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Mealey's Litigation Report: Asbestos October 5, 2001

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16-17 Mealey's Litig. Rep. Asb. 6 (2001)

SECTION: Volume 16, Issue #17

HEADLINE: Texas Jury Awards \$3.1 Million To Former Naval Machinist, Meso Victim

DATELINE: Texas

BODY:

Case name and number: Henry and Eula Plummer v. ACandS and Garlock Inc., No. n/a

Court: Texas Dist., Dallas Co.

Judge: David Godbey

Verdict: \$3.1 million

Plaintiffs: Henry and Eula Plummer

Defendant: ACandS and Garlock Inc.

Date: Aug. 30

Claim: Mesothelioma

Defense: ACandS - mistaken memory; plaintiff was not exposed to Armstrong pipe covering during the years ACandS distributed it. Garlock - gaskets and rope packing do not produce sufficient dust to cause disease.

Background: Henry "Bill" Plummer served as a machinist in the U.S. Navy from 1951 to 1977, where he alleges he was exposed to asbestos. Diagnosed with malignant pleural mesothelioma in 1999, Plummer sued ACandS and Garlock, contending that their products were the cause of his exposure and subsequent disease.

Other: Trial lasted 10 days. The jury deliberated one day and voted 10-2, holding ACandS entirely responsible for Plummer's exposure.

Plaintiff experts: Edwin Holstein, M.D., occupational medicine, Boston; Victor Roggli, M.D., pathologist, Durham, N.C.

Defense experts: ACandS presented no expert testimony. Garlock's witnesses included Allan Feingold, M.D., pulmonologist, Miami; Fred Baxter, industrial hygienist, Chicago; and Larry Liukonen, CIH, industrial hygienist, Texas

Plaintiff attorneys: Peter Kraus, Rhonda Sullivan Cleaves and Scott Kruka of Waters & Kraus in Dallas

Defense attorneys: Ken Rhodes and Mike Ramirez of Dunn, Kacal, Adams, Pappas & Law in Dallas and Ray Harris and Cary Schacter of Whittenberg, Whittenberg & Schacter in Dallas

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