel of the Fifth Circuit affirmed a summary judgment win in favor of Home Depot, dismissing the lawsuit Jane Milligan brought on behalf of her deceased husband, Fritz Poux. Milligan had argued Home Depot failed to adhere to health accommodation requests lodged by Poux's doctor, but the appellate panel concluded there's no evidence in the record to support that contention.

Milligan originally filed suit in state court in December 2016, and Home Depot removed the suit to federal court the following February. U.S. District Judge Vanessa D. Gilmore signed a final judgment in favor of Home Depot in August 2019, and Milligan filed notice of appeal the next month, according to court records.

Home Depot is represented by Jason Ryan Bernhardt and Katie Banks of Winstead PC.

[Read the full article.](#)