

# Asbestos

## Raising the Bar in Asbestos Litigation

PAGE 4

### Cosmetic Talc Does Not Cause Mesothelioma or Lung Cancer in Humans

*A Commentary by Edward R. Hugo of Hugo Parker LLP*

PAGE 11

### Fla. Jury Awards \$20 Million at Conclusion Of Talcum Powder Mesothelioma Trial

PAGE 11

### Bankruptcy Court Says ACL's COMI is in Canada, Rejects Parties' Challenges

PAGE 19

### Calif. Appellate Court Won't Review Order Tossing Loss of Consortium Claims

13

La. Court Grants Motion to Dismiss Case, Says Subject-Matter Jurisdiction Lacking

16

Court Won't Dismiss Lawsuit Challenging Plans to Destroy Trust Claims Data

17

Plaintiffs Ask N.C. Supreme Court to Affirm Order Reversing Dismissal Of Claims

21

New York Court Weighs in on Testimony in Upcoming Asbestos Trial

22

4<sup>th</sup> Circuit Denies En Banc Review of Jurisdiction Ruling in Bestwall Bankruptcy

23

Bellwether Ovarian Cancer Talcum Powder Trial Underway in California

# COLUMNS

November 2025 • Vol. 25, No. 11

## EDITORIAL STAFF

Publisher/Editorial Director  
*Jeff Andrus*

Managing Editor  
*Kate McGovern Ferriola*

Editor  
*Marcy Kowalchuk*

## BUSINESS STAFF

Conference Director  
*Vicki Gilbreath*

Circulation Manager  
*Alison Murphy*

## Editorial Correspondence

Article submissions and news should be forwarded to Kate McGovern Ferriola, Managing Editor, HarrisMartin Publishing. E-mail: [kmcgovern@harrismartin.com](mailto:kmcgovern@harrismartin.com)

HarrisMartin's *COLUMNS-Asbestos* is published monthly by HarrisMartin Publishing LLC  
P.O. Box 10  
Haddonfield, NJ 08033  
*\$975 print & online annual subscription*  
*\$595 print & online 6-month subscription*

Questions or subscription requests can be directed to [service@harrismartin.com](mailto:service@harrismartin.com) or call (610) 647-5500.

## Advertising Sales

Questions or interest in advertising in *COLUMNS-Asbestos* can be directed to Jeff Andrus at (610) 647-5500.

Copyright © 2025 by HarrisMartin Publishing LLC. All rights reserved. All stories written by HarrisMartin editorial staff unless otherwise noted. Opinions expressed by contributors are their own and not necessarily those of HarrisMartin Publishing or its editorial staff. **No part of this publication may be reproduced by any means, electronic or mechanical, including photocopying, without written permission from HarrisMartin Publishing.**

[www.harrismartin.com](http://www.harrismartin.com)

## PERSPECTIVE

Cosmetic Talc Does Not Cause Mesothelioma or Lung Cancer in Humans 4  
by Edward R. Hugo of Hugo Parker LLP

## TABLE OF CASES

A Regional Listing of All the Cases Covered in This Issue 10

## COURTROOM NEWS

Fla. Jury Awards \$20 Million at Conclusion of Talcum Powder Mesothelioma Trial 11  
Bankruptcy Court Says ACL's COMI is in Canada, Rejects Parties' Challenges 11  
Louisiana Federal Court Denies Efforts to Dismiss Personal Injury Action 12  
La. Court Grants Motion to Dismiss Case, Says Subject-Matter Jurisdiction Lacking 13  
Louisiana Court Issues Series of Order Addressing Motions for Summary Judgment 14  
Liberty Mutual Insurance Co. Moves for Judgment on Pleadings 15  
Court Won't Dismiss Lawsuit Challenging Plans to Destroy Trust Claims Data 16  
Defendants Remove Case, Say Claims Related to Avondale Shipyard Exposure 16  
Plaintiffs Ask N.C. Supreme Court to Affirm Order Reversing Dismissal Of Claims 17  
Kentucky Court Denies GE's Efforts to Stay Case While it Appeals Remand Order 18  
Court Adopts Recommendation in Asbestos-Related Declaratory Judgment Action 18  
Calif. Appellate Court Won't Review Order Tossing Loss of Consortium Claims 19  
Court Rejects Efforts to Appeal Orders Entered in Asbestos Bankruptcies 20  
New York Court Weighs in on Testimony in Upcoming Asbestos Trial 21  
Mass. Court Awards Summary Judgment to Mack Trucks in Asbestos Case 22  
4<sup>th</sup> Circuit Denies En Banc Review of Jurisdiction Ruling in Bestwall Bankruptcy 22  
Bellwether Ovarian Cancer Talcum Powder Trial Underway in California 23  
Court Grants Motion to Dismiss in Cosmetic Talc Case on Jurisdiction Grounds 23  
PTI Union Supplements Removal Notice Record in Asbestos Talc Case 24  
Pecos River Talc Submits Supplemental Brief Supporting Motion for Relief 25

