

Honeywell Settles Asbestos Row Before Jury Awards \$18M

By **Daniel Siegal**

Law360 (January 30, 2019, 8:31 PM EST) -- Honeywell International on Wednesday said it had agreed to settle claims that its automotive brakes caused a mechanic's fatal mesothelioma, reaching the deal before an Arkansas federal jury held the company partially liable for the man's death.

After deliberating for less than a day following a 24-day trial, the Little Rock jury returned an \$18 million verdict on Tuesday partially in favor of plaintiff Michael Lyn Thomas, who claimed that Honeywell and Ford Motor Co. were responsible for his father Ronald Burlie Thomas' death from the asbestos-caused cancer. Honeywell predecessor Bendix Corp. produced the brakes that the jury found exposed Thomas to asbestos.

Honeywell spokesperson Victoria Ann Streitfeld said in a Wednesday statement that although the company was disappointed by the jury's decision, before that decision came down the company and the plaintiffs had agreed to a settlement. She declined to comment on the details of the settlement.

"The overwhelming weight of evidence established that Mr. Thomas's disease was not caused by exposure to a Bendix product," she said. "Consistent with an understanding reached before the verdict, the parties have resolved the case at an agreed amount."

The jury found that Ford was not responsible for Thomas' disease, but that Honeywell bore 18.75 percent of the blame, and Thomas himself bore 5 percent. The remaining blame was apportioned to non-parties, including Pneumo Abex LLC, which settled the claims against it during jury selection, according to court documents.

The jury awarded \$5.55 million in damages to Thomas for pain and suffering, and \$1 million each for the mental anguish suffered by his three children, Michael Thomas, Kara Bryant and Joanne Scott, and imposed an additional \$10 million in punitive damages against Honeywell.

Thomas' attorney Ben Braly of Dean Omar Branham Shirley LLP told Law360 Wednesday that the parties had reached a settlement about the total amount of damages Honeywell would pay, but he could not disclose what that amount was.

"I think the jury heard the evidence that [Honeywell] supplied these products over a number of years with the knowledge that these products could hurt people, and that's what did it for them," he said. "Bendix [and] Honeywell were aware people were using their asbestos products, at a time when they

knew they could cause disease, and they didn't really do enough about it, and that's what the jury found."

Ronald Thomas filed suit in August 2017 against 11 companies, alleging they had sold asbestos-containing products or equipment that had caused his disease.

Thomas died at age 72 in December 2017, and his son stepped in as plaintiff in the suit.

Thomas worked at two brake repair facilities in Little Rock and North Little Rock, Arkansas, during the 1970s and early 1980s, where he was exposed to asbestos in brake products and vehicles, according to his son's pretrial statement.

An attorney for Ford did not immediately respond to a request for comment on Wednesday.

The Thomas family is represented by Ben D. Braly and Mark J. Buha of Dean Omar Branham Shirley LLP, and George R. Wise Jr. of The Brad Hendricks Law Firm.

Honeywell is represented by Jack R. Reiter of GrayRobinson PA, and Gail Ponder Gaines of Barber Law Firm PLLC.

Ford is represented by Shepherd D. Wainger of Kaleo Legal PLLC, and Scott A. Irby, Gary D. Marts Jr. and Kristen S. Moyers of Wright Lindsey & Jennings LLP.

The case is Thomas v. Ford Motor Company et al., case number 4:17-cv-00522, in the U.S. District Court for the Eastern District of Arkansas.

--Editing by Adam LoBelia.