

[Asbestos Case Wins \\$200 Million In Punitive Damages; Will It Stick?](#)

(Posted by Tom Lamb at www.AsbestosHUB.com on May 7, 2010; see <http://bit.ly/9uBvvU>)

Rhoda Evans was exposed to asbestos when she washed her husband's clothes. Her husband, Bobby, worked for the Los Angeles Department of Water and Power where he would sometimes cut pipe containing asbestos. These pipes were distributed by CertainTeed. Mrs. Evans never worked around asbestos herself, but by simply breathing in the fibers left on her husband's work clothes, she gained enough exposure to lead to mesothelioma. Rhoda decided to hold the LA Department of Water and Power and CertainTeed responsible for her terminal condition which would leave her husband without a wife and her daughter's children without their mother (who had died four years earlier) and their grandmother to care for them.

After a lengthy trial, the Los Angeles jury awarded the Evans' \$200 million in punitive damages. However, many feel that the award won't stick. A punitive damages expert in Encino, CA, Curt Cutting, said, "As far as I know, the largest punitive damages award ever upheld in California was \$55 million. The fact that the trial court has asked for a briefing before entering judgment is probably a pretty good indication the judge has questions about the validity of a verdict that size."

In addition, Cutting mentioned any amount of punitive damages is rare in asbestos cases. He says that most people in the 1940s through the '60s were unaware of the serious health issues surrounding asbestos exposure. For this reason, many plaintiffs' lawyers have a difficult time proving that the defendants acted with malice.

In this situation, the Los Angeles Department of Water and Power was given 30 percent of the liability. CertainTeed carries the remaining 70 percent. CertainTeed argues that the award is unfair because none of the officials involved with the company at the time of Mr. Evans' employment are still working there. Also, the company has not sold any asbestos-containing products for 18 years.

However valid it may seem, CertainTeed's argument of unfairness fails. Mesothelioma often does not present itself for several decades. Using CertainTeed's reasoning, an employer can expose his employees, or anyone else, to harm without recourse as long as the effects do not appear until after they have retired or changed jobs. Although the individuals no longer make up the company, the company still exists and the company is responsible.

Even if the \$200 million in punitive damages is not upheld, we can only hope, for the Evans' and for the thousands of asbestos-exposed workers and their families, that a suitable amount will still be awarded which will constitute more than "a slap on the wrist".

Read more about this case over at LAW.com, [Jury Awards \\$200 Million in Punitive Damages in Asbestos Case](#).

Attorney [Tom Lamb](#) represents people in personal injury and wrongful death cases involving mesothelioma or other asbestos cancers. The above article was posted originally on his blog, **Asbestos HUB** – with active links and readers' comments.
<http://AsbestosHUB.com>