

Cook County & Illinois
JURY VERDICT REPORTER

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PRODUCT LIABILITY--DEATH FROM ASBESTOS-RELATED MESOTHELIOMA

(YY 29/4) Estate of John Breske, deceased v Georgia Pacific Corp., Union Carbide Corp. 05L-3923 Tried: Jan. 23-Feb. 16, 2007 (11)

Verdict: **Not Guilty** v both defts
Judge: William J. Haddad (IL Cook-Law)
Pltf Attys: William M. Connelly of Richardson, Patrick (Charleston, SC) and Nicholas J. Vogelzang Demand: \$1,000,000 Asked: \$7,000,000 +
Deft Attys: **Eric F. Quandt**, Andrew Constantine of Maron, Marvel (Jersey City, NJ) and Leslie D. Davis of Sonnenschein, Nath for Georgia Pacific Corp. (Self-Insured); Sheila M. Finnegan and Richard F. Bulger of Mayer, Brown and Bruce T. Bishop of Willcox & Savage (Norfolk, VA) for Union Carbide Corp. (Self-Insured)
Pltf Experts: Dr. Steven Dikman (Pathologist), Dr. Edwin Holstein (Industrial/Occupational Medicine) and Arnold Brody, Ph.D. (Microbiology)
Deft Experts: Dr. Michael Graham (Pathologist), James Rock, Ph.D. (Industrial Hygiene) and Dr. James D. Crapo (Pulmonologist) for both defts

Feb. 15, 2005, John Breske, a maintenance worker at Lewis University in Joliet, died at age 51 from peritoneal mesothelioma (\$155,000 medl., survived by wife and three daughters). Estate claimed he was exposed to a Georgia Pacific joint compound while he performed various drywalling projects around the campus in the early 1970s. Union Carbide supplied raw asbestos to Georgia Pacific, which then went into the finished product as a wet joint compound sold in 5-gallon containers. Estate contended Breske's exposure while sanding the dried joint compound caused his mesothelioma. Defts asserted the joint compound contained a minimal amount of asbestos, between 3% and 8% of the finished product, and the compound buckets contained cautionary language relating to asbestos. Defense produced evidence to refute the claimed exposures and medical causation relating to their products. In the original lawsuit, exposure to other asbestos-containing products was also alleged, and numerous co-defts either settled out or were dismissed prior to trial. Defense counsel Quandt notes that pursuant to the *Lipke* decision, the two remaining defts were precluded at trial from making reference to any of the other asbestos exposures. Jury deliberated a little more than 3 hours.