

## Second Plaintiff In Month Wins Asbestos Claim

### Separate S.F. Juries Award \$10 Million In Shipyard Cases

#### Dying of Cancer

By Donna Domino  
Daily Journal Staff Writer

SAN FRANCISCO — A 61-year-old ex-shipyard worker who is dying of asbestos-related cancer won \$10 million in damages Monday, the second award of that size from a local jury in the last month.

The two plaintiffs' victories do not come close to the \$34 million record-setting damage award in an asbestos case issued by a San Francisco jury four years ago. *Todak v. Asbestos Defendants*, 320621.

But they underscore the continuing attraction of Bay Area courts for industrial workers who have mounted decades of litigation over exposure to the cancer-causing substance.

#### Terminal Mesothelioma

Monday's case was brought by George Barnes, who worked as a shipfitter at the Long Beach Naval shipyard for 25 years before retiring in 1992. He was diagnosed with terminal mesothelioma, lung cancer, in 2005. *Barnes v. Chesterton, CGC-05-446017*.

During a weeklong trial, medical experts testified that Barnes, who lives in Banning in Riverside County, had difficulty litigating his own case because of his illness, said his attorney Jeff Kaiser of San Francisco's Levin Simes Kaiser & Gornick.

Doctors testified that he will die by year's end. State law allows terminally ill litigants to have their cases expedited.

Thorpe Insulation, which provided asbestos insulation products to the shipyard where Barnes worked, is a small company with few assets. The case went to trial. Kaiser said, after Thorpe's insurers denied coverage for the claim.

## Plaintiff Wins \$10 Million in Asbestos Case

#### Jury Awards

"The jury here clearly appreciated the tragedy of asbestos costing George Barnes his life," Kaiser said.

The jury awarded \$9 million in non-economic damages and \$1.2 million for economic and medical compensation.

Several defense attorneys associated with the case could not be reached Tuesday.

In mid-July, a San Francisco jury awarded \$10 million in punitive damages to a man who had been exposed to asbestos aboard ships when he served with the U.S. Navy and later at Bay Area jobs where he tested steam turbines. *Garza v. Asbestos Corp.*, 438144.

The largest award ever in a California asbestos case is a 2002 jury judgment giving \$33.7 million to a cancer-stricken former electrician and his wife, according to lawyers and researchers. Alfred Todak, also a victim of mesothelioma, was exposed to asbestos while working on boilers aboard Navy vessels.

The Barnes award is one of the highest compensatory awards for asbestos cases in the last 15 years, Kaiser said. The firm says it has secured more than \$125 million in California verdicts and settlements on behalf of mesothelioma victims in the last three years.

The U.S. Senate has been debating a bill, called the Fairness in Asbestos Injury Resolution (FAIR) Act, which would end all asbestos litigation and set up a trust fund for asbestos victims.

Kaiser opposes the legislation, saying he doubts it would provide enough money to compensate all victims of mesothelioma.

"There's nothing fair about it," he said. "There are a lot of other people like George Barnes out there."

Under the proposed legislation, Kaiser noted, Barnes would have received a maximum of \$1.1 million.

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