

Verdict

Wis. Jurors Find for Georgia-Pacific, Fleming Materials in Joint Compound Case

MILWAUKEE — A Wisconsin jury has reached a defense verdict for Georgia-Pacific and Fleming Materials Co., rejecting claims that arose from alleged exposure to the defendants' joint compound products. *Eske, et al. v. Fleming Materials Co., et al.*, No. 07-cv-10206 (Wis. Cir. Ct., Milwaukee Cty.).

The Wisconsin Circuit Court for Milwaukee County jury reached the verdict on May 5 after a two-and-a-half week trial presided over by Judge Charles F. Kahn.

The claims were asserted on behalf of Wilbur Eske, who worked as a carpenter from 1965 to 1973. During this employment with Building Services Inc., Eske was exposed to asbestos-containing joint compounds distributed by Fleming Materials and Georgia-Pacific, the plaintiff claimed.

As a result of the exposure to asbestos in these products, Eske developed mesothelioma, according to the plaintiff.

During trial, Fleming Materials contended that it only sold drywall to Eske's employer during the time period in question.

Meanwhile, Georgia-Pacific argued that the joint compound suppliers to Building Services between 1965 and 1973 only sold products made by others, specifically U.S. Gypsum or National Gypsum. The defendant additionally challenged product identification and presented a chrysotile defense.

The jury agreed, finding that neither Georgia-Pacific nor Fleming Materials were liable to the decedent.

Under Wisconsin law, jurors were still asked to assess damages, despite their verdict. Sources said that although the plaintiffs asked for more than \$6 million in closing arguments, jurors determined that \$155,000 was a fair compensation.

Sources said that the plaintiff's claims against Union Carbide were resolved prior to opening statements.

Testifying on behalf of the plaintiff were Arnold Brody, Ph.D., molecular biology; Jerrold Abraham, M.D., pathology; Frank Parker, CIH, industrial hygiene; and Henry Anderson, M.D., occupational medicine and epidemiology.

Testifying on behalf of Georgia-Pacific were James C. Rock, Ph.D., CIH, industrial hygiene; Gerald Kerby, M.D., pulmonary medicine; and Charles A. Weaver III, Ph.D., psychology and neuroscience.

Fleming Materials did not call any experts, sources said.

Counsel for the plaintiff were Frederick "Fritz" Jekel of Jekel-Doolittle in Mount Pleasant, S.C.; and Robert G. McCoy of Cascino Vaughan Law Offices in Chicago.

Georgia-Pacific was represented by Michael W. Drumke and Brian J. Huelsmann of HeplerBroom LLC in Chicago and Edwardsville, Ill., respectively.

Fleming Material was represented by Eric S. Darling of Schmidt, Darling & Erwin in Milwaukee.

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