



## News & Updates

### THIRD CIRCUIT REVERSES GRANT OF SUMMARY JUDGMENT IN AIRCRAFT MECHANIC CASE

In this case, the decedent served in the Air Force as an assistant crew chief and then crew chief from 1969 to 1973, working on aircraft manufactured by McDonnell Douglas Corporation with engines designed by General Electric in conjunction with the Air Force and Navy specs. The plaintiff claimed that the decedent was exposed to gaskets and seals, which were component parts of the aircraft engine.

The “District Court granted GE’s motion, ruling that, “[i]n order for a jury to find that [Brasmer’s] injury was caused by ... GE ... [the jury] would have to infer that the dust in the engine compartment was from gaskets or seals that contained asbestos, which were also manufactured or supplied by GE.”

On appeal, the Third Circuit held there was enough evidence from which a jury could infer asbestos exposure, ruling: “Here, taking all inferences in Haas’s favor and viewing the evidence in the light most favorable to her, there is sufficient evidence for a reasonable fact finder to conclude that her father was exposed to asbestos from GE’s J79 Engine and that the exposure caused his mesothelioma. Brasmer testified that, as part of his routine responsibilities, he worked on the J79 Engine, which required him to come into contact with many seals and gaskets. Davis, GE’s own corporate representative, admitted that the J79 Engine’s 147 seals and gaskets contained asbestos and that the asbestos ‘frayed’ over time. (App. at 125.) Haas’s expert, Thomson, explained that, due to the ‘extreme temperatures, noise, and vibration experienced within the engine compartment, the normal and intended operation of the aircraft caused the asbestos-components to deteriorate, crumble, flake, and contaminate the entire engine compartment.’ (App. at 544.) Taken together, this evidence is sufficient to defeat summary judgment.”

Read the full decision [here](#).

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

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#### Files

[Asbestos Case Tracker - July 8, 2015.pdf](#)

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