

JM Eagle files motion to dismiss whistleblower lawsuit, claiming lack of evidence

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JM Eagle, a global manufacturer of plastic pipe, asked a federal judge to dismiss a lawsuit filed by a fired ex-employee because it lacks any evidence the company's pipe was substandard and failed to achieve basic legal thresholds for success. Additionally, JM Eagle filed a motion with the court to strike what it called "certain irrelevant and objectionable references in the complaint to the ethnicity and nationality of individuals connected with the company."

According to JM Eagle's motion to dismiss, the lawsuit "fails to identify any pipe sold by JM Eagle that failed to meet contract requirements, specifications, or standards." The allegations do not show that any nonconforming product was received by any particular government customer, much less that any has worn out prematurely, the motion adds. "The allegations boil down to insinuations, misinterpretations, unsupported conclusions, and disagreements over technical matters," said JM Eagle.

The motion states that the complaint has already begun to "unravel" as one of the "relator's" primary witnesses in the complaint, Brian Wang (a former plant manager for 22 years), gave a sworn statement claiming the falsity of the quotes attributed to him. "Not surprisingly, the Federal Government and the States of California and Florida have already declined to intervene in this ill-conceived complaint (and others are expected to follow)," said JM Eagle.

Raw material suppliers and equipment vendors have "issued letters verifying the quality of the products used by JM Eagle in the manufacturing of its plastic pipes." All plastic pipe manufacturers use the same raw materials to make their products, stated JM Eagle in a press release. "This is in direct opposition to claims made in the lawsuit, which alleges that inferior supplies were used in order to trim costs." These letters can be reviewed at JM Eagle's website, www.jmeagle.com/qualityassurance.

To prove the company's confidence its products, JM Eagle recently placed an unprecedented 50-year warranty on its products for manufacturing defects—including for pipe already in the ground. —Clare Goldsberry