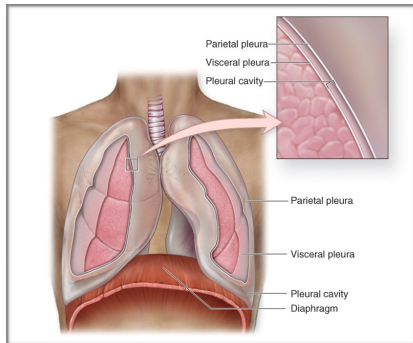




HEUBECK LAW, P.C.

Toxic Injury & Products Liability Litigation



Pleural Mesothelioma

Exposure to asbestos can result in a cancerous tumor developing in the mesothelial cells that form the *pleura* -the thin membrane that encases the lung. The tumor takes several decades to develop and is usually well-advanced by the time it is discovered.

Diagnosis

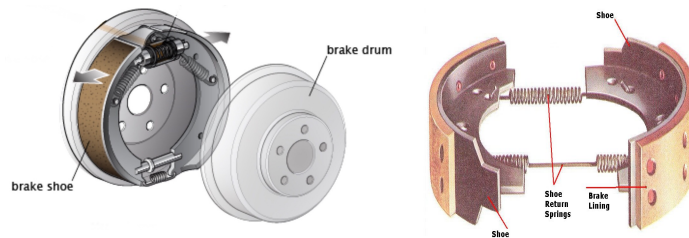
A diagnosis of mesothelioma usually begins when a CT-scan of the chest reveals pleural thickening, fluid in the pleura, and thickening of the membrane between the lining of the lobes of one lung. Further imaging using a PET-scan will show high tracer uptake around the pleura. When possible, a CT-guided needle biopsy will provide tissue samples to be analyzed.

Asbestos Brake Worker

Decedent was employed as a brake mechanic at a car dealership from 1969 to the mid-1990's. Most of his time at work was devoted to replacing the worn brakes on customers' cars with new brakes. About 40 years after he started doing brake work, he was diagnosed with *pleural mesothelioma*.

Asbestos in Brake Linings

Throughout the 1960's and 1970's, most cars and trucks were equipped with at least two brake drums. Inside each drum was a pair of metal



brake shoes. On the outside curve of each shoe was a riveted - and in later years a glued - lining of friction material. This brake lining was made from a compressed mixture of asbestos fibers and various resins. Each time the brakes were applied, a small amount of brake lining would be worn away. Eventually, the brake lining would need replacement.

Exposure to Asbestos Fibers

A common practice in the 1960's and 1970's when performing a brake repair job was to remove the brake drum and use an air hose to blow out all the old *wear dust* that had accumulated around the brakes.



Another practice in use at the time was to grind or shape the new brake lining to better conform to the inside curve of the brake drum. Several equipment companies manufactured a machine expressly for this purpose. Known as a brake shoe grinder,

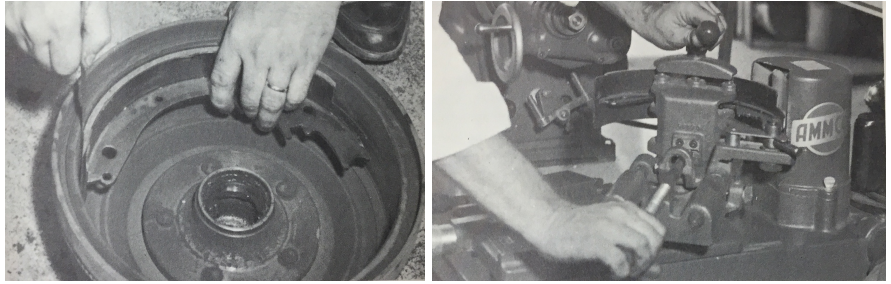
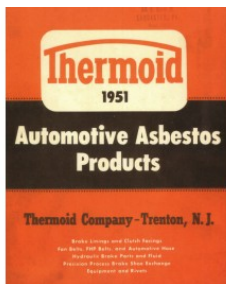
Chrysotile Asbestos

Asbestos is the name given to a group of six minerals that share certain chemical and physical features. One variant of asbestos, known by its mineral name *Chrysotile*, was the most commonly used type in asbestos brake linings.

Asbestos brake defendants try to argue that Chrysotile asbestos is not capable of causing mesothelioma. All health and regulatory agencies in the U.S. and throughout the world have concluded otherwise.

Asbestos in Vehicles

Asbestos was not only used in vehicle brakes. It was also used in clutch facings, various engine gaskets, muffler parts, and in some of the plastic components inside vehicles as a reinforcing fiber.



the machine would hold the brake shoe and allow a sanding wheel or cylinder to grind the surface of the brake lining to slightly alter the curvature of the lining. Unfortunately, both of these practices introduced millions of asbestos fibers into the air and brake mechanics and others would have inhaled those fibers.

Defendants Named

On behalf of the Plaintiffs, we sued the suppliers of the original and the replacement brakes for failing to warn brake mechanics of the dangers of using asbestos brakes. We also sued the manufacturer of the brake grinding machine for designing a defective product.

The Product Design Defect

Plaintiffs successfully contended that, even though the grinder did not incorporate any asbestos components in its design, it was subject to strict liability for the asbestos dust it produced, because it was designed to grind brakes and, at the time, the overwhelming majority of brakes were made with asbestos. As the Court of Appeals stated in a similar case, “someone using the grinder as intended during the period in question would invariably have been subjected to asbestos dust.” *Sherman v. Hennessy Industries, Inc.* (2015) 237 Cal. App. 4th 1133, 1149. The design of the grinder caused asbestos fibers to be released from the linings and, because of a dangerously designed collection bag, the grinder then dispersed the fibers throughout the work area. The risk of this design outweighed its benefits and the grinder failed to perform as safely as an ordinary consumer would expect.

Results

The case settled for a substantial amount with certain defendants and the case proceeded to trial in Los Angeles Superior Court. A verdict was reached as to the brake shoe grinder defendant. The matter is currently before the Court of Appeals.

If you need assistance with an asbestos exposure case, contact us. Our knowledge and experience can add significant value to the case.



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