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**Jury Verdict**

KAISER ALUMINUM, GARLOCK AVOID MONETARY LIABILITY IN TEXAS SUIT

Hines v. AC&S Inc.

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Kaiser Aluminum Co. and Garlock Inc. have managed to avoid any monetary liability in a Texas trial which ended with the companies being found strictly liable -- but not negligent -- for selling unreasonably dangerous products. Although the jury awarded the plaintiffs \$1.38 million, the amount exceeded previous settlements paid by other defendants, leaving the two companies with no additional liability of their own. Hines et al. v. AC&S Inc. et al., No. 62382, verdict rendered (Tex. Dist. Ct., 354th Jud. Dist., Hunt County, Mar. 7, 2001).

Norman Hines and his wife Frankie sued several asbestos companies, claiming that exposure to their products caused his mesothelioma. They named as defendants Kaiser Aluminum, Garlock, U.S. Gypsum, Georgia-Pacific, Combustion Engineering, Flexitallic Inc., AC&S Inc. and W.R. Grace & Co. All but Kaiser and Garlock settled before the end of trial.

Kaiser argued that chrysotile fibers from an insulating castable product sold through its formerly owned refractories division could not have been the cause of Norman Hines' illness. Garlock used the same chrysotile argument and presented a "low dose exposure" defense.

Garlock challenged the admissibility of scientific evidence offered by plaintiffs' expert Richard Hatfield. After a lengthy hearing, Hatfield was found qualified to testify about his testing of Garlock products and those of the then-remaining defendants, U.S. Gypsum and Georgia-Pacific. Hatfield did not testify about Kaiser products, according to plaintiffs' attorney Peter Kraus of Waters & Kraus in Dallas, but about Aerogun, a product substantially similar to Kaiser's.

The jury found the defendants strictly liable for selling unreasonably dangerous products, attributing the liability to Garlock and Flexitallic at 1 percent each, Kaiser at 3 percent, W.R. Grace at 10 percent and AC&S at 85 percent.

The jury rejected claims for negligence and punitive damages against the defendants. While the jury granted a \$1.38 million award, Kaiser and Garlock have no financial liability from the verdict, as previous settlements with other defendants exceeded that amount.

Maria Karos of Bell, Nunnally & Martin in Dallas, who represented Kaiser, said, "We feel very badly for Mr. Hines and his family but always believed that Kaiser Aluminum was not to blame for his condition. We are pleased that the jury, in essence, agreed with that assessment." In addition to Karos, Kaiser Aluminum was represented by Mel Bailey of DeHay & Elliston in Dallas. Garlock was represented by Raymond P. Harris Jr. and Cary Schachter of Whittenburg, Whittenburg & Schachter in Dallas.

The plaintiffs will be moving for a new trial based on the jury's failure to award damages on undisputed elements of proof, including loss of consortium and disfigurement, according to their attorney. In addition to Kraus, the plaintiffs were represented by Ashley Watkins of Waters & Kraus and Jonathan A. Smith-George of Patten, Wornom, Hatten & Diamonstein in Newport News, Va.