

“Bystander” Asbestos Claim Denied by Manhattan Jury

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Insulator Found Not Liable After Viacom, Goodyear and Pfizer Settle

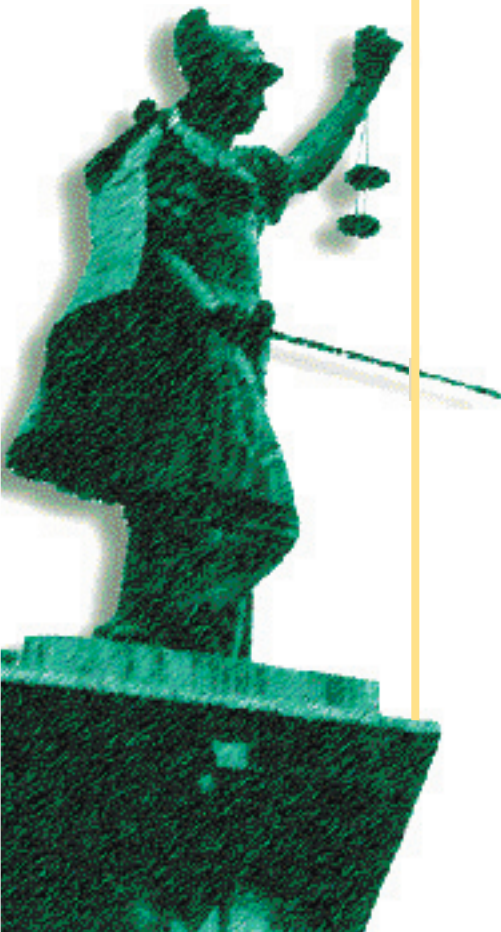
A jury in Manhattan’s State Supreme Court today found Robert A. Keasby Company not liable for the death of Mr. O’Reilly. Mr. O’Reilly had died of mesothelioma, a painful cancer of the lining of the lung, which his family claimed was caused by asbestos he breathed while working as a carpenter during the construction of the Indian Point Nuclear Power Plant, just north of Manhattan. During the time O’Reilly was working at the plant, Keasby Company was also working there, installing asbestos insulation.

O’Reilly claimed that Keasby and others were negligent in the way asbestos was used and had failed to warn O’Reilly about the dangers of breathing the dust. Goodyear, Viacom and Pfizer were also defendants in the case, but each settled after the start of trial, leaving only Keasby in the case at the end.

Keasby’s core defenses included the fact that Mr. O’Reilly, who was not a Keasby employee, had never identified even one Keasby employee he had worked near while he was working at the plant, so there was no way to tell if he had breathed any asbestos from the insulation Keasby was installing. The Indian Point Plant is large, almost one hundred acres, and lots of asbestos was used in its construction, so it was not possible to identify exactly whose asbestos, or how much asbestos Mr. O’Reilly had inhaled at Indian Point. In addition, Mr. O’Reilly had had more than six years of prior asbestos exposure, unrelated to Keasby, drilling holes in fireproof doors at a different site prior to working at Indian Point.

The six person jury deliberated for less than a day and returned a defense verdict, a result that surprised many as it came on the heels of a \$47 million award in a related case against Con Edison, Indian Point’s owner and general contractor.

Litigation Strategies, Ltd. assisted lead trial attorney Jeff Sklaroff of Greenberg Traurig in jury selection and in the development of trial strategy.



- Strategic Research
- Witness Preparation
- Demonstrative Exhibits

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