

# AMMCO-Hennessy Handed First Asbestos Defeat by Weitz and Luxenberg

LOS ANGELES, Calif., Aug. 14, 2015 (SEND2PRESS NEWSWIRE) – A Los Angeles County Superior Court jury this month handed Hennessy Industries, Inc. as successor to AMMCO Tools, Inc., its first-ever loss in an asbestos-exposure lawsuit despite the defendant company's self-assurances that the grieving family of an Army veteran and automotive parts store owner who died of mesothelioma had no chance of winning, victorious plaintiffs' law firm Weitz & Luxenberg, P.C., today announced.

"The verdict against AMMCO and Hennessy represents the first time the companies have been held liable for an asbestos-exposure injury or death," said first-chair trial attorney Mark D. Bratt, who, with second-chair attorney Peter Beirne, led the Weitz & Luxenberg trial team.

The Aug. 3 jury decision in the Chatsworth-area courtroom of the Hon. Randy Rhodes capped a three-week trial in which the family blamed AMMCO and Hennessy for the store owner's death in 2012, Weitz & Luxenberg said.

The husband and father was stricken with mesothelioma after years of inhaling asbestos dust spewed into the air while he machined asbestos-containing brake shoes in a corner of his shop, the firm said.

AMMCO is the Hennessy-owned manufacturer of the brake grinders he used in performing that work, according to the firm.

## **No Escape From Asbestos Liability:**

Bratt and Beirne said they presented compelling evidence that AMMCO knew its brake grinder posed a grave health hazard yet advertised it as safe.

"AMMCO started manufacturing brake grinders in 1950," said Bratt. "These grinders employed a rudimentary, reusable porous cloth dust bag which had to be manually emptied by workers. In its advertisements from that era, AMMCO claimed this bag prevented 'bothersome and dangerous flying dusts.'"

However, in 1973, AMMCO tests showed workers were being exposed to millions of asbestos fibers despite the dust bag system, and so the company designed a new dust-collector system, Bratt explained.

In patent applications obtained by Weitz & Luxenberg, AMMCO described and acknowledged design defects in the original containment system, admitting it created "a definite health hazard", Bratt said.

"AMMCO never even tested its original dust bag system with regard to asbestos exposure and safety, so the company had no factual basis for its advertising claim," Bratt added. "Nonetheless, AMMCO was aware prior to 1950 when it introduced the product that asbestos was dangerous. And despite all that, AMMCO continued to sell the original porous cloth bag as a replacement

product until at least 1983.”

Worse, said Bratt, “AMMCO never contacted grinder owners to warn them of the dangers of using the old dust-collector system, never issued a recall of the grinders, never offered to retrofit them with the new dust-collection system, never put a warning on the replacement dust bags it continued to sell, nothing.”

### **Mesothelioma Death a Bitter Loss to Family:**

Bratt said the wife and two surviving sons of the auto parts store owner were devastated by his death from mesothelioma, an extraordinarily aggressive form of cancer.

“He was a loving husband who every morning would pick a fresh grapefruit from their yard for his wife’s breakfast,” Bratt said. “They were high-school sweethearts back in their native South Dakota. They got married not long after he completed his service in the Army more than 50 years ago, and then moved to the Los Angeles area. They were best friends, loved to travel, and enjoyed a simple life together.”

The man’s exposure to asbestos dust began in the early 1960s while he was working with AMMCO brake grinders in various Southern California automotive supply houses where he learned the trade, Bratt said.

In 1971, the man opened his own auto parts store and outfitted it with an AMMCO brake grinder. He operated it often, said Bratt.

The jury found the defendants liable for, among other things, negligence and strict products liability, Weitz & Luxenberg reported.

“Importantly, this verdict proves that a company cannot design a product which necessarily creates a hazard when used with another product and escape responsibility,” Bratt offered.

“This verdict also reaffirms that there are basic steps a responsible company must take before putting a product onto the market,” he continued, “such as performing research, conducting tests, designing and engineering products appropriately, and avoid making baseless claims about safety. In short, companies cannot put profits ahead of people.”

### **About Weitz & Luxenberg:**

Weitz & Luxenberg P.C. is among the nation’s leading and most readily recognized personal injury and consumer protection law firms. Weitz & Luxenberg’s numerous litigation areas include: mesothelioma, defective medicine and devices, environmental pollutants, products liability, consumer protection, accidents, personal injury, and medical malpractice. Victims of consumer fraud are invited to rely on Weitz & Luxenberg’s more than 25 years of experience handling such cases. You can contact the firm’s Client Relations department at 800-476-6070 or at [clientrelations@weitzlux.com](mailto:clientrelations@weitzlux.com).

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