

■ \$10.8 MILLION SETTLEMENT

Family settles confidentially over asbestos wrongful death

WRONGFUL DEATH, ASBESTOS

- **Venue:** Confidential Missouri state court
- **Case number/date:** Confidential/Oct. 6, 2014
- **Mediator:** Mark T. Kempton
- **Plaintiffs' experts:** Dr. Arthur Frank, Philadelphia, Pennsylvania (occupational medicine); Ronald Gordon, New York (asbestos analysis); Dr. James A. Strauchen, New York (pathology); Barry I. Castleman, Washington, D.C. (environmental consultant); Michael Ellenbecker, Lowell, Massachusetts (industrial hygiene); Richard W. Clapp, Boston (epidemiologist); Kurt V. Krueger, Prairie Village, Kansas (economics)
- **Defendants' experts:** Jennifer Pierce, Chicago (industrial hygiene); Dr. Victor Roggli, Durham, North Carolina (pathologist); Dr. James McCluskey, Tampa, Florida (occupational medicine); Dr. Noel Weiss, Seattle, Washington (epidemiologist); Christopher Pflaum, Overland Park, Kansas (economist); Dr. Andrew Churg, Vancouver, British Columbia (pathologist); Dr. James Crapo, Englewood, Colorado (pulmonary specialist); Dr. M. Eric Gershwin, Davis, California (immunology); Charles Blake, Kennesaw, Georgia (industrial hygiene); Dr. Suresh Moolgavkar, Bellevue, Washington (epidemiology); Dr. J. David Godwin, Seattle, Washington (radiology); Mark Banden, Independence (industrial hygiene); Edwin Hecker, Lawrence, Kansas (law professor)
- **Caption:** Confidential
- **Plaintiffs' attorneys:** Louis C. Accurso, Burton S. Haigh and Cory L. Atkins, The Accurso Law Firm, Kansas City
- **Defendants' attorneys:** Confidential

By SCOTT LAUCK
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The family of a 45-year-old man who died after allegedly suffering asbestos exposure as a young adult settled their case for \$10.8 million, according to their lawyer.

The decedent was a former mechanic who died in 2012, three months after he was diagnosed with mesothelioma, said Louis C. Accurso of The Accurso Law Firm in Kansas City. He said a confidentiality provision of the settlement agreement barred him from disclosing the parties' names.



Louis C. Accurso



Burton S. Haigh



Cory L. Atkins

According to Accurso, the man worked as a mechanic for approximately two years following high school and had no known asbestos exposure.

In a wrongful death suit, the man's family alleged he had been exposed to asbestos-containing brake dust 25 years previously and said his former employers were negligent for failing to maintain a safe work place. The suit also made claims for premises liability and strict liability.

The settlement benefited the man's spouse, their three children, his parents and an adult child from a previous marriage.

Attorneys for the defendants didn't return calls seeking comment.

Accurso said he believes the case marks the largest asbestos settlement for a single victim in Missouri and one of the largest asbestos friction-product death settlements in the country. Accurso had set the previous record in Missouri with a \$10.4 million settlement in 2011 for the family of a woman who allegedly contracted mesothelioma while working at the Jackson County Courthouse. **MLW**