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## Nissan, Maremont Duck \$30M Asbestos Suit In Calif. Trial

By **Steven Trader**

Law360, New York (September 23, 2015, 6:10 PM ET) -- Brake lining manufacturer Maremont, car maker Nissan and two others on Tuesday escaped a \$30 million product liability suit in California by a mechanic who claimed exposure to asbestos in auto parts over the last 50 years led to him developing mesothelioma.

After two and a half days of deliberation, a state jury found that Nissan Motor Co. and Maremont Corp., along with an auto parts supplier and a brake shoe grinding machine maker, had not acted negligently and had properly warned Steve Swasey of the potential risks of the products they manufactured or sold, which at times over the 50 years did contain asbestos.

According to the verdict sheet, the jury indicated that it believed Swasey was exposed to asbestos from products made by defendants, but it found that the products performed as safely as an ordinary consumer would expect. The jury also decided the four defendants had proved that the benefits of the design of the manufactured products outweighed the risks.

Edward Slaughter of Hawkins Parnell Thackston & Young LLP, who represented Maremont in the suit, told Law360 on Wednesday that his firm found strong scientific evidence supporting their claim that exposure to asbestos in brake pads doesn't cause mesothelioma. But he said proving that to the jury came down to finding quality experts to testify, one of which included a former director of the Occupational Safety and Health Administration.

"The key thing we learned is that if you get the right kind of experts and present the right data that's out there, and in a way that a jury can understand it that ... they listened to complicated evidence presented by our experts and the jury got it, and they were able to make an informed decision in this case," Slaughter said.

Prior to becoming an auto mechanic in 1965, Swasey was an officer and mechanic in the U.S. Navy, working below deck among steam pipes and insulation in ships that were notorious for containing huge amounts of asbestos, Slaughter said. Almost all of the experts agreed that Swasey's highest exposure to the deadly material came from that time in his life, which likely weighed in the jury's decision, according to the attorney.

The jury verdict brings an end to what began as a complaint lodged by Swasey and his wife, Virginia, against more than 30 companies in the auto industry, claiming they acted negligently, were strictly liable and failed to warn him of the dangers of working with their products that contained asbestos, which ultimately led to his development of the lung disease mesothelioma, according to an amended complaint filed in May.

By the time the case reached the trial stage, which began in late July, the list of defendants

had been cut down to 11, and by the conclusion of the case, the defendant list was at four. Swasey's attorney had asked the jury to award more than \$30 million in compensatory damages, to no avail.

Representatives for Swasey did not immediately return a request for comment. Counsel information for Nissan and the other two defendants, I.B. Benedict Co. and AMMCO Tools Inc., was not immediately available.

Maremont Corp. is represented by Edward Slaughter, Macy Chan and Alex Taheri of Hawkins Parnell Thackston & Young LLP.

Swasey is represented by Jessica Dean and Amin Omar of Dean Omar & Branham LLP; and Roger Gold of the Gold Law Firm.

The case is Steve and Virginia Swasey v. asbestos companies et al., case number RG15758585, in the Superior Court for the State of California, County of Alameda.

--Editing by Aaron Pelc.

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