



## News & Updates

### **LACK OF EVIDENCE OF EXPOSURE TO ASBESTOS-CONTAINING PRODUCTS LEADS TO MULTIPLE DEFENDANTS OBTAINING SUMMARY JUDGMENT UNDER NEW JERSEY AND MARITIME LAW**

The plaintiff's decedent, Harold Thomasson, had mesothelioma that was alleged to be a result of his service in the U.S. Navy between 1952 and 1954, and his work as a maintenance man/pipefitter for various employers between 1954 and 1985. The decedent died prior to testifying and 19 defendants moved for summary judgment, arguing that there was no evidence that the decedent was exposed to asbestos from any products manufactured or supplied by them. Prior to oral argument, four defendants obtained voluntary dismissals. The remaining 15 motions were unopposed and were granted.

Even though the motions were unopposed, the court reviewed the record and noted that Goulds and Bechtel were the only defendants for which there was any evidence of possible exposure, based on the testimony of two non-party witnesses. The witnesses testified that Goulds pumps were at the Monsanto facility where the decedent had worked and that Bechtel had built the facility. However, the witnesses could not say that the decedent ever worked with or near Goulds pumps or any asbestos-containing product manufactured or supplied by Goulds. Bechtel's records refuted that it had any construction projects at the plant prior to or during the decedent's alleged exposure dates. The court analyzed both New Jersey and maritime law and stated: "In the present case, there is simply no evidence that Mr. Thomasson was exposed to any asbestos or asbestos-containing products manufactured, supplied, or installed by any of the moving Defendants. Even if there was evidence of some exposure to Defendants' asbestos or asbestos-containing products, it is insufficient to establish causation."

The defendant MetLife's motion to dismiss the plaintiff's amended complaint or, in the alternative, preclude the plaintiff's expert witness for failure to follow the court ordered scheduling deadlines was denied without prejudice. The court found that there was no prejudice to MetLife for the delay of these two items, nor did it find that the plaintiff's actions were willful or in bad faith given the "inherent difficulties presented by a case with so many defendants."

#### **Read the full decision here.**

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

Joseph J. Welter (716.566.5457; [jwelter@goldbergsegalla.com](mailto:jwelter@goldbergsegalla.com))

Jason A. Botticelli (716.566.5460; [jbotticelli@goldbergsegalla.com](mailto:jbotticelli@goldbergsegalla.com))

Or another member of Goldberg Segalla's Toxic Torts Practice Groups

#### **Files**

[Asbestos Case Tracker - NJ Decision - April 10, 2015.pdf](#)

Attorney Advertising © 2018 Goldberg Segalla  
Prior results do not guarantee a similar outcome.

- New York
- Chicago
- Los Angeles
- Orange County
- Orlando
- West Palm Beach
- St. Louis

- Philadelphia
- Miami
- Baltimore
- Newark
- Garden City
- Hartford
- Princeton
- Greensboro
- Raleigh
- Buffalo
- Rochester
- Syracuse
- Albany
- White Plains
- London