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Publications: Asbestos: Courtroom News: Jury Awards \$260,000 to Plaintiffs Alleging ...

COURTROOM NEWS

Date: 24 January 2005

Jury Awards \$260,000 to Plaintiffs Alleging Chrysotile Asbestos Caused Mesothelioma

DALLAS — A Texas jury has awarded \$260,000 in a living mesothelioma case, after finding that a plaintiff's exposure to asbestos-containing gaskets caused his injuries. *Tanner, et al. v. Garlock Sealing Technologies*, No. 03-06294 (Texas 191st Dist. Ct., Dallas Cty.).

Jurors in the Texas 191st District Court for Dallas County, returned the verdict Jan. 20, assessing defendant Garlock Sealing Technologies four percent liability under the plaintiffs' marketing defect theory. Sources stated that as a result of the jury's findings, Garlock would pay \$10,500. The jury deliberated for a day and a half after a two-week trial, sources said.

However, Judge Catharina Haynes, who oversaw the trial, carried Garlock's motion for a directed verdict until after the jury reached its verdict. Sources said they were unsure as to when Judge Haynes would rule on the motion.

The jury also found Johns-Marville, which was joined as a third party in the proceedings, 74 percent responsible, also under marketing defect theories.

Plaintiff Sidney Tanner, and his wife, Wanda, contended that Sidney Tanner's work for nearly 40 years as a gasket cutter for Garlock distributors exposed him to asbestos, caused his mesothelioma.

Sources said Garlock argued that its gaskets did not cause Sidney Tanner's mesothelioma because working with the product resulted in a low, if any, level of exposure to chrysotile asbestos.

Testifying on behalf of the Tanners were Sam Hammar, M.D. of Bremerton, Wash.; Richard Lemen, M.D. an epidemiologist from Atlanta, Michael Ellenbecker, Ph.D. of Boston; and James Millette, Ph.D., a microscopist from Atlanta.

Experts for the defendant were Allan Feingold, M.D. a pulmonologist from Miami; Frederick Boelter, CIH of Chicago; Larry Liukonen, CIH of Baltimore, and Richard Thomas, Ph.D. of East Lansing, Mich.

The Tanners were represented by Nelson Roach, Alexandra Boone and Keith Langston of Nix, Patterson & Roach in Daingerfield, Texas; and John Herrick and Badge Humphreys of Motley Rice in Mount Pleasant, S.C.

Garlock was represented by Cary Schachter, Ray Harris and Abigail Warren of Schachter Harris in Dallas.