

**JURY VERDICT FOR PWH  
MESOTHELIOMA VICTIM ROBERT HARDICK  
\$5,977,482.00**

Trial Lawyers: Robert R. Hatten, Hugh B. McCormick, III, Gary M. DiMuzio,  
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On April 13, 2010, a jury in the Circuit Court for the City of Newport News, Virginia, returned a verdict against John Crane, Inc. in the amount of \$5,977,482.00 in a maritime wrongful death lawsuit. The Plaintiff's decedent, Bobby Hardick, had been diagnosed with mesothelioma at age 68 in February 2008. He died from that disease in March 2009, at age 69, thirteen months after his diagnosis and one year before his scheduled trial, leaving his wife and four adult children.

From 1957-1976 Bobby Hardick served in the Navy as a shipfitter, machinery repairman, master of arms, and race relations officer. During the 1960s and early 1970s as a shipfitter and machinery repairman, working on Navy tenders (floating shipyards), he routinely fabricated and removed asbestos gaskets and packing manufactured by John Crane, Inc., and Garlock from steam valves and flanges. The ordinary use of these products – which required knives, saws, hammers, wire brushes, grinders, and files – released millions of asbestos fibers into the air, most of which were invisible; and Hardick, like his fellow sailors, had no warning that breathing asbestos fibers from these products could cause mesothelioma and death 40 years later. Videotaped testing with Tyndall lighting by Plaintiff's expert, Dr. Bill Longo, vividly illustrated the millions of asbestos fibers that the plaintiff had not been able to see.

At trial, the Plaintiff presented the Decedent's testimony by videotaped depositions. Bobby Hardick's testimony concerning his regular and frequent use of asbestos gasket and packing material manufactured by John Crane was corroborated at trial by James Croom, Hardick's supervisor in the Navy.

The Plaintiff presented the testimony of Dr. John Maddox, a pathologist at Riverside Regional Medical Center, who has seen over 1,500 cases of mesothelioma, many of which arose in the Tidewater region of Virginia. He testified concerning Bobby Hardick's diagnosis and the causation of his disease. He concluded that John Crane's asbestos-containing products were a substantial contributing cause of Mr. Hardick's death.

Dr. William Longo, a materials scientist, testified about tests he performed on John Crane asbestos-containing gaskets and packing that demonstrated the potential for significant asbestos fiber release from those products. He showed the jury videotapes of those tests to illustrate the potential fiber release when those asbestos gaskets or packing were handled, installed or repaired using the work methods employed by Hardick and his coworkers.

Jerry Lauderdale, a certified industrial hygienist, testified about the Manufacturing Chemists' Association's L-1 Manual for providing warnings for hazardous dust. He testified that the warning guidelines in the L-1 Manual were known in the 1940s, and that the manual was expressly incorporated by reference into Navy specifications relating to asbestos gaskets and packing for the purpose of warning sailors, like Bobby Hardick, of potential dangers.

Dr. Richard A. Lemen, an epidemiologist and former deputy director of NIOSH and former assistant surgeon general of the United States, testified there is no known safe level for

occupational asbestos exposure that would prevent mesothelioma, and he stated that this fact has been known since the 1950s. He further testified that Bobby Hardick's exposures to John Crane asbestos gaskets and packing created a substantial risk of death from mesothelioma, and that John Crane should have been aware of the latent dangers from this exposure throughout the time that Mr. Hardick was exposed.

John Crane, Inc., relied upon the testimony of witnesses Dr. Victor Roggli, a pathologist at Duke University, and Dr. Fred Toca, an industrial hygienist. Dr. Roggli contended that chrysotile as contained in John Crane's asbestos products was a very unlikely cause of mesothelioma; however, Hatten produced for the jury videotaped testimony of Dr. Roggli given in a prior trial which contradicted this testimony. Dr. Roggli gave no opinion concerning the specific cause of Mr. Hardick's mesothelioma. Toca testified that there was a safe level for asbestos exposure but he failed to provide any information as to what it was, and he agreed that the risk of cancer from asbestos exposure had been known since the 1950s.

The Plaintiff also produced the videotape testimony of George Springs, the corporate representative of John Crane, who made numerous admissions concerning the capacity of asbestos gaskets to create dust and fibers when they were removed; and he also conceded that John Crane had failed to warn either its employees or its consumers about the hazards of asbestos exposure during the years in which Bobby Hardick was exposed to John Crane's asbestos products.

The jury instructions provided that John Crane was held to the standard of an expert, that it had a duty to research the hazardous ingredients of its products, a duty to test its products to determine if they released asbestos fibers, a duty to anticipate the environment where its products would be used, and a duty to warn its consumers and the users of its products.

The case was tried under general maritime wrongful death laws, and the Court rejected the arguments of John Crane that the Death on the High Seas Act applied. The Plaintiff had disavowed in her complaint any recovery for exposure to asbestos on the high seas, and the overwhelming majority of Hardick's exposure had occurred in United States territorial waters or naval shipyards, including the Norfolk Naval Shipyard.

John Crane offered evidence that Hardick was also exposed to asbestos products manufactured by Crane Co., and with Garlock with whom the Plaintiff had previously settled. Pursuant to maritime law, the jury apportioned damages for set-off purposes as follows: 50% to John Crane; 50% to Garlock; and 0% to Crane Co.

The parties stipulated to medical bills associated with Bobby Hardick's mesothelioma and death of \$319,650. The agreed funeral bill was \$7,832. Maritime damages included Mr. Hardick's pain and suffering (\$2 million), his wife's economic loss (\$2.5 million) and loss of consortium, and the loss of society, grief and mental anguish of Hardick's wife (\$1,150,000). John Crane intends to appeal the verdict.

Bobby Hardick and his estate were represented by Robert R. Hatten, Hugh B. McCormick, Gary M. DiMuzio, William W.C. Harty, and Erin E. Jewell (Hieronimus) of Patten, Wornom, Hatten & Diamonstein, LC in Newport News, Virginia; and Joseph D. Satterley of Sales, Tillman, Wallbaum, Catlegg & Satterley, PLLC, Louisville, Kentucky.