

# Jury finds asbestos plaintiff, experts credible

Defendant found at least partially responsible for injuries over 8-year span

## \$540,000

In a lawsuit filed in Wayne County Circuit Court, plaintiff Reed Avram asserted injuries he sustained while working at the Ford Motor Co. Rouge plant in Detroit, between 1964 and 1972.

Avram now suffers from asbestosis, a consequence of significant exposure to asbestos tape and asbestos blankets sold by defendant McMaster-Carr Supply Co.

The defendant contended that Avram could have been injured by any one of approximately 100 non-party defendants. Avram's attorney even acknowledged that Avram had some asbestos exposure while serving in the Navy prior to working at Ford, and some afterward while working as a pipefitter at General Motors Corp.

**Type of action:** Asbestos injury

**Type of injuries:** Lost earnings, pain and suffering

**Name of case:** *Avram v. McMaster-Carr Supply Co.*

**Court/Case no./Date:** Wayne County Circuit Court; 07-714597NP; Oct. 8, 2009

**Tried before:** Jury

**Name of judge:** Robert J. Colombo

**Verdict amount:** \$540,000 total

**Allocation of fault:** Defendant, 50 percent; non-party defendants, 50 percent

**Attorneys for plaintiff:** Margaret Holman-Jensen, Alice A. Buffington

**Attorneys for defendant:** Withheld

But, the plaintiff asserted, that didn't mean that the defendant wasn't at least partially responsible for the 71-year-old's injuries, which now leave him short of breath and unable to engage in physical activities he once enjoyed.

Plaintiff's counsel called on two medical witnesses, one of whom testified that Avram's injuries were the result of exposure to asbestos. Plaintiff's counsel also relied on testimony from two supervisors from the Rouge plant, one of whom remembered seeing Avram work near the asbestos-containing

materials, while the other remembered significant shipments of the materials during the time Avram was working at the plant.

The jury unanimously found that Avram suffered some kind of physical injury, and seven of the nine agreed that it was asbestosis. The jury awarded Avram \$60,000 for past non-compensatory damages, and \$300,000 for future pain and suffering. Avram also was awarded \$60,000 per year for three years of lost wages.

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