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La. Jury Finds for Defendant at Conclusion of Asbestos Lung Cancer Trial Filed by Former Pipefitter

NEW ORLEANS -- A Louisiana state court jury has reached a defense verdict in favor of Ferguson Enterprises, rejecting claims that the plaintiff developed lung cancer after he was exposed to asbestos-containing cement pipe supplied by the defendant's alleged predecessor.

The Louisiana Civil District Court for Orleans Parish jury reached the verdict on Jan. 29 after a three-week trial and approximately four hours of deliberations, sources told HarrisMartin.

Ferguson Enterprises was the lone defendant remaining at the time of the verdict. According to the verdict sheet, jurors found that the plaintiff was exposed to asbestos-containing products to such an extent that those exposures were a substantial contributing factor in the development of his lung cancer, but ultimately determined that the products supplied by the defendant were not part of that substantial contributing factor.

Plaintiff Thomas Handy alleged that his employment as a pipefitter and laborer -- during which time he beveled asbestos-containing cement pipe -- caused him to come into contact with a product supplied by Louisiana Utilities Supply Co. (LUSCO), an alleged predecessor to Ferguson Enterprises.

As a result of the exposure, Handy said he developed lung cancer. Ferguson, however, argued during trial that Handy's lung cancer was a result of his smoking history.

The defendant additionally maintained that LUSCO only sold a small amount of pipe to Handy's employers and that any contact he did have with the defendant's pipe products would not be a substantial contributing factor in his development of lung cancer.

Further, the defendant said, it could not be held liable under the plaintiff's negligence cause of action for selling the pipe without specific warning. Finally, the defendant said, it was not a successor corporation to LUSCO under Louisiana law.

Jurors sided with the defendant, concluding that LUSCO was not at fault and that any exposure to the asbestos-containing cement pipe sold by LUSCO was not a substantial contributing factor in causing Handy's injury.

Testifying on behalf of the plaintiffs were Jerome Spear; Dr. Judd Shellito; and Dr. Steven Compton.

Testifying on behalf of the defendant were Dr. Robert Jones; and James Rasmuson.

The defendant was represented by Lawrence G. Pugh III and Donna M. Young of Pugh Accardo LLC in New

Orleans.

The plaintiffs were represented by Caleb Didriksen, Erin Saucier, and Jeremy Pichon of Didriksen, Saucier, Woods & Pichon in New Orleans.

Handy, et al. v. Owens Corning Corp., et al., No. 2014-5392 (La. Civil Dist. Ct., Orleans Prsh.).

Document is Available Call (800) 496-4319 or Search www.harrismartin.com Verdict Sheet Ref# ASB-1803-07

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