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## COURTROOM NEWS

Date: 11 October 2004

### Jury Awards \$1.29 Million in Disputed Meso Case; Garlock to Pay \$37,000

LINDEN, Texas — A Texas jury recently returned a nearly \$1.3 million verdict to the widow of an Oregon metals factory worker who claimed that he developed mesothelioma as a result of his exposure to Garlock gaskets. *Schiller v. Garlock Inc.*, No. 2-C-220 (Texas Dist. Ct., Cass Cty.).

Jurors returned the verdict Aug. 17 after a one-week trial before Judge Ralph Burgess in the Cass County Fifth District Court, finding Garlock 13 percent liable for the damage award. However, sources told HarrisMartin Publishing that the defendant will likely pay only a fraction of the \$1,292,000 awarded to plaintiff Claudine Schiller.

Schiller's husband, Manfred, worked at an Oregon metals factory, where he was allegedly exposed to Garlock's asbestos-containing gaskets. Garlock was the only defendant remaining when the case went to the jury. The case was tried under Oregon and New York law.

Garlock disputed Schiller's mesothelioma diagnosis and claimed that the plaintiff's exposure to the company's gaskets was not sufficient to cause disease.

In awarding the nearly \$1.3 million in actual damages to Schiller, jurors determined that Garlock's gaskets were not defectively designed, but that the defendant's product contained a marketing defect and that the manufacturer failed to warn Schiller of dangers associated with exposure to the gaskets. The jury awarded \$500,000 for past pain and suffering and \$500,000 in future damages. No punitive damages were assessed.

Following set-offs for settlements and application of statutory damage caps imposed by New York and Oregon law, Garlock is obligated to pay \$37,000, sources said.

During trial plaintiffs called the following expert witnesses: Arnold Brody, Ph.D., of New Orleans; Richard Lemen, M.D., Ph.D., of Atlanta; William Longo, Ph.D., of Norcross, Ga.; and Samuel Hammar, M.D., of Bremerton, Wash.

Defense experts included Frederick Boelter, CIH, of Chicago; Allan Feingold, M.D., of Miami; and Larry Liukonen, CIH, of Baltimore.

Garlock was represented by Raymond Harris and Cary Schachter of Schacter Harris in Dallas.

The Schillers were represented by Nelson Roach of Nix, Patterson & Roach in Daingerfield, Texas; and John Herrick of Motley Rice in Mt. Pleasant, S.C.