

Upstate NY Asbestos Lawyers Win Historic Verdict Against Talc Company

Upstate NY asbestos lawyers from Levy Konigsberg LLP win a \$10.55 million verdict for the family of a man who died from mesothelioma due to asbestos exposure from talc mined and sold by R. T. Vanderbilt, Inc., which mined the mineral for decades in Gouverneur, New York.

SCHENECTADY, New York, February 11, 2015 – A jury in Schenectady, New York awarded \$10.55 million to the family of an Indiana resident who died of mesothelioma as the result of his exposure to asbestos from talc mined and sold by R.T. Vanderbilt, Inc. (“Vanderbilt”).¹ The jury found that Richard Chisholm, who died at the age of 52, was exposed to asbestos from Vanderbilt talc that was mined in Gouverneur, New York in St. Lawrence County.

According to the complaint, Mr. Chisholm worked with the asbestos-contaminated talc while working for an Ohio ceramics company during summers in high school in the 1970s. The ceramics company, Maxfield Ceramics, used the Vanderbilt talc as one of the raw materials for the manufacture of ceramic products.

Evidence presented in court revealed that Vanderbilt had received test results - before Mr. Chisholm’s contact with the product - showing that its talc was contaminated with substantial amounts of asbestos fibers. The jury found that Vanderbilt acted negligently by failing to provide warnings about asbestos on its bags of talc.

The jury determined that Mr. Chisholm’s mesothelioma was caused by the asbestos from the talc. The jury heard evidence from one of defendant’s expert witnesses that Mr. Chisholm’s lung tissue, examined after he developed mesothelioma, contained the same type of asbestos found in Vanderbilt talc.

The jury’s award of \$10.55 million to Mr. Chisholm’s family is the largest jury verdict in the history of asbestos litigation in Upstate New York.

According to court documents, Vanderbilt mined the asbestos-contaminated talc beginning in 1948 through 2007 when it closed the mine. Numerous workers who mined and milled the talc later developed mesothelioma. In 2006, a jury in New Jersey awarded \$3.35 million to the family of a man, Peter Hirsch, who developed mesothelioma from using Vanderbilt talc in his pottery studio.²

The Chisholm family is represented by Donald P. Blydenburgh and Arthur Prystowsky, Upstate NY asbestos lawyers with the law firm of Levy Konigsberg LLP. Mr. Blydenburgh commented: “This is a victory not only for the Chisholm family but for all the people who have suffered from asbestos diseases due to Vanderbilt talc. Vanderbilt did the same thing in Court that it did for many decades when it sold this dangerous product: it denied that its talc contained asbestos and it failed to take any responsibility. The jury properly found that Vanderbilt’s talc contained asbestos based on overwhelming scientific evidence and placed responsibility where it belongs in this case – on Vanderbilt.”

Levy Konigsberg LLP is a law firm based in New York City that has been representing people with asbestos-related diseases, including mesothelioma, for thirty years. The firm also represented Peter Hirsh, in the New Jersey jury verdict against Vanderbilt.

For more information, please contact attorney Donald Blydenburgh at 1-800-MESO-LAW (1-800-637-6529) or submit an email inquiry at www.levylaw.com.

¹ A. Katherine Chisholm as personal representative of the estate of Richard G. Chisholm v. R.T. Vanderbilt Company, Inc., No. 2012-1056 (N.Y. Sup. Ct., Schenectady County);

² Bonnie Parker, individually and as executrix of the Estate of Peter Hirsch v. Carborundum Corporation et al., No. MID-L-2706-03 (Superior Ct. of N.J., Middlesex County).

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