

PRODUCTS LIABILITY LAW REPORTER

INDUSTRIAL PRODUCTS & EQUIPMENT

ASBESTOS EXPOSURE OVER 20-YEAR CAREER AT TIRE FACTORY LEADS TO WORKER'S MESOTHELIOMA, DEATH

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From 1975 to 1995, laborer Franklin Finch worked at a Firestone tire plant, where he was exposed to asbestos-containing pipe and tire press insulation that was supplied and installed by Covil Corp. In 2016, Finch was diagnosed as having mesothelioma in both his abdomen and lungs. Despite chemotherapy treatment, Finch died of his disease at age 78. He is survived by his wife and three adult children.

Finch's wife, individually and on behalf of his estate, sued Covil Corp., alleging strict liability, negligence, and failure to warn.

The jury awarded the plaintiffs \$32.7 million. The trial court denied the defendant's motion for judgment as a matter of law or, alternatively, for new trial, finding that the plaintiffs had offered appropriate evidence supporting a finding that Finch had been exposed to asbestos and that this was sufficient to cause his mesothelioma. The defendant has appealed.

Citation: *Finch v. Covil Corp.*, No. 1:16-cv-01077-CCE-JEP (M.D.N.C. June 4, 2019).

Plaintiff counsel: AAJ member Jessica M. Dean, AAJ member Kevin W. Paul, AAJ member Jonathan M. Holder, AAJ member Benjamin D. Braly, Charles W. Branham III, and AAJ member Lisa W. Shirley, all of Dallas; and AAJ member William M. Graham, Salisbury, N.C.

Plaintiff experts: Edwin Holstein, occupational medicine, Boston; Arnold Brody, molecular biology, Raleigh-Durham, N.C.; and Charles Ay, asbestos, Los Angeles.

Defense expert: Bryan Hardin, toxicology, Hilton Head, S.C.

▸ DETAILS

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