



HASSARD
BONNINGTON LLP

Archived Successes

Pauline Smithson, et al. v. Asbestos Defendants (B*P), Brayton Purcell, San Francisco – 2010.

In this confirmed mesothelioma case, plaintiffs claimed decedent Calvin Smithson was exposed to asbestos from his work in the U. S. Navy 1959-1968 and the Navy Reserves from 1969 to 1983 and as a HVAC worker in the Civil Service from 1969 to 2000. Mr. Smithson was deposed before he died and admitted that he had no information that he worked with or around our client's products. However, his brother served with him briefly on one ship and recalled seeing the client's packing material onboard. A co-worker also said he recalled seeing Mr. Smithson working with the client's gaskets and packing while in the Navy. At trial, we were able to convince the jury that even though Mr. Smithson may have worked with the client's asbestos-containing products, those products were not defective and the client was not negligent. The jury returned a defense verdict finding that defendant's product was not defective and defendant was not negligent.

Charles Duncan v. 3M Co., et al., Waters Kraus, Los Angeles – 2010.

In this personal injury case, involving a confirmed mesothelioma, Mr. Duncan claimed to have been exposed to asbestos through his work in the engine rooms of ships while in the Navy 1972-1975 and his work for his uncle's company demolishing buildings, removing boilers, and ripping out a/c pipe in the late 1970s to 1990. He claimed to have removed and installed our client's asbestos containing gaskets and packing hundreds of times in the Navy, where he also admitted repeated and regular removal and disturbance of thermal insulation. Hassard Bonnington partner Nicole Roberts' cross-examination of Mr. Duncan and presentation of the client's corporate witness called into question plaintiff's identification of the client's product. The jury returned a defense verdict finding that plaintiff was not exposed to asbestos from defendant's product.

Betty Vaught v. AGCO Corp., et al., Simon Eddins, Los Angeles – 2010.

Plaintiffs claimed that their decedent, James Vaught, Sr., who had mesothelioma, was exposed to asbestos contained in the client's gaskets and packing during his work while employed by the City of Glendale in the 1950s and 1960s and as a machinist at the County of Los Angeles through the mid-1980s. Mr. Vaught also served in the Navy and was exposed to asbestos containing thermal insulation. Our attorneys successfully presented evidence and argued that exposure from our client's product was not a substantial factor in causing Mr. Vaught's mesothelioma. The jury returned a defense verdict.

William Dix v. Kaiser Gypsum Co., Inc., Waters, Kraus & Paul, Los Angeles – 2010.

In this wrongful death mesothelioma case, the plaintiffs claimed Mr. Dix was exposed to asbestos from our client's joint compound product as a bystander during his 30 years of working for a telephone company in new homes. Our attorneys argued that there was insufficient evidence that the decedent had been exposed to asbestos from our client's product and that his mesothelioma was caused by exposure to asbestos while he worked as a fireman in the navy. The jury returned a defense verdict, finding that the decedent was not exposed to asbestos from our client's product.

Michael Johansen v. Kaiser Gypsum Co., Inc., Waters, Kraus & Paul, Los Angeles – 2010.

This was a confirmed mesothelioma personal injury case. Mr. Johansen testified that he was exposed to asbestos from our client's joint compound product during home remodeling projects in Alaska in the 1950s. Our attorneys argued that Mr. Johansen's mesothelioma was caused by exposure to asbestos from his work as a seaman apprentice for five months in the navy and not from any alleged exposure to our client's joint compound product. The jury returned a defense verdict, finding that our client's product was not defective and our client was not negligent.

William Goebel v. Daimler Trucks, et al., Waters, Kraus & Paul, Los Angeles – 2009.

In this wrongful death case, the decedent, William Goebel, died of mesothelioma at age 78. Mr. Goebel was a retired maintenance man. The plaintiffs claimed he was exposed to asbestos from our client's joint compound product while performing remodeling work in the mid-1960s and late 1970s. Our attorneys argued that Mr. Goebel's mesothelioma was caused by his exposure to asbestos while serving in the navy as a boiler tender and not from any alleged exposure to our client's joint compound product. The jury returned a defense verdict, finding that our client's product was not defective and our client was not negligent.

Richard Buccola v. A-1 Enterprises, Inc., et al., Paul & Hanley, Los Angeles – 2009.

This was a confirmed mesothelioma personal injury case. Mr. Buccola was 77 years old and owned a nursery and landscape contracting company. He claimed to have been exposed to asbestos from our client's joint compound product as a bystander to remodeling work between 1960 and 1972. Our attorneys argued that his mesothelioma was caused by his exposure to asbestos from cement pipes and not from any alleged exposure to our client's product. The jury returned a defense verdict, finding that our client's product was not defective and our client was not negligent.

James Prough v. Allis Chalmers Corp., et al., Simon Eddins, Los Angeles – 2009.

In this personal injury mesothelioma trial, the 73-year-old field engineer claimed asbestos exposure from defendant's crocidolite products while repairs and new equipment were installed at pulp and paper mills, circa 1964-1975. After a three-week trial the jury returned a defense verdict. The jurors found that defendant was not negligent or strictly liable for Mr. Prough's illness and a claim of malice, fraud, and oppression was rejected.

