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Calif. Jury Reaches Defense Verdict for Foster Wheeler in Asbestos Case

SAN DIEGO -- California jurors have reached a defense verdict in favor of Foster Wheeler, rejecting claims that the company negligently exposed the plaintiff to asbestos fibers in its boilers and replacement parts.

The U.S. District Court for the Southern District of California jury reached the verdict on Aug. 26 after a trial presided over by Hon. Anthony J. Battaglia.

The plaintiffs contend in the lawsuit that Dale M. Spurlin was exposed to asbestos-containing equipment while serving as a boiler tender in the U.S. Navy in the 1960s. Spurlin specifically identified two naval ships on which he encountered asbestos-containing products, which he claimed caused him to develop mesothelioma.

According to the verdict sheet, jurors determined that Foster Wheeler was not negligent, that its product did not fail to perform as safely as an ordinary consumer would have expected when used in a reasonably foreseeable manner, and that the design of its product was not a substantial factor in increasing harm incurred by Spurlin.

Jurors also weighed in on duty to warn under DeVries, opining that while Foster Wheeler did manufacture a product that required the incorporation of a part for the integrated part to function as intended, the defendant did not know, or have reason to know, "that the use of the integrated product was likely to be dangerous for its intended use."

The jury also unanimously found that the conduct of the U.S. Navy was a superseding cause of Spurlin's mesothelioma, a finding that resulted in a second, complete defense verdict.

Spurlin, et al. v. Air & Liquid Systems Corp., et al., No. 19CV2049 (S.D. Calif.).

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