New Developments

Illinois Supreme Court Set to Rule on Asbestos Civil Conspiracies Claim
By Danielle Luisi & Michael Hopkins

The Illinois Supreme Court recently heard oral arguments in Jones v. Pneumo Abex LLC, where Plaintiffs, John and Deborah Jones, sued brake lining company Pneumo Abex (“Abex”) and glass bottle maker Owens-Illinois (“O-I”) for injuries John Jones allegedly suffered due to asbestos exposure during his construction career. Although Jones never worked for Defendants and never used or was exposed to any product of Defendants, Plaintiffs allege that Defendants entered into a civil conspiracy with the asbestos industry at large including Johns-Manville, an insulation and roofing materials manufacturer, to conceal the harmful health effects of asbestos exposure.

Illinois Governor Signs Bill Allowing In-State Customers to Sue Businesses
By Jen Dlugoz & Danielle Luisi

On September 5, 2018, the Appellate Court for the Fourth District of Illinois introduced heightened standards for plaintiffs to establish duty and causation in asbestos litigation through its reversal of a McLean County trial court’s ruling in Thomas-Fish v. Aetna Steel Prod. Corp., plaintiff Helen Thomas-Fish alleged her husband Robert Fish had died from mesothelioma caused by exposure to asbestos through his work at a shipbuilding yard in New Jersey in 1960. Plaintiff brought a wrongful death claim against various defendants alleging his death was caused by asbestos provided by various companies.

Thomas-Fish alleged his exposure to asbestos occurred in three phases of shipbuilding:

1. As a welder during steel fabrication, Thomas-Fish was exposed to asbestos-containing paneling during shipbuilding.
2. As a welder during bottom fabrication, Thomas-Fish was exposed to asbestos-containing paneling during shipbuilding.
3. As a welder during build-up fabrication, Thomas-Fish was exposed to asbestos-containing paneling during shipbuilding.

In Patrick v. Benzinger, the McLean County trial court’s ruling in Thomas-Fish held the McLean County trial court had personal jurisdiction over the corporate Defendants, as the Illinois Statute 740 ILCS 10/1-601(9) includes business activity as an alternative basis for personal jurisdiction. The Illinois Supreme Court recently heard oral arguments in Jones v. Pneumo Abex LLC, where Plaintiffs, John and Deborah Jones, sued brake lining company Pneumo Abex (“Abex”) and glass bottle maker Owens-Illinois (“O-I”) for injuries John Jones allegedly suffered due to asbestos exposure during his construction career. Although Jones never worked for Defendants and never used or was exposed to any product of Defendants, Plaintiffs allege that Defendants entered into a civil conspiracy with the asbestos industry at large including Johns-Manville, an insulation and roofing materials manufacturer, to conceal the harmful health effects of asbestos exposure.

District Court of New Jersey Finds Specific Jurisdiction Lacking Based on Successor Liability Theory
By Shannon Peters & Sami Thomas

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By Ryan White & Caleb Hunt

On September 5, 2018, the Appellate Court for the Fourth District of Illinois introduced heightened standards for plaintiffs to establish duty and causation in asbestos litigation through its reversal of a McLean County trial court’s decision denying a defendant’s motion for judgment notwithstanding the verdict.

Daimler AG v. Bauman

The Eastern District of Pennsylvania in Sullivan v. A. W. Chesterton, Inc., et al., grappled with the constitutionality of the Pennsylvania statutes, 15 Pa.C.S. §§ 411 and 42 Pa.C.S. § 5301, (the "PA Statutory Scheme") requiring out-of-state businesses to register in the state, which in turn functions as consent to general jurisdiction. This issue became salient only in light of the Supreme Court's ruling in Daimler AG v. Bauman, (holding corporation is "at home" only where it is incorporated or maintains its principal place of business). The jury found against GEA

Pennsylvania Federal Court Holds Statutory Scheme Requiring Out-of-State Corporations to Register to Do Business and Consent to General Jurisdiction is Unconstitutional
By Jen Dlugoz & Lucas Funk

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A former laboratory technician at a biopharmaceutical company and his wife were awarded close to $70 million by a Florida state jury over claims he developed mesothelioma resulting from exposure to asbestos-containing products at work. At the end of the two-week trial, the jury found against GEA Mechanical Equipment (“GEA”), an equipment company, for its negligence in distributing the alleged asbestos-containing products and failing to adequately warn plaintiff of the related health hazards.

New York Jury Awards $70M in Mesothelioma Verdict
By Andrew German & Mayva Daoud

Looking Ahead: The Future of Ovarian Cancer Litigation
By Tim Larkin

Last year, a St. Louis city jury sent shock waves across the world, awarding 22 plaintiffs nearly $5 billion in compensatory and punitive damages in a lawsuit against Johnson & Johnson over claims her husband Robert Fish had died from mesothelioma caused by exposure to asbestos through his work at a shipbuilding yard in New Jersey in 1960. Plaintiff brought a wrongful death claim against various defendants alleging his death was caused by asbestos provided by various companies.