Robert Oberstar v. 3M Co., et al., Simon Eddins, Los Angeles – 2009.

In this confirmed mesothelioma action, the 68-year old plaintiff served as a fireman and machinist's mate on board various vessels in the US Navy from 1959-1963. He claimed exposure to our client's asbestos containing products during that time. Our attorneys presented a convincing case to the jurors, who reached a defense verdict based upon a finding that the defendant's product was not defective, defendant was not negligent, and no malice was established.

Neva Orwig v. Bondex International, Inc., Waters, Paul & Kraus, Los Angeles – 2008.

This was a confirmed mesothelioma wrongful death case in which the plaintiffs claimed the decedent's mesothelioma was caused by exposure to asbestos from our client's joint compound product. Our attorneys argued that the decedent's mesothelioma was not caused by exposure to asbestos from our client's joint compound product. The jury returned a defense verdict, finding that decedent was not exposed to asbestos from our client's product.

Charles Flanery v. Kaiser Gypsum Co., Inc., Farrise Law Firm, San Francisco – 2008.

This was a personal injury confirmed mesothelioma case. Mr. Flanery testified he was exposed to asbestos from our client's joint compound product during his work as a plumber and as a bystander. Our attorneys argued that any alleged exposure to asbestos from our client's product was not sufficient to cause his mesothelioma. The jury returned a defense verdict, finding that Mr. Flanery's exposure to asbestos from our client's product was not a substantial factor.

Larry Lindquist v. Alfa Laval, et al., Simon Eddins, Los Angeles – 2008.

In this personal injury mesothelioma action brought by a 69-year-old US Navy machinist mate, Mr. Lindquist claimed exposure to defendant's products while serving aboard various US Navy vessels from 1956-1959. Despite positive identification related to the defendant's packing and gasket products, our attorneys presented a strong defense to the jury, which returned a defense verdict after a three week trial. The jury found that our client did not act negligently or with malice and its products were not defective.

Billie Gowan v. A. W. Chesterton Co., et al., Paul & Hanley, San Francisco – 2008.

In this confirmed mesothelioma wrongful death action, the 71-year-old decedent, Louis Gowan, claimed exposure to defendant's product while serving as a US Navy pipefitter from 1951-1958. Our attorneys' cross-examinations of the plaintiffs' witnesses and strong presentation of our client's case and experts made an impact on the jury. A defense verdict was reached based on the jury's finding that defendant was not negligent and did not manufacture a defective product.

Marquerite Dyer v. Alfa Laval, Inc., et al., Waters Kraus, San Francisco – 2008.

In this confirmed wrongful death mesothelioma action, the 60-year-old decedent, Bobbie Dyer, served as a marine machinist on board US Navy vessels from 1973-1976 and was allegedly exposed to the client's asbestos-containing products. We presented a strong case to the jury that the client could not have been expected to warn of dangers from use of its product since there was no evidence that any such dangers existed. The jury reached a defense verdict finding that the defendant's product was not defective and defendant was not negligent in its actions.

Amanollah Shahabi v. A. W. Chesterton Co. et al., Waters Kraus, Los Angeles – 2008.

In this particular matter, Mr. Shahabi, age 75, worked as a maintenance supervisor and engineer at the Abadan and Tehran Oil Refineries in Iran from 1953-1979. Hassard Bonnington partner Robert Nelder conducted cross-examination of Mr. Shahabi and his experts that highlighted the weaknesses in his claims that the client's products were even present or that he was exposed to any asbestos from any such products. After a nearly two-month trial, the jury returned a defense verdict indicating that the plaintiff had not been exposed to any particular asbestos-containing products of this national manufacturer. No liability or a finding of malice could be established against the defendant.

Jennifer Drinkwater v. American Optical Corp., et al., Paul, Hanley & Harley, San Francisco – 2007.

This was a confirmed peritoneal mesothelioma case in which Mrs. Drinkwater claimed exposure to asbestos from her father's use of our client's joint compound during a home remodel project. Our attorneys retained a construction expert to inspect the home and found evidence indicating that no drywall or joint compound was used during the remodeling work. Based on the construction expert's testimony, our attorneys argued that the plaintiff was never exposed to asbestos from our client's joint compound product. The jury returned a defense verdict, finding that the plaintiff was not exposed to asbestos from our client's product.

Melody Dean v. Bondex International, Inc., et al., Waters & Kraus, Los Angeles – 2006.

This was a confirmed mesothelioma case in which the decedent died at age 78. The plaintiffs claimed that the decedent was exposed to asbestos from our client's joint compound product while working as a plumber in the early 1950s to the mid-1970s. Our attorneys argued that the decedent's mesothelioma was caused by his exposure to asbestos while working as a shipfitter on an aircraft carrier in the 1940s. The jury returned a defense verdict, finding that our client's product was not defective and our client was not negligent.

Michael Robertson v. Alfa Laval, Inc., et al., Waters Kraus, Los Angeles – 2006.

