

SARAH ANN LOWMAN

Smith & Fawer, L.L.C., 201 St. Charles Ave., Suite 3702, New Orleans, LA 70170

Tel: (504) 525-2200 | Fax: (504) 525-2205 | salowman@smithfawer.com

NATURE OF PRACTICE

Broad experience representing defendants and plaintiffs in general civil litigation. Concentration in complex, multi-party litigation, construction and commercial litigation in an industrial setting. Experience includes inverse condemnation law, public bid and procurement law, ERISA, insurance defense and coverage issues (including preparation of client opinion letters regarding insurance coverage disputes and complex litigation handled by other counsel), personal injury, admiralty and maritime, health insurance, products liability, toxic torts, food contamination, hotel/innkeeper liability and medical device litigation. Health insurance defense representing health insurance companies, third-party administrators in denial of benefits claims, insurance fraud, bad faith litigation, and risk management. Provides consulting services to employers concerning employee health benefits under ERISA, COBRA, HIPPA, and the Health Care Reform Act and has represented employers and plan fiduciaries in employee benefit plan investigations by the U.S. Department of Labor. Extensive experience representing domestic and foreign insurers, including the London Market, in complex, multi-party insurance coverage, indemnity and casualty defense issues arising out of pipeline ruptures, industrial accidents and property and casualty insurance disputes. Extensive appellate experience in all Louisiana appellate courts, the United States Fifth Circuit Court of Appeals, and the West Virginia Supreme Court.

REPRESENTATIVE EXPERIENCE

At present, responsible for initiating, filing and handling cases of numerous business and residential clients against the Sewerage & Water Board of New Orleans for damages arising from the SELA drainage canal projects in Uptown New Orleans, involving inverse condemnation and strict liability; cases remanded from the Eastern District of Louisiana to state court, Orleans Parish. In 2018, obtained multi-million-dollar settlements for eight (8) businesses for physical damages and economic losses. In January 2019, successfully first chaired bellwether bench trial of residential claims, resulting in million dollar judgment plus attorney fees, expert fees and costs.

For 13 years, worked on significant cases on behalf of a major engineering, procurement and construction firm.

An integral member of the defense team that tried the first bellwether case in the FEMA Trailer/Formaldehyde multi-district litigation arising from the use of travel trailers after Hurricane Katrina, obtaining a defense verdict on behalf of same engineering firm that served as a FEMA contractor. Principally responsible for preparation of motions in these cases. *In re: FEMA Formaldehyde Products Liability Litigation*, MDL No. 07-1873

(E.D. La. 2009).

Responsible for preparation of all major motions in suit in Eastern District of Louisiana on behalf of same engineering firm in a 25-million-dollar commercial contractual dispute with a major oil refinery, arising out of a plant turnaround. *Murphy Oil USA, Inc. v. Fluor Daniel, Inc.* Wrote oppositions that defeated oil refinery's Rule 9(b) and 12(b)(6) motions and motion for summary judgment and obtained disqualifications of refinery's accounting/damages experts through Daubert motions. Case involved complex issues of construction management and mass e-discovery efforts. Obtained precedent setting favorable e-discovery ruling, shifting the 6-million-dollar cost of producing client's e-mail to the plaintiff, oil refinery. Case ended in confidential settlement.

Obtained summary judgment in state court in Louisiana based on preemption, in a suit against same engineering firm for over 30 million dollars in alleged property damages and lost profits, arising out of an oil refinery fire in a unit designed and engineered by the firm. Upheld on appeal.

Represented local asbestos abatement company and served as lead trial and appellate counsel in state court in public bid law case.

Drafted Rule 12(c) Motion for Judgment on the Pleadings to Dismiss Plaintiff's Complaint and other motions in suit in Eastern District of Louisiana on behalf of a national engineering firm. Case involved a commercial dispute between the general contractor and the engineering and construction management firm arising from a contract to build a warehouse for the Port of South Louisiana.

