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Retired boiler technician dies from asbestos exposure

\$1,702,542 Verdict

James L. King developed mesothelioma in January 2004 and he died of complications of this disease less than a year later, on Dec. 24, 2004. At the time of his death, King was 81 years old. He was survived by his wife of 19 years, Ora J. King. The case was initially tried to a hung jury in November 2007.

Plaintiff's decedent worked as a boiler operator and heating technician at Fort Monroe from 1945 until approximately 1973. The plaintiff presented testimony that from at least 1960 until 1973, King routinely and regularly repaired and performed preventative maintenance on boilers and other heating equipment located throughout the many buildings and residences on Fort Monroe.

John Crane, an international manufacturer and supplier of asbestos containing gaskets, packing, rope and tape, provided no warnings of any health hazards associated with their products. Workers like King used these products without any protection or safety controls and were unaware of the risk to their health associated with the inhalation of dust created by this work. John Crane contended that it knew nothing about asbestos-induced lung disease until 1970, but even after that, John Crane provided no warnings on any of its as-

bestos products until the mid 1980s.

Plaintiff's experts testified about the extensive knowledge of the asbestos industry concerning asbestos-induced lung diseases, much of which pre-existed King's exposure to John Crane's products. They also testified that it was well known by the 1950s that there was no safety standard concerning asbestos exposure that would prevent the development of cancer.

The plaintiff's experts also testified that mesothelioma was associated with trivial, low and intermittent exposures to asbestos, and that the asbestos industry ignored warning label standards which had been published since the 1940s and were required by law in Illinois, the state where John Crane manufactured its asbestos products.

Materials testing performed on John Crane's products by plaintiff's expert, William E. Longo, demonstrated that the normal and foreseeable use of asbestos gasket and packing material released quantities of asbestos fibers which were thousands of times greater than background levels and that these products were friable after they were placed in service and subjected to heat and pressure.

Plaintiff's medical evidence from John C. Maddox, M.D., a pathologist from Newport News, and Dr. Richard Lemen,

former Assistant Surgeon General of the United States, demonstrated that mesothelioma was recognized by the medical community as an asbestos-related disease no later than 1960.

They also testified that mesothelioma is caused by the cumulative exposure to asbestos dust that an individual has throughout their lifetime, and therefore the disease is indivisible. Dr. Maddox testified that King's exposure to John Crane's asbestos products was a substantial contributing factor of his mesothelioma.

John Crane's witnesses contended that their products were manufactured with chrysotile asbestos, which in their expert's opinion does not cause mesothelioma. They also argued that the foreseeable use of their asbestos products resulted in asbestos concentrations which were below those found in the ambient air.

After nearly eight hours of deliberations, the jury returned a verdict in favor of the plaintiff, and awarded \$1.5 million dollars in compensatory damages, \$197,789.83 in medical expenses, and \$4,752.25 in funeral expenses. By operation of Virginia law, John Crane is jointly and severally liable to the plaintiff for the entire verdict of \$1,702,542.08.

[08-T-206]

VIRGINIA'S LARGEST VERDICTS OF 2008

ASBESTOS

#10 \$1.7 million

King v. John Crane Inc.

Type of Case: Asbestos, mesothelioma

Court: Newport News Circuit Court

Attorneys: Hugh B. McCormick III, Erin E. Hieronimus, Newport News

Summary: Plaintiff's decedent, an 81-year-old retired boiler technician, died from mesothelioma in January 2004. Plaintiff's attorneys contended that he was exposed to asbestos products manufactured by John Crane Inc. while working on boilers and other heating equipment at Fort Monroe between 1960 and 1973. He was diagnosed with mesothelioma less than a year before he died. Asbestos exposure is the only cause of mesothelioma, and the attorneys contended that John Crane should have been aware of the danger of exposure from asbestos during the period decedent worked with the material.

John Crane contended that the type of asbestos it manufactured did not cause mesothelioma and that the foreseeable use of its products produced less asbestos than is found in the ambient air. The judgment has been paid.

MCCORMICK HIERONIMUS

Type of Action: Wrongful death

Injuries Alleged: Malignant mesothelioma resulting in death

Name of Case: Ora J. King, Executrix of the Estate of James L. King v. John Crane, Inc.

Court: Newport News Circuit Court

Case No.: 38504AF

Name of Judge: Aundria D. Foster

Offer: None

Verdict or Settlement: Verdict

Amount: \$1,702,542.08

Plaintiff's Attorneys: Hugh B. McCormick III and Erin E. Hieronimus, Newport News

Plaintiff's Experts: John Maddox, M.D., pathologist; Richard Lemen, PhD, epidemiologist; William Long PhD., materials scientist; Jerry Lauderdale, industrial hygienist

Defendant's Experts: Victor Roggli, M.D. pathologist; Michael Matteson, PhD., chemical engineer; Frederick Toca, PhD., industrial hygienist; George Springs, corporate representative