In this confirmed mesothelioma case, Mr. Robertson, age 58, served as a machinist's mate on board multiple US Navy destroyers from 1973-1975 and claimed exposure to our client's products during that time. Hassard Bonnington attorneys presented a strong defense and the jury reached a defense verdict based on a finding that defendant's product was not defective and defendant was not negligent in its actions.

Thomas Halsema v. Allied Packing, et al., Brent Coon, Alameda – 2006.

In this undisputed mesothelioma matter, Mr. Halsema, age 72, claimed exposure to defendant's products while serving as a machinist's mate in the US Navy from 1952-1962, and as a pipefitter at Electric Boat Shipyard from 1962-1993. Despite positive identification related to the defendant's products by Mr. Halsema and co-workers, the strength of the presentation of the defense case by the Hassard Bonnington attorneys assisted the jury in returning a defense verdict. The jury found that the defendant was not strictly liable, did not fail to warn and was not negligent.

Keith Mahar v. Chesterton Co., et al., Paul, Hanley & Harley, San Francisco – 2006.

This was a confirmed mesothelioma personal injury case in which Mr. Mahar testified he was exposed to asbestos from our client's stucco product as a bystander when he was working as a carpenter at residential and commercial construction sites. Our attorneys argued that any alleged exposure to asbestos from our client's stucco product was not a substantial factor. The jury returned a defense verdict, finding that any exposure to our client's stucco product was not a substantial factor.

Rosemary Brady v. Asbestos Defendants, Brayton Purcell, San Francisco – 2006.

In this confirmed wrongful death mesothelioma case, Mr. Brady, age 78, along with a co-worker, testified to using defendant's asbestos-containing products as machinist's mates on board Navy ships from 1942-1946. In the face of this positive identification, Hassard Bonnington attorneys had to rely on their ability to challenge plaintiffs' experts through tough cross-examinations and bringing strong defense experts to the stand. The jury returned a finding of no liability, indicating the defendant was not negligent and its product was neither defective nor a substantial factor in causing Mr. Brady's disease.

Joan Salyer v. Chesterton Co., et al., Levin Simes & Kaiser, San Francisco – 2005.

This was a confirmed peritoneal mesothelioma personal injury case. Mrs. Salyer testified that she was exposed to asbestos from our client's joint compound product as a bystander during home remodeling projects as well as from washing her brother's clothing while he was working as a drywaller. Our attorneys argued that any alleged exposure to asbestos from our client's joint compound product was not a substantial factor. The jury returned a defense verdict, finding that the plaintiff's exposure to asbestos from our client's joint compound product was not a substantial factor.

Gloria Peterson v. Asbestos Defendants, Brayton Purcell, San Francisco – 2004.

In this wrongful death lung cancer case, Mr. Peterson, age 66, worked from the early 1960s to 1993 as a maintenance mechanic and foreman at several industrial facilities in Central California. Plaintiffs claimed he was exposed to our client's asbestos-containing products in the course of that work. Hassard Bonnington attorneys presented evidence that Mr. Peterson's exposure to asbestos came from working with and around substantial amounts of thermal insulation, minimized his work with the client's products, and showed that the asbestos release from working with the client's products is well below the then applicable and current TLVs and PELs. After a three week trial, the jury returned a defense verdict indicating that the defendant was not a substantial factor in the development of Mr. Peterson's disease.

Roger Soule v. John Crane, Inc., Hobin, Shingler & Simon, Alameda – 2003,

Plaintiff claimed to have been exposed to asbestos from John Crane Inc. packing and gaskets as a result of his service in the United States Navy. He alleged that as a result of such exposure, he contracted mesothelioma. The plaintiff initially convinced the trial court to exclude evidence of Navy negligence in assessing responsibility for his asbestos exposure. After five days of deliberations, the jury returned a verdict in plaintiff's favor. Hassard Bonnington partners Phil Ward and John Katerndahl conduct post-verdict interviews with many of the jurors, which resulted in 7 declarations attesting to multiple incidents of juror misconduct. We filed a motion for new trial on behalf of John Crane Inc. based on the juror misconduct and the trial court's error in excluding the Navy from the verdict form for allocation of fault. The trial court granted John Crane Inc.'s motion for new trial after concluding that its exclusion of Navy negligence evidence had been in error and the jury verdict could not stand in light of the juror misconduct. Plaintiff never pursued the court's grant of a new trial, and John Crane never paid any damages to plaintiff.

Michael Ricci v. Asbestos Defendants, Brayton Purcell, San Francisco – 2002.

In this confirmed lung cancer case, Mr. Ricci, age 56, claimed he was occupationally exposed to the defendant's asbestos-containing product while working as an auxiliary man on nuclear submarines in the U.S. Navy from 1963 to 1967 and at Electric Boat Shipyard as a tester and technical writer from 1968-1997. Our attorneys presented evidence that Mr. Ricci had a 20 to 40 pack year cigarette smoking history and medical experts who found no evidence of asbestosis – a requirement for linking the lung cancer to asbestos exposure. The jury returned a defense verdict after a multi-week trial, finding that the plaintiff's lung cancer was not related to asbestos exposure and that he did not have any other asbestos-related injury.