

Daily Journal

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TOP VERDICTS OF 2009

TOP DEFENSE RESULTS

A Defense Win in the Long-Running War Over Asbestos

Goebel v. Alfa Laval Inc.

CASE INFO

Cause: The wife and three adult children of William Goebel, a 78-year-old retired mechanic who died of mesothelioma in 2008, sued several companies — including Daimler Trucks, Ford Motor Co. and Kaiser Gypsum Inc., alleging they made, distributed or sold products containing asbestos that caused Goebel's illness. The plaintiff sought \$25 million in non-economic damages, \$50,171 in past medical expenses for the decedent and \$1.5 million for loss of household services and punitive damages.

Result: In November, a jury awarded a verdict for defendants Daimler, Ford and Kaiser.

Defense Team: Jim Yukevich, Steven Smelser, Charles G. Kabele, Yukevich Calfo & Cavanaugh, Los Angeles

Plaintiffs: Waters, Kraus & Paul, El Segundo

Judge: Mark V. Mooney, Los Angeles County Superior Court



JAMES J. YUKEVICH

'Once we got that information to the jury and showed them the two different kinds [of asbestos] he was exposed to, the jury understood the amosite in the Navy was far more likely to have caused the plaintiff's disease.'

— Jim Yukevich

A lot of jurors associate asbestos with poison, said Jim Yukevich. "It's difficult to say (someone) can be exposed to it but not have it be responsible for an illness they contracted," he said.

That said, Yukevich and his team successfully defended Ford and two other companies against allegations that their products caused the death of a former mechanic who died of mesothelioma after years of exposure to asbestos on the job.

How? By arguing it was more likely the man contracted mesothelioma from working on World War II Navy ships that contained a particularly harmful type of asbestos called amosite asbestos.

The turning point, Yukevich said, came when some of the plaintiffs' own experts confirmed amosite asbestos was very likely the cause of the man's disease.

"Once we got that information to the jury and showed them the two different kinds he was exposed to, the jury understood the amosite in the Navy was far more likely to have caused the plaintiff's disease."

It worked. Despite watching video testimony of a likeable man whose health was clearly deteriorating — the lowest point during the trial, Yukevich said — the jury returned a defense verdict after a six-week trial.

— Catherine Ho