

Jackson County asbestos case settles for \$10M

Class action suit over exposure is still pending

BY SCOTT LAUCK
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A wrongful death claim over asbestos in the Jackson County Circuit Courthouse ended in a more than \$10 million settlement.

The plaintiff's attorney, Lou Accurso, of The Accurso Law Firm in Kansas City, said the settlement appears to be the largest in Missouri in an asbestos case.

Plaintiff Nancy Lopez, a former Division 7 judicial administrative assistant, filed suit in March 2010, alleging she suffered from mesothelioma as a result of asbestos exposure from 1983 to 2007 in the building. Lopez died Oct. 9, 2010, at age 56.

"This poor lady did nothing but serve the public as a loyal employee, a loyal public servant," Accurso said. "The only mistake she made was to show up to work every day."

Following Lopez's death, her mother, Ruth Lopez, was substituted as the main plaintiff.

The \$10 million payment comes from U.S. Engineering Co., which performed renovation and demolition work for Jackson County. James Griffin, of Husch Blackwell, an attorney for the company, confirmed details of the settlement. He said U.S. Engineering did not admit fault.

Although the lawsuit was filed in Jackson County, it was handled by Judge Patrick Robb of Buchanan County. He approved the settlement on Nov. 18. It had been set for a two-and-a-half week trial beginning Dec. 5.

The case also garnered a \$400,000 settlement from Jackson County, which approved the payment on May 2. In addition, two third-party defendants, Lippert Mechanical Service Corp. and Johnson Controls, paid \$20,000 each in a settlement approved in September. U.S. Engineering brought those companies into the suit for their work on the courthouse.

The settlement allocates attorneys' fees and expenses of about \$4 million to The Accurso Law Firm.

The lawsuit has been a touchy subject at the courthouse, where officials last year posted notices stating that the courthouse's air quality met state and federal standards.

A separate class action lawsuit, which alleges asbestos exposure for anyone who has worked in, visited, or conducted business in the courthouse since 1983, remains pending before Judge Jack Peace, a visiting circuit judge from Mercer County.

Accurso, who is handling that case as well, said the case awaits class certification. Some of the discovery materials from the Lopez case are also being used in the class action suit.

"This problem was not confined to [Nancy Lopez's] desk," he said. ■

■ \$10,440,000 settlement

WRONGFUL DEATH, ASBESTOS EXPOSURE

■ **Breakdown:** \$10 million from U.S. Engineering; \$400,000 from Jackson County; \$20,000 from Lippert; \$20,000 from Johnson Controls

■ **Venue:** Jackson County Circuit Court

■ **Case Number/Date:** 1016-CV07996/Nov. 18, 2011

■ **Judge:** Patrick Robb

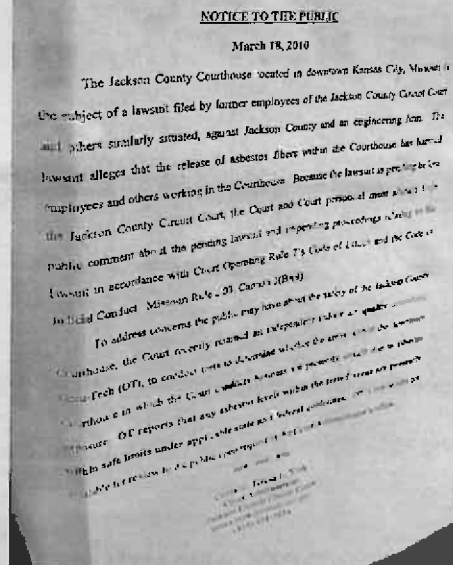
■ **Plaintiffs' Expert:** Stan Smith, Chicago (economics)

■ **Caption:** Ruth Lopez, individually and on behalf of Nancy Lopez v. U.S. Engineering Co., Jackson County, Mo., Lippert Mechanical Service Corp. and Johnson Controls Inc.

■ **Plaintiffs' Attorneys:** Louis Accurso, Ann Wright and Burton Haigh, The Accurso Law Firm, Kansas City

■ **Defendant's Attorneys:** James D. Griffin and Maggie Neustadt Nigro, Husch Blackwell, Kansas City, and Gino Battisti, Foley & Mansfield, St. Louis, for U.S. Engineering; Dennis Dobbels, Polsinelli Shughart, Kansas City, for Jackson County; Robert Numrich, Baty, Holm, Numrich & Otto, Kansas City, for Johnson Controls; Joseph Roper, Foland, Wickens, Eisfelder, Roper & Hofer, Kansas City, for Lippert

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The Jackson County Courthouse was the site of a trial over whether workers were harmed by asbestos at the Jackson County Courthouse. Above, a notice informs the public that the air in the courthouse has cleared state and federal standards. Photos by Scott Lauck

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CORRECTION

St. Louis firm Senniger Powers was left off a ranking of the largest intellectual property practices in the Corporate Counsel Desk Book, included with the Nov. 7 issue of Missouri Lawyers Weekly. With 35 intellectual property attorneys, the firm should have ranked sixth. We regret the error.



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