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Jury Verdict

Miami jury awards \$14 million in suit against Union Carbide

Union Carbide Corp. is liable for nearly half the \$14 million in damages awarded by a Miami jury to a carpenter who developed asbestos-related lung cancer after working in the family construction business.

Aubin v. Union Carbide Corp., No. 08- 68233(08), verdict returned (Fla. Cir. Ct., 11th Jud. Cir., Miami-Dade County May 19, 2010).

Union Carbide intends to appeal the verdict, according to defense attorney Colin Kelly of Alston & Bird.

Plaintiff William Aubin worked in construction from 1972 to 1974 and said he developed peritoneal mesothelioma, a fatal form of lung cancer, from exposure to asbestos-containing products on the job.

Aubin sued several companies in Miami-Dade County's 11th Judicial Circuit Court, and the case ended in a verdict against Union Carbide only.

The plaintiff alleged Union Carbide supplied asbestos to several companies that used it in manufacturing products for the construction industry.

Although the jury allocated percentages of fault against other companies, Georgia Pacific, Kaiser Gypsum Co., Premix Marbletite Manufacturing Co. and U.S. Gypsum Co., they had settled or been dismissed prior to the verdict, so the damages award does not apply to them.

In its May 19 verdict, the jury assigned 46.25 percent of the fault to Union Carbide. Under Florida's comparative-fault laws, the company must pay that percentage of the \$14.2 million in damages the jury assessed, according to plaintiff's lawyer Juan Bauta of the Ferraro Law Firm.

As experts, the plaintiff called Boston pathologist Dr. Eugene Mark and Arnold Brody, a microbiologist from New Orleans.

Attorneys:

Plaintiff: Juan Bauta and Jordan Kirby, The Ferraro Law Firm, Coral Gables, Fla.

Defendant: Michael Terry, Hartline, Dacus, Barger, Dreyer & Kern, Corpus Christi, Texas; Colin Kelly, Alston & Bird, Atlanta

Related Court Document:

Jury verdict form: 2010 WL 2220876



Plaintiff's attorney Juan Bauta

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