

Valve Co. Hit With \$5M Verdict In Fatal Mesothelioma Trial

By **Daniel Siegal**

Law360 (January 29, 2019, 7:31 PM EST) -- A South Carolina jury has found that a former power plant employee's fatal mesothelioma was caused by asbestos in valves made by Fisher Controls International LLC, awarding the deceased employee's widow \$5.1 million in damages.

On Jan. 24, the Anderson County jury returned with a verdict holding Fisher Controls liable for breaching the implied warranty in selling its products, and that the breach caused the mesothelioma that killed plaintiff Rita Joyce Glenn's late husband and former Duke Energy employee Thomas Harold Glenn.

The jury awarded \$2 million in compensatory damages for Thomas Glenn's injuries before his death and his wrongful death and \$1 million for Rita Glenn's loss of consortium with her husband.

The jury cleared two other companies, Crosby Valves LLC and Carboline Co., of liability for Glenn's disease.

The jury also found that Fisher's conduct was willful, wanton or reckless, and on Jan. 25 awarded Glenn's estate \$2.1 million in punitive damages from Fisher.

Attorneys for the parties did not immediately respond to requests for comment Tuesday.

Thomas Glenn was exposed to asbestos during his 27 years of work as a pipe fitter and instrumentation technician at Duke Energy, from 1970 to 1997, according to his widow's brief opposing Fisher's bid for summary judgment.

Glenn worked at several different Duke power plants, including three nuclear power plants, doing work that involved the removal and inspection of pumps and valves from pipelines, working with asbestos gaskets and routinely working around others who were replacing parts of valves made by Fisher, according to the brief.

"The evidence shows that Glenn was in close proximity of individuals removing and installing asbestos gaskets supplied by Fisher," the brief said.

Thomas Glenn died of the disease in February 2015 at age 69, several months after his diagnosis in late 2014, and his widow filed her suit in July 2015.

In a motion for a directed verdict filed by Fisher and Crosby on Jan. 22, the companies said they couldn't be held liable because the dangers of asbestos were known to Glenn, and Duke as a sophisticated company had the responsibility of ensuring the safety of its employees.

"The evidence shows Duke Power was knowledgeable about the hazards of asbestos leading up to and during Mr. Glenn's career at its power plant," the companies said. "Similarly, Duke Power documents indicate that Duke was warning its employees about the hazards of asbestos."

Glenn is represented by Jonathan M. Holder, Jessica M. Dean and Charles W. Branham III of Dean Omar Branham LLP, and Theile B. McVey and John D. Kassel of Kassel McVey.

Fisher and Crosby are represented by Timothy W. Bouch and Yancey A. McLeod III of Bouch McLeod LLC.

Carboline is represented by Robert O. Meriwether and James B. Glenn of Nelson Mullins Riley & Scarborough LLP.

The case is Rita Joyce Glenn v. Air & Liquid Systems Corp. et al., case number 2015-CP-04-01607, in the Court of Common Pleas for Anderson County, South Carolina.

--Editing by Stephen Berg.