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\$8.47M verdict scored for asbestos in Newport News

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A Newport News circuit judge has entered judgment for \$8.47 million in an asbestos case against defendant John Crane Inc.

In February, a jury handed down a \$9.18 million verdict to the family of John Bristow, a retired shipyard worker who died from mesothelioma. The plaintiff claimed that Bristow contracted mesothelioma from working with John Crane's asbestos gaskets and packing in the 1960s.

On March 9, Judge David Pugh denied motions for a new trial and entered judgment for \$8,477,906 against John Crane, according to a report from plaintiff's attorney Robert R. Hatten (see page 6). This was a reduction of \$705,000 from the jury verdict, in consideration of pre-trial settlements with co-defendants.

Prior to trial, John Crane had moved that the case be tried under Virginia law because part of the plaintiff's exposure occurred in landside shops at the Newport News Shipyard. The court denied the motion because approximately 50 percent of the plaintiff's asbestos exposure had occurred on the James River. Since exposure had occurred in both a maritime location as well as a landside location, the court permitted the jury to decide the case pursuant to maritime law and Virginia law.

The plaintiff presented evidence on two maritime personal injury causes of action – negligent failure to warn and strict liability concerning exposures



that occurred on navigable waters. Unlike Virginia law, the plaintiff's maritime claims for personal injury were not extinguished by his death.

The jury was also instructed that, under Virginia law, they could award damages for the family's loss if they determined John Crane had breached its implied warranty by failing to warn the plaintiff of the dangers of asbestos.

The jury deliberated for two days. For the maritime survivorship claim, the jury awarded \$3,500,000 for the plaintiff's pre-death pain and suffering and \$780,000 for his widow's loss of consortium before his death. For the Virginia wrongful death claim, the jury awarded \$2,000,000 to the plaintiff's widow for sorrow, mental anguish and solace; \$250,000 to the widow for loss of services, protection, care and assistance; \$1,250,000 to the plaintiff's two sons; \$141,294 in medical expenses; and \$11,611 in funeral expenses.

John Crane has expressed its intention to appeal the verdict, the report said.