

From: HarrisMartin's Columnsâ€™Asbestos

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Calif. Jury Finds for Defendants in Asbestos Case Filed on Behalf of Former Plasterer

LOS ANGELES — Jurors in California have rejected asbestos claims asserted on behalf of a former plasterer, accepting defense's contentions that the decedent's lung cancer was caused by his extensive smoking history, sources told HarrisMartin.

Hon. Frederick C. Shaller of the California Superior Court for Los Angeles County presided over the 15-day trial, which ended on April 26 after three hours of deliberations. Jurors voted 10-2 in favor of the defendants, sources said.

The plaintiffs asserted the claims on behalf of their father, Maurice Rush.

In addition to contending that smoking caused Rush's illness, the defendants argued that the plaintiffs had not provided enough evidence to link their products to Rush's worksites.

Merlux Stucco Inc., CalPortland Cement and Reliable Building Materials Inc. were the lone remaining defendants at the time of the verdict, sources told HarrisMartin.

According to the verdict sheet, jurors found that Rush's exposure to asbestos was not a substantial contributing factor in his development of lung cancer and therefore did not have to answer the remainder of the questions on the verdict sheet.

Testifying on behalf of the plaintiffs were Barry Levy, M.D.; Robert Fallat, M.D.; and John Templin, CIH.

Testifying on behalf of the defendants were David Weill, M.D.; and Peter Curran, M.D.

Counsel for the defendants were Michael J. Boland and Valerie Ruschke of Imai, Tadlock, Keeney & Cordery LLP in San Francisco; James C. Parker and Shaghig Agopian of Brydon Hugo & Parker LLP in San Francisco; and Viuu Spangler Khare and Clint Johnson of Berkes, Crane, Robinson & Seal LLP in Los Angeles.

The plaintiffs were represented by Wes Wagnon and Diran Tashjian of Keller, Fishback & Jackson in San Francisco.

Rush, et al. v. Amcord Inc., et al., No. BC456922 (Calif. Super. Ct., Los Angeles Cty.).

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Verdict Sheet Ref# ASB-1305-27

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