MG+M The Law Firm Successfully Defends Client in Personal Injury Case

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California-based MG+M Partners David Glaspy and Steve Harrington successfully defended Oscar E. Erickson, Inc. in a personal injury case where the plaintiff was suffering from malignant mesothelioma. In his closing argument, the plaintiff's counsel asked for an award of at least $17.5 million for the injured party, not including an amount to be left to the jury to decide for the spouse's loss of consortium claim. The jury returned a verdict in favor of plaintiffs for more than $2.2 million, but found the plaintiff 99% at fault for his asbestos exposure and Oscar E. Erickson, Inc. 1% at fault. The verdict will be reduced by the plaintiff's percentage of comparative fault to just over $22,000 before offsets for other settlements.

The three-week trial was held in Alameda County Superior Court in Oakland, California. The plaintiff named 33 defendants in their complaint and Oscar E. Erickson, Inc. was the sole remaining defendant at trial. The case against Oscar E. Erickson, Inc. focused on work that it performed around the plaintiff from 1982 to 1983 at several oil refineries in the San Francisco Bay Area, where they allegedly swept up asbestos containing dust and debris in his presence. The plaintiff was a union insulator who started his apprenticeship in 1976. Once plaintiff's counsel rested their case-in-chief, David made the critical and strategic decision to not call any witnesses. The entire defense portion of the case was to introduce a one-page letter into evidence that contradicted the plaintiff's deposition and trial testimony as to his training and knowledge about the hazards of asbestos. In closing arguments, David co-opted the plaintiff's experts and used their testimony to convince the jury to place 99% fault on the plaintiff.

This trial success would not have been possible without the tremendous work and efforts of the partners, associates, paralegals and legal assistants including Partners Jennifer Cormier and Kristi L.K. Young, and Associate Sarah Mojarro.

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