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Calif. Jury Reaches Defense Verdict for 5 Defendants in Automotive Case

OAKLAND, Calif. -- A California jury has returned a defense verdict in favor of five defendants, rejecting claims that asbestos-containing automotive products manufactured by the defendants caused the plaintiff to develop mesothelioma.

The California Superior Court for Alameda County jury deliberated for approximately two-and-a-half days before returning the defense verdict on Sept. 21, sources told HarrisMartin.

Judge Wynne S. Carvill presided over the trial, which began on July 27.

Plaintiffs Steven and Virginia Swasey alleged in their complaint that Steven Swasey was exposed to asbestos in automotive brakes, brake grinding machines and construction materials. As a result of the exposure, Swasey allegedly developed pleural mesothelioma, the plaintiffs said.

During trial, however, the defendants maintained that Swasey's injuries were the result of exposure to asbestos-containing products he encountered while serving in the U.S. Navy. Swasey was present on a ship that was being overhauled, the defendants said, leading him to come into contact with asbestos-containing insulation.

At the close of the plaintiffs' case, the trial court granted defendant Metalclad Insulation Corp.'s motion for nonsuit, sources said. Sources additionally told HarrisMartin that Hennessy Industries' motion for a directed verdict on the plaintiffs' punitive damages claim was also granted.

Hennessy, I.B. Benedict Co. Inc., Maremont Corp., Nissan North America Inc. and Nissan Motor Co. Ltd. were remaining in the case at the time of the verdict.

According to the verdict sheet, jurors found that Swasey was exposed to asbestos from products made by the five defendants, but that the products did not fail to perform as safely as an ordinary consumer would have expected. The jury also found that the defendants had proven that the benefits of the design outweighed its risks.

Jurors additionally concluded that the defendants had not failed to warn Swasey and, further, that the defendants were not negligent.

Testifying on behalf of the plaintiff were Dr. Barry Horn, pulmonology; Dr. Edwin Holstein, epidemiology; James Mills, economist; and Carol Hyland, life care planning.

Testifying on behalf of the defendants were Dr. James Crapo, pulmonology; David Garabrant, epidemiology; and John Henshaw, industrial hygiene.

The plaintiffs were represented by Jessica Dean and Amin Omar of Dean Omar Branham LLP in Dallas; and Roger E. Gold of the Gold Law Firm in San Francisco.

Hennessy Industries was represented by Robert A. Rich, Kevin E. Whelan and Samuel D. Jubelirer of Gordon Rees Scully Mansukhani, LLP in San Francisco, Irvine, Calif., and Oakland, Calif., respectively.

I.B. Benedict Co. was represented by James C. Parker of Hugo Parker LLP in San Francisco.

Edward M. Slaughter, Macy M. Chan, and Alex G. Taheri of Hawkins Parnell Thackston & Young LLP in Dallas, Los Angeles, and San Francisco, respectively, represented Maremont Corp.

The Nissan defendants were represented by Michael A. Brown of Miles & Stockbridge P.C., in Baltimore; and Alice Sacks Johnston of Schnader Harrison Segal & Lewis LLP in Pittsburgh and Lilian M. Loh and Craig L. Hodgson of the firm's San Francisco office.

Swasey, et al. v. Asbestos Companies, et al., No. RG15-758585 (Calif. Super. Ct., Alameda Cty.).

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