

AUGUST 2013

KING COUNTY

BETTY ESTENSON, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF EDWIN ESTENSON, DECEASED, DEBRA CADIENTE, JULIE BAKER, NEIL ESTENSON AND VALERIE MOORE v. CATERPILLAR, INC.

Number: 11-2-25571-9SEA

Trial Date: 4/15/13 (1-month trial)

Plff Atty: Jessica Dean & Kyle Tracy of Simon Greenstone Panatier Bartlett (Dallas TX/Long Beach CA)

Def. Atty: J. Scott Wood of Foley & Mansfield (Seattle)

Plff Med.: Eugene Mark MD (Pathologist/expert) Boston MA

Def. Med.: Michael Graham MD (Pathologist/expert) St. Louis MO

Plff Exp.: Arnold Brody Ph.D. (Molecular Biologist) New Orleans LA

Def. Exp.: William Krebs (Industrial Hygienist) Grosse Pointe Park MI; Thomas McCaffrey (Naval Historian) Alexandria VA

Trial Judge: Hon. Douglass North

PRODUCT LIABILITY; ASBESTOS (FAILURE TO WARN)

DEATH; MESOTHELIOMA; LOSS OF CONSORTIUM (SPOUSAL/PARENTAL)

Plff Edwin Estenson, decedent, elderly male, Navy veteran, survived by his wife, Plff Betty Estenson, and four (4) adult children, Plffs Debra, Neil, Julie and Valerie. Mr. Estenson developed mesothelioma as a result of his exposure to asbestos. Plffs contended Mr. Estenson was exposed to asbestos from working with farm equipment and heavy machinery designed, manufactured and/or sold by Def. Caterpillar while growing up at his father's farm in the 1940's, and then in the 1950's and 1960's while working as a professional mechanic.

Injuries: Mesothelioma resulting in death. Plff's wife and adult children made claims for loss of consortium.

Specials: Economic damages \$331,928.

Settlement: Plffs asked the jury for approximately \$10,000,000.

Result: PLAINTIFF VERDICT for \$6,031,928. (The verdict included \$331,928 in economic damages, \$3,000,000 in non-economic damages of Edwin Estenson, \$2,000,000 in loss of consortium damages for Betty Estenson, and \$175,000 for each of the decedent's four children.)