

Daily Journal

Sept. 4, 2019

Simmons Hanly Conroy win \$34M asbestos jury verdict

By Gina Kim

Simmons Hanly Conroy won a \$34 million Los Angeles jury verdict for a former mechanic who said he developed a fatal cancer from years of asbestos exposure while working with brakes manufactured by Ford Motor Co., which plans to appeal.

“We think the jury did the right thing here,” said Simmons shareholder Jennifer Alesio, who tried the case with her colleagues Daniel P. Blouin and John Richardson.

The firm, which specializes in mass tort, dangerous drugs and other serious injury cases for mesothelioma patients, secured the verdict for plaintiff Arthur Putt, 80, who was diagnosed with malignant mesothelioma in June 2018. The disease had spread in and around his esophagus, making it difficult for him to eat and swallow, according to the lawsuit.

“We know that we can’t give Arthur back his health, or Janet back her husband, but hopefully this result brings some small measure of comfort,” Alesio said Tuesday.

Defense counsel Warren E. Platt, partner at Snell & Wilmer LLP could not be reached for comment Tuesday.

A spokesperson for Ford issued a statement Tuesday: “Our sympathy goes out to the Putt family and while we respect the jury’s decision, we plan to appeal.”

After four weeks of trial before Los Angeles County Superior Court Judge Stephen M. Moloney, the jury on Thursday found Ford was negligent and failed to adequately warn that its products were defective in design.

Putt was awarded \$8.5 million in compensatory damages. The jury also ruled Ford acted with malice, fraud and oppression toward Putt. And on Friday, the panel awarded Putt another \$25.5 million in punitive damages.

The lawsuit alleged Putt developed cancer from repeated exposure to asbestos-containing brakes manufactured, sold and distributed by Ford while he worked in service stations in Indiana and Southern California during the 1960s and 1970s. Putt breathed in asbestos-contaminated dust

while conducting brake inspections, blowing out brake drums, sanding new brakes and sweeping and blowing dust off the floor, the lawsuit alleged. Arthur Putt and Janet Putt v. CBS Corporation et al., 18STCV06912 (L.A. Super. Ct., filed 12/3/2018).

Defendant CBS Corp. was acquired by electrical technology manufacturer Westinghouse Electric Corp. in 1995. Other companies including Standard Oil, Chevron, Chrysler, Exxon and Pep Boys were also named as defendants. Other defendants in the case had either been dismissed or reached confidential resolutions, according to the plaintiffs' counsel.

The jury found 100 percent liability solely as to Ford.