

From: HarrisMartin's Asbestos Publication

Date: May 12, 2006

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Jury Rejects Plaintiffs' Mesothelioma Claims, Finds for Asbestos Defendant

PHILADELPHIA -- A Pennsylvania jury reached a defense verdict in a disputed mesothelioma case, finding that the plaintiff failed to sufficiently prove that his mesothelioma was caused by asbestos. *Westley, et al. v. 84 Lumber, et al.*, No. 050602677 (Pa. Ct. Comm. Pls., Philadelphia Cty.).

The Pennsylvania Court of Common Pleas reached the verdict on May 10 in the two-week bifurcated trial, and never addressed the issue of whether exposure to Scappa Dryer Felts caused the mesothelioma. Sources indicated that Scappa Dryer Felt was the lone remaining defendant.

Plaintiff Joseph Westley alleged during trial that his work for approximately 30 years in a paper mill exposed him to asbestos. Westley argued during trial that fluid samples taken were consistent with mesothelioma.

Scapa, however, refuted the diagnosis, saying that while one test result indicated mesothelioma, another did not and additionally argued that there was no independent diagnosis of mesothelioma by tissue.

Testifying on behalf of the plaintiffs were Harvey Spector, M.D., pathology, Brookhaven, Pa.

Scapa Dryer Felt relied on testimony from Roland Schwarting, M.D., pathology, Thomas Jefferson University, Jefferson Medical College, Philadelphia.

Sources said that Spector confirmed the mesothelioma diagnosis, solely relying on cytology. Schwarting refuted the diagnosis during testimony, saying that a mesothelioma diagnosis cannot be made on cytology alone and opining that a needle biopsy should have been performed on the 76-year old man.

Counsel for Scapa Dryer Felt was H. Lane Young II and M. Elizabeth O'Neill of Hawkins & Parnell in Atlanta and Daniel Burch Jr. of Schwartz, Campbell & Detweiller in Philadelphia.

The plaintiffs were represented by Richard P. Myers of Paul, Reich & Myers in Philadelphia.

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