

# Daily Journal

February 13, 2013

## TOP VERDICTS OF 2012

### TOP DEFENSE VERDICTS

## Petitpas v. Amcord Inc. et al

#### CASE INFO

#### Personal injury/toxic tort

Los Angeles County  
Superior Court Judge Richard L. Fruin Jr.

#### Defense attorneys:

Yukevich Calfo & Cavanaugh, James J. Yukevich, Steven D. Smelser; Selman Breitman LLP, Brad D. Bleichner, Jerry Popovich; McKenna Long & Aldridge LLP, Jayme Long, Frederic Norris

**Plaintiffs' attorneys:** The Farrise Law Firm, Simona A. Farrise; The Law Offices of Anthony E. Vieira, Anthony E. Vieira



BRAD D. BLEICHNER



JAMES J. YUKEVICH



JAYME C. LONG

A case last year might have broadened the basis for mesothelioma suits. But lawyers for the three defendants that went to trial — James J. Yukevich and Steven D. Smelser of Yukevich Calfo & Cavanaugh, for Ford Motor Co.; Brad Bleichner and Jerry Popovich of Selman Breitman LLP, for Rossmoor Corp.; and Jayme Long and Frederic Norris of McKenna Long & Aldridge LLP for Exxon Mobil Corp. — managed to convince a

jury that their clients could not be held responsible for Marline Petitpas' illness.

One of plaintiffs' attorneys, Simona A. Farrise, said the case will be appealed. *Petitpas v. Amcord, Inc., et al* (L.A. Sup. Ct., filed Nov. 9, 2011).

Bleichner said his team was able to convince the judge that claims Petitpas had been exposed to asbestos on her husband's workclothes wasn't sufficient enough exposure, and succeeded in getting a non-suit granted after 10 days of trial. Ford, by contrast, went through to the end of the trial, but its defense team was able to defeat an argument that exposure to asbestos in brake dust as a bystander to her husband's

work as an auto mechanic could have caused Petitpas' cancer.

Yukevich said the significance of the case with respect to claims against Ford is that it sought to extend liability for mesothelioma to anyone exposed to even a small amount of brake dust.

"Career brake workers don't have an increased risk," he said. "A bystander never would."

Yukevich said his side also benefited from studies showing women have a risk of developing mesothelioma without exposure to asbestos.

The jury also found the Exxon Mobil didn't at the time have a reason to believe it was irresponsible to allow Petitpas

to be exposed to brake dust.

But Farrise, who along with Anthony E. Vieira of The Law Offices of Anthony E. Vieira argued the case against the defendants, said in an email that the trial was compromised by extenuating circumstances.

"The jury did also find that Mrs. Petitpas, as the then 18-year-old girlfriend of her now-husband, was indeed exposed to deadly asbestos from Ford vehicles," Farrise said.

Among her complaints, Farrise said an appellate ruling, which dealt with the liability of the owner of facilities where asbestos was present, was incorrectly applied.

— Paul Jones