

Weitz & Luxenberg Secures \$5.2 Million Verdict Finding Malice in Asbestos Lawsuit Against Fluor and Subsidiaries

LOS ANGELES, Calif., Feb. 19, 2016 (SEND2PRESS NEWSWIRE) – Nationally known law firm Weitz & Luxenberg P.C. secured a verdict of \$5.2 million in damages on behalf of an 82-year-old Orange County, California, man and his wife who sued a Fortune 500 company they charged with contributing to his increased risk of developing mesothelioma, Weitz & Luxenberg announced today.

Fluor Corporation and two of its subsidiaries were found to be 40 percent at fault by the jury. Mesothelioma is an invariably fatal cancer of the lining of the lungs caused by exposure to asbestos.

The verdict was rendered on February 11, 2016, however it was not announced until later because the jury found by clear and convincing evidence two Fluor subsidiaries acted with malice and a conscious disregard for the health and safety of others. This necessitated a phase two of the trial regarding the amount of punitive damages to be assessed. The case was resolved prior to the jury rendering a verdict on the amount of punitive damages.

The defendants were the Fluor Corporation and two subsidiaries, Fluor Enterprises, Inc., and Middle East Fluor, according to Weitz & Luxenberg.

Attorneys for the plaintiffs presented insurmountable evidence against Fluor Corporation and two of the Irving, Texas-based multinational engineering and construction firm's subsidiary companies during the trial held in a Los Angeles County Superior Court.

Non-Economic Damages Alone Totaled \$4.95 Million:

The verdict declared a finding of malice for the two subsidiaries, but not for the parent company, the law firm clarified. The non-economic damages award alone totaled more than \$4.95 million, and the economic damages award slightly exceeded a quarter of a million dollars, Weitz & Luxenberg indicated.

The plaintiff – a longtime Orange County resident – alleged the defendants exposed him to asbestos while he was working in various departments at the Abadan Oil Refinery in Iran, beginning in the early 1950s and continuing until 1979, the law firm said.

The Fluor defendants were alleged to have built two major refinery units, a Catalytic Reformer (aka Unifiner-Platformer) in the early 1960s and a Crude Distillation Unit (CDU) in the late 1970s, the law firm indicated. The Fluor defendants were alleged to have used asbestos-containing products, including insulation, without taking any precautions to protect the refinery workers, Weitz & Luxenberg reported.

Additionally, it was illegal in the United States to install asbestos insulation at the time Fluor was alleged to have installed insulation on the CDU project in Iran, the law firm noted. It was also alleged that Fluor had leftover asbestos insulation from a prior project the company sold into the CDU project to maximize profit without regard for the health and safety of the refinery workers, Weitz & Luxenberg said.

“This verdict represents an enormous victory for our client,” said Benno Ashrafi, managing attorney of Weitz & Luxenberg’s Los Angeles office and one of the plaintiffs’ co-counsel at trial.

Lead trial counsel, Mark Bratt, said “the fact that the jury saw through the smoke and mirrors defense is a huge testament to our jury system. These were 12 jurors who attentively listened to 14 days of testimony and rendered a verdict consistent with the evidence.”

Asbestos Exposure Causes Mesothelioma:

Mesothelioma is a rare but very aggressive cancer that strikes the tissues lining the cavity of the chest or abdomen. It is caused by inhaling tiny fibers of the mineral asbestos, Ashrafi noted.

Once inside the body, the fibers remain trapped there. Mesothelioma does not erupt immediately afterward, however. “It can take one, two or even five decades before onset occurs,” Ashrafi said.

Then, the disease takes its toll quickly. “Without treatment, a mesothelioma victim can live only a matter of months,” he said. “With treatment, it is possible to extend survival for months or maybe a couple of years. But it can be – as was the case with our client – a life of pain and suffering, coupled with extremely high costs of medical care.”

All of these factors weighed into the final verdict against the defendants, and damages were awarded accordingly, Ashrafi offered.

“The jury also found that there was clear and convincing evidence that two of the three Fluor defendants (i.e., Fluor Enterprises, Inc., and Middle East Fluor) acted with malice toward the plaintiff. That is, they acted with a conscious disregard for the health and safety of others,” Bratt noted.

“One of the most compelling pieces of evidence was a Fluor memorandum lobbying for relaxed asbestos policies at the refineries in Iran, after it was illegal to use and install asbestos insulation in the United States. This verdict, and especially the finding of malice, was a statement by the jury that Fluor and similar companies cannot put profits ahead of safety,” Bratt explained.

The case was heard in the Santa Monica courthouse of Los Angeles County Superior Court, with the Hon. Chester Horn presiding, Ashrafi said.

During the three-week trial, Bratt called 20 witnesses to the stand. Ashrafi recounted, “Mark was able to walk jurors through a very complicated,

document-intensive case. Attorney Venus Burns proved to be instrumental in helping try the case, and we received excellent support from the rest of our team both here and in the New York office,” Ashrafi pointed out.

“A number of our witnesses were among the foremost experts in the fields of mesothelioma and asbestos diseases,” he noted. “Their testimony was extremely persuasive.”

So was Bratt’s closing argument, which Ashrafi described as “powerful,” “compelling” and “deeply emotionally moving.”

“The defense disputed everything except for the fact that the plaintiff was dying from mesothelioma,” Bratt said. “And the defense called zero witnesses.”

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 info@weitzlux.com.

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