

DAILY BUSINESS REVIEW

PRODUCT LIABILITY

Miami attorney wins \$37 million in asbestos case

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A former auto mechanic who was diagnosed with terminal mesothelioma after being exposed to asbestos in brake linings has received a \$37 million award from a Tampa jury.

Gary Hampton, a former Tampa resident who now lives in Pilgrim's Knob, Va., sued Pneumo Abex LLC and Ford Motor Co. shortly after his February 2013 diagnosis. Ford and Hampton reached a confidential settlement in the middle of the 2½-week trial in Hillsborough Circuit Court.

The verdict was largely due to family circumstances, said Hampton's attorney, David Jagolinzer of the Ferraro Law Firm in Miami. Hampton is the caregiver for his 12-year-old adopted niece, and his wife is critically ill with kidney failure. Jagolinzer asked the jury for \$32 million.

Pneumo Abex was represented by Tom Radcliffe of Dehay Elliston in Baltimore and Clark Sturge of Cole Scott & Kissane in Miami.

Ford was represented by Henry Salas of Cole Scott & Kissane in Miami and Wendy Lumish of Carlton Fields Jordan Burt in Miami.

The defense lawyers did not return calls to comment by deadline, but Jagolinzer said he expects an appeal will be filed.

Hampton, 65, worked at Paul Castellano Auto Repairs in Tampa from 1969 to 1977. He said he was never warned that working with brakes could put him in danger from inhaled asbestos. Mesothelioma is a deadly cancer that eats away the membranes lining the lungs and stomach.

After Hampton was diagnosed with the disease, he sued Ford, which designed the braking system, and Pneumo Abex, a defunct company that manufactured the brake lining. The company was a subsidiary of Cooper Industries, a Houston-based electrical products company and subsidiary of Eaton Corp. Jagolinzer said he plans to collect the judgment from Cooper.

DEVASTATING CASE

The lawsuit claiming negligence, strict liability and defective product/failure to warn was filed in Hillsborough Circuit's asbestos litigation division and assigned to Chief Judge Manuel Menendez.

Jagolinzer, who tried the case alone, called five expert witnesses, including a materials scientist who tested the brake product, a public health official, a pathologist, a cellular biologist and an epidemiologist. Hampton, his wife Mary and daughter Jasmine also testified.

Ford settled the day before Jagolinzer put family members on the stand. However, Pneumo Abex made no real settlement offers, he said.

"I'm a little surprised they didn't settle," Jagolinzer said. "The case was pretty clear as far as culpability. This was one of the most devastating cases I've seen because it ruined three lives."

The defense lawyers argued the brakes were safe and do not cause mesothelioma, and that if anyone was to blame it was Hampton himself, Jagolinzer said.

After the trial ended Wednesday, the six-member jury found Pneumo Abex was negligent, Hampton was not negli-



J. ALBERT DIAZ

Attorney David Jagolinzer called five expert witnesses who linked brake material to his client's mesothelioma.

gent, Ford was not at fault and the shop where Hampton worked was not at fault. The jury assigned 75 percent of fault to Pneumo Abex and 25 percent to defendants that did not go to trial.

Jurors awarded \$27 million for pain and suffering and \$360,000 in medical expenses to Gary Hampton, \$3.7 million to Mary Hampton for loss of consortium and \$6.1 million to Jasmine Hampton for loss of her father's comfort and companionship.

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