

Pierce Davis & Perritano Prevails in Asbestos Fiber Drift Case

Pierce Davis & Perritano (PDP) recently obtained a defense verdict in an almost six-week toxic tort trial in Connecticut.

After three weeks of jury selection, three weeks of trial and nearly five hours of deliberations, the jury returned a verdict in favor of PDP's client on all counts. PDP's client manufactured "matrix" circuit board and plastic compounds that contained asbestos as a reinforcing agent. The plaintiff's decedent lived between 2 and 2 ½ miles from the defendant's manufacturing plant at various times throughout his life. The plaintiff's decedent died from mesothelioma in 2015 and his wife sued the defendant manufacturer alleging that he contracted mesothelioma as a result of fugitive asbestos emissions released into the environment from the defendant's plant. PDP was successfully able to demonstrate to the jury that plaintiff's decedent was not exposed to asbestos from the defendant's plant and that, consequently, the defendant did not cause his disease.

Michael D. Leedberg, Joel F. Pierce and Alexandra Nassopoulos Vilella tried the case for PDP. The plaintiff called experts Barry Castleman, David Christiani, and David Mitchell; experts Christy Barlow and Paul Scott (both of ChemRisk) and Leonard Bruckman (formerly of the CT DEP) testified for the defense.

This is a significant victory for PDP's client and for the asbestos defense bar generally, as the plaintiffs' bar continually seeks out new theories of liability in an effort to expand the universe of toxic tort plaintiffs. "Fiber drift" or neighborhood exposure cases such as this are in the forefront. In 2015, PDP was involved in another asbestos fiber drift case in which a Connecticut state court jury also returned a defense verdict. Attorney Leedberg served as local counsel in the 2015 case, with Joseph Cagnoli of the law firm of Segal McCambridge serving as lead counsel. These two cases are thought to be the only defense verdicts in fiber drift cases in Connecticut.



Michael D. Leedberg
mleedberg@piercedavis.com

Joel F. Pierce
jpierce@piercedavis.com

Alexandra Nassopoulos Vilella
avilella@piercedavis.com