Represented one of the largest group purchasing organizations in the United States. Protested disqualification of this GPO's proposal and obtained a favorable decision on administrative appeal from the Louisiana Commissioner, Division of Administration, rescinding the award of a 100-million-dollar procurement contract to supply the entire State hospital system with medical and surgical supplies and pharmaceuticals, and mandating reissuance of the request for proposal. Decision affirmed by the district and appellate courts.

Represented and provided consulting services to a large Louisiana public entity concerning its retiree health plan.

Represented national health insurance company for about 18 years in denial of benefit suits on small group and individual policies in state and federal court.

Was chief writer for all major pleadings, motions and appeals in over 200 asbestos cases, involving over 4,000 plaintiffs, on behalf of contractor defendants and premises owners.

EMPLOYMENT HISTORY

Of Counsel, Smith & Fawer, New Orleans, Louisiana, January 2017 - Present
Attorney, Strauss & King, New Orleans, Louisiana, 2014 – January 2017
Member, Middleberg, Riddle & Gianna, New Orleans, Louisiana, 1999 – 2012
Associate, Larzelere & Picou, Metairie, Louisiana, 1997 – 1999
Associate, Aubert & Pajares, Metairie, Louisiana, 1996 – 1997
Associate, Hulse, Nelson & Wanek, New Orleans, Louisiana, 1988 – 1995

EDUCATION

J.D., Tulane Law School, New Orleans, Louisiana, 1987
B.A., Newcomb College, Tulane University, 1984

ADMISSIONS

Louisiana State Courts
United States District Courts for the Eastern, Middle and Western District of Louisiana
United States Court of Appeals, Fifth Circuit
District of Columbia
West Virginia

REPORTED CASES

Simeon v. Doe, 618 So.2d 848, *reh'g denied* (La. 1993)
Mayo v. Hyatt Corp., 898 F.2d 47 (5th Cir. 1990)
Strauch v. Gates Rubber Co., 879 F.2d 1282 (5th Cir. 1989)
Orduna S.A. v. Zen-Noh Grain Corp., 913 F.2d 1149, 1991 A.M.C. 346 (5th Cir. 1990)
Smith v. Mine Safety Appliances, 631 So.2d 1251 (La. App. 5th Cir. 1994)
Wausau Ins. Companies v. Gifford, 954 F.2d 1098 (5th Cir. 1992)
James v. Hyatt Corp. of Delaware, 981 F.2d 810 (5th Cir. 1993)
Goodman v. Dixie Machine Welding & Metal Works, Inc., 552 So.2d 440 (La. App. 4th Cir. 1989)
Alexander v. Express Energy Operating Services, L.P., 784 F.3d 1032 (5th Cir. 2015)

PROFESSIONAL ASSOCIATIONS

American Bar Association:
 Health & Disability Insurance Law Committee (Vice-Chair 1999 – 2005)
 Newsletter Co-Editor (2000 – 2005)
Defense Research Institute: Employee Benefits and Life, Health & Disability
 Committees (previously)
Louisiana Bar Association
Louisiana Association of Defense Counsel (previously)
New Orleans Association of Defense Counsel (previously)

LEGAL ACTIVITIES

American Bar Association, National Appellate Advocacy Competition Finals, Judge
(1994 – 1996, 2003)

Tulane Law School, Junior Moot Court Appellate Advocacy Competitions, Judge (1993)

Tulane Law School, National Sports Law Invitational Appellate Advocacy Competition,
Judge (1996 – 1997; 2001)

Who's Who in American Law

LECTURES AND PUBLICATIONS

Presentation for the New Orleans Association of Health Underwriters, Overview of
ERISA, COBRA and HIPPA and Current Employee Benefits Litigation of Interest to
Health Insurers (September 1999)

The Lorman Education Services Seminar: Health Insurance Basics for Employers
(March 2004)