

## Asbestos: \$8M verdict hailed as largest against cigarette maker

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An \$8 million verdict that burdened Lorillard Tobacco Co. with a major portion of fault was hailed by the plaintiffs attorney as the largest award against a cigarette maker for an asbestos-related injury.

From 1952 to 1956, Lorillard produced a version of its Kent brand cigarettes using a filter containing asbestos fibers.

Richard Delisle, 74, of Leesburg was diagnosed in July 2012 with mesothelioma, a fatal lung cancer caused by asbestos. He contended the Kents he smoked as a teenager contributed to his disease.

Lorillard attorney Ricardo Cedillo of Davis, Cedillo & Mendoza in San Antonio, Texas, noted Delisle told health care providers he did not start smoking until about 1960.

Cedillo alleged Delisle

never smoked Kents with asbestos in filters. Even if he did, Cedillo said tests showed the amount of fibers released during smoking was negligible. He insisted Delisle must have contracted the illness from one of the other defendants.

Defendants included Crane Co., a paper mill operator in Massachusetts where Delisle worked in the early 1960s fitting pipes. The gaskets he worked on contained asbestos.

The jury on Tuesday found Lorillard 22 percent at fault and Hollingsworth & Vose Co., the filter manufacturer, also 22 percent at fault. The trial was heard by Broward Circuit Judge John Murphy.

Because of a joint venture indemnity agreement between the two companies, Hollingsworth's liability shifted to Lorillard, said David Jagolinzer of Ferraro Law in Coral Gables, Delisle's attorney.



Jagolinzer

Crane was found 16 percent at fault, Jagolinzer said. No liability was assigned to Delisle, and the remaining 40 percent was against Fabre defendants.

The 44 percent portion against Lorillard, or \$3.52 million, is the largest jury judgment ever awarded against a tobacco company in a mesothelioma case, Jagolinzer said.

"There's never been one tried in Florida before," he said. "I picked a jury for one in Hillsborough, but the case settled before trial. In the nation, there have only been about five cases that have ever been successful."

The largest previous verdict was \$1 million awarded in 2000 in San Francisco. Plaintiffs were represented by the law firm of Brayton Purcell. James Nevin, a partner with the firm, said they've handled a few of the Kent asbestos filter cases since then, but none went to trial.

"It's a pretty specific case type," he said. "You have to have someone with mesothelioma who remembers smoking Kents with micronite filters from that period."

The Fort Lauderdale case was filed in Broward because a defendant that was dismissed before trial, Premix-Marbletite Manufacturing Co., is based in Pompano Beach.

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