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## Miss. Jury Awards \$1 Million to Asbestos Plaintiff in Case Against Union Carbide

FAYETTE, Miss. -- A Mississippi jury has awarded just over \$1 million to an asbestos plaintiff, accepting the plaintiff's claims that exposure to Union Carbide's Visbestos and Super Visbestos in viscosifiers led him to develop asbestosis.

The Mississippi Circuit Court for Jefferson County jury reached the verdict on Feb. 24, sources said. Union Carbide with the lone remaining defendant at the time of the verdict; Judge Lamar Pickard presided over the trial.

The jury broke down its award into \$36,000 in economic damages for future medical expenses; \$800,000 in non-economic damages; and \$200,000 in punitive damages. According to the verdict sheet, Union Carbide was allocated 60 percent liability of the economic and non-economic damages and 100 percent liability of the punitive damages.

Plaintiff James Ray McManus asserted in his lawsuit that he was exposed to asbestos fibers in viscosifiers while working on drilling rigs starting in the early 1970s. The plaintiff specifically pointed to Union Carbide's Visbestos and Super Visbestos, saying that the defendant mined, manufactured, and sold the asbestos-containing viscosifiers with "full knowledge" that exposure to the fibers in its products could cause cancer.

During trial, McManus argued that the product was sold with more than 90 percent asbestos and that the viscosifiers were defectively designed. As a result of the exposure, McManus developed asbestosis and increased his risk of developing mesothelioma and lung cancer, the plaintiff said.

At trial, Union Carbide argued that McManus' shortness of breath and interstitial fibrosis were not caused by his exposure to their products. The defendant also maintained that the viscosifiers were not defectively designed and, further, that its warnings complied with OSHA standards at the time.

Jurors disagreed, however, finding that McManus did indeed suffer from asbestosis. The jury further found in favor of the plaintiff on his design defect, failure-to-warn, and fear of cancer for emotional distress claims.

Testifying on behalf of the defendant were William Dyson, CIH; Dr. Alan Goldstein, pulmonary medicine; and James Smith, P.E.

Testifying on behalf of the plaintiff were Dr. Richard Cohen, occupational medicine; Dr. Steven Haber, pulmonary medicine; Dr. Ed Karnes, human factors/warnings; and Ed Ziegler, petroleum engineer.

Counsel for the plaintiff was D. Allen Hossley of Hossley Embry LLP in Tyler, Texas; Patrick Cash Malouf of Porter Malouf, P.A., in Ridgeland, Miss.; and Dennis C. Sweet of Sweet & Associates in Jackson, Miss.

Union Carbide was represented by Michael G. Terry of Hartline Dacus Barger Dreyer LLP in Corpus Christi, Texas; Marcy B. Croft of Maron Marvel Bradley & Anderson LLC in Jackson, Miss.; and Robert Johnson in Natchez, Miss.

McManus v. Phillips 66 Co., et al., No. 2006-20 (Miss. Cir. Ct., Jefferson Cty.).

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