



News & Updates

APPELLATE COURT REVERSES AND CERTIFIES AN ASBESTOS CLASS ACTION FOR MEDICAL MONITORING COSTS

In 1983-84, it was alleged that during a retrofit project of the Jackson County courthouse, the contractors did not turn off the ventilation system, which allegedly caused asbestos to be circulated throughout the courthouse. "Dust containing asbestos fibers was blown and tracked throughout the Courthouse resulting in layers of dust accumulated throughout the Courthouse and described by one witness as an asbestos powder coating 'that you could run your hands through,' it covered 'everything in various offices,' and 'it would be on the floors and get walked out of the entrance to the air handlers and then tracked through the [common] areas ... and ... courtrooms.'"

In Missouri, plaintiffs can bring a claim for medical monitoring and can certify a class if the following criteria is met: "(1) the class is so numerous that joinder of all members is impracticable (numerosity); (2) there are questions of law or fact that are common to the class (commonality); (3) the claims of the representative parties are typical of the class claims (typicality); and (4) the representative parties will fairly and adequately protect the class interests (adequacy)." While the lower court denied class certification, the Court of Appeals reversed, analyzing each class certification factor and concluding that the class should be certified.

Read the full decision [here](#).

If you have questions about how this case may impact your business, please contact:

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Files

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