



Asbestos Award of \$5.8 Million Could Be Largest In U.S.

Asbestos Litigation

A federal jury in Newark has awarded \$5.8 million in compensatory damages to a widow, and her two sons , whose husband died of asbestos-related lung cancer last year.

Plaintiffs' co-counsel, John McConnell of Providence's Ness, Motley, Loadholt, Richardson & Poole, and [Jon Gelman](#), a Wayne solo practitioner, say they believe the sum is the largest in a U.S. asbestos case in which punitive damages were not at issue.

The jury that heard the case before U.S. District Judge H. Lee Sarokin returned its verdicts last Friday in favor of Ulrike Wundrack of West Milford and her sons. Their father, Robert, died in March 1989 at age 48.

In its verdicts, the jury found the Keene Corp. of New York, an asbestos products distributor, 45 percent responsible for damages; Owens-Coming Fiberglas Corp. of Ohio, 35 percent liable; and the Manville Personal Injury Settlement Trust, 13 percent liable.

McConnell says that because Owens settled for an undisclosed amount two weeks into the trial, and the jury was unaware of that, the actual amount of the verdict is the \$3.37 million assessed against Keene and Manville.

Keene's attorney, Nancy McDonald of Newark's McCarter & English, could not be reached for comment.

McConnell says the plaintiffs agreed not to seek punitive damages in return for Keene's agreement not to challenge corporate successor liability claims. Keene did not actually manufacture asbestos.

McConnell says that Keene and Manville did not contest the plaintiffs' diagnosis of asbestos-related mesothelioma, a form of lung cancer, during trial. Rather, they

sought to show that the asbestos fibers that led to Wundrack's condition originated from other manufacturers.

Of the \$5.8 million award, \$4.6 million was to compensate Robert Wundrack's pain and suffering and his sons' loss of his counsel, McConnell says.

David Vance of The Valore Firm in Linwood represented Manville. Owens was represented by Steven Ceiba of Milwaukee's Borgelt, Powell, Peterson & Frauen, and by Russell Pepe of Harwood Lloyd in Hackensack.

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