**HKMP’s grant of summary judgment affirmed on appeal**

Plaintiff insurance company filed a subrogation action for a property damage claim relating to a fire that occurred at the home of its insured. Janet Poletto and Robert Blanton of HKMP represented the defendant fuel oil company that provided fuel for the oil-fired furnace located in the home. Defendant also serviced the furnace several weeks prior to the fire in response to a no heat call. HKMP successfully barred plaintiff’s experts’ reports and testimony on the argument that the opinions were impermissible net opinions and obtained summary judgment dismissing the complaint for lack of expert evidence establishing defendant's liability. HKMP argued that plaintiff’s experts rendered net opinions that failed to articulate the cause of the fire. Plaintiff appealed.

In an unpublished opinion, the New Jersey Appellate Division affirmed. HKMP successfully argued that the trial court correctly determined that plaintiff’s liability expert rendered inadmissible net opinions, failing to explain the methodology for his opinions and failing to reference any textbook, treatise, standard, custom, or recognized practice, other than his personal view about the servicing of the furnace. Similarly, plaintiff’s origin and cause expert failed to opine as to where, how, and why the fire started in the furnace or how the defendant’s actions caused the fire. The panel agreed the opinions were, at best, net opinions, and, because expert evidence was necessary, summary judgment was proper.