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California Jury Returns Defense Verdict In Mesothelioma Case Against Crown Cork

Case name: Richard Belt v. Crown Cork & Seal Company Inc.

Case number: BC360535

Court: Calif. Super., Los Angeles Co.

Judge: Ricardo Torres

Verdict / Settlement (breakdown): Defense verdict

Plaintiff(s): Richard Belt

Defendant(s): Crown Cork & Seal Co. Inc.

Date: Aug. 16, 2007

Background: Richard Belt filed suit in the Los Angeles County Superior Court, alleging that he was exposed to asbestos-containing products from 1950 to 1969 while he worked as a boiler tender on ships in the U.S. Navy. Belt sued a number of companies that allegedly had made or sold asbestos-containing products to the Navy and claimed that all of those products contributed to his mesothelioma.

Crown Cork & Seal Co. Inc., a bottle cap and metal can producer, which never manufactured or sold asbestos insulation, was sued because it had acquired Mundet Cork Corp. and was deemed a successor to Mundet. Mundet allegedly sold asbestos insulation to the Navy; it closed its asbestos business months before the Crown acquisition, and Crown disposed of the remaining assets of that business within 90

days. Mundet also had a bottle cap business, which Crown folded into its bottle cap business.

Claim: Personal injury

Injury: Mesothelioma

Defense: The U.S. Navy knew of the hazards of asbestos, required its use for perceived safety and efficiency reasons and failed to take precautionary measures when enlisted men like Belt used asbestos insulation aboard ships; hazard warnings on boxes of asbestos-containing products would not have told the Navy anything it did not already know and were prohibited by military standards unless the Navy approved them. Belt was overreaching in testifying that he saw only Mundet insulation during his entire 20-year career in the U.S. Navy, including periods before Mundet was on any qualified product list and after Mundet was out of business.

Plaintiff experts: Victor Roggli, M.D., pathologist, Durham, N.C.; Richard Lemen, Ph.D., epidemiologist, Atlanta; Capt. William Lowell, Navy expert

Defense experts: Tom McCaffery, Navy archive expert

Other: The jury's verdict was unanimous.

Plaintiff attorneys: Jeffery Simon and Charles Branham III, Simon, Eddins & Greenstone, Dallas

Defense attorneys: William Armstrong, Armstrong & Associates, Oakland, Calif.; Heather L. Blume, Morris Polich & Purdy, Los Angeles