## VERDICT REPORT

A Listing of the Last Year of Asbestos Verdicts 26



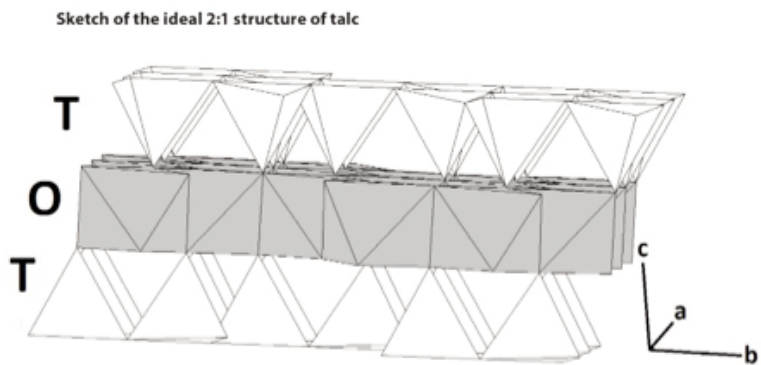
# Cosmetic Talc Does Not Cause Mesothelioma or Lung Cancer in Humans

*A Commentary by Edward R. Hugo of Hugo Parker LLP*

*Author bio on page 5*

**T**alc is a mineral with the molecular formula  $Mg_3Si_4O_{10}(OH)_2$ . The basis of the talc structure is characterized by a hexagonal sheet arrangement of  $SiO_4$  tetrahedral groups linked in a common plane. Crystals of talc are made up of stacks of double-sheet units held together by the weakest of chemical bonds – the Van der Waal’s forces. As the individual sheets cannot be bonded together, they can be separated by slight forces, causing slippage of the individual sheets along a perfect cleavage direction in the basal plane.<sup>1</sup>

“Microscopic particles composed of talc and associated minerals may have a granular, platy, acicular or fibrous form.” IARC MONOGRAPH 42, Page 249 (1987).



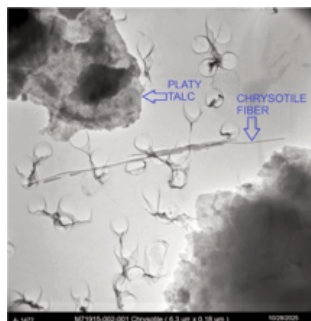
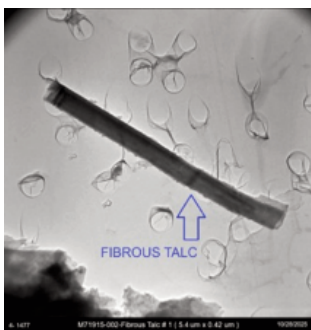
**The magnesium-centred octahedral (O) sheet (grey) is sandwiched between two silicon-centred tetrahedral (T) sheets (white). The periodicity of this layer silicate along the c axis is 10 Å. Created by the Working Group<sup>2</sup>**

Talc-containing rocks were first used in prehistoric times for utensils and ornaments.<sup>5</sup> Talc has subsequently been mined for hundreds of years and sold in a multitude of grades for use in many products including: ceramics, paints, roofing, rubber, paper, insecticides and, of course, cosmetics and pharmaceuticals which require finely sized, chemically pure, and good dry-slip characteristics.<sup>6</sup>

crocidolite (riebeckite)), which have been exploited, prospected, described in the literature, traded, and sold commercially for their unique physical properties that result from the fibril width of  $\leq 0.5\mu m$ . According to Wylie et al. (1997),<sup>8</sup> fibrous talc has been used in the past as a general term that includes fibres composed entirely of the mineral talc as well as fibres that are composed of talc contaminated with amphiboles (Stemple and Bridley,<sup>9</sup> 1960; Virta, 1985).<sup>10</sup> [The Working Group noted that terminology has been inconsistent in the past, making it difficult to examine historical reports. The term “fibrous talc” has had four different interpretations in the past: (i) fibrous (asbestiform) talc that does not include asbestos; (ii) talc containing asbestos fibres; (iii) talc that contains asbestiform fibres other than asbestos; and (iv) talc contain-

### *Contamination Of Natural Talc With Asbestos*

Natural talcs may contain one or more of the six regulated asbestos species. [ ] “Asbestos” is defined by IARC as a generic term applied to the (fibrous) asbestiform<sup>7</sup> variety of serpentine (chrysotile) and the (fibrous) asbestiform variety of amphibole group minerals (anthophyllite, amosite (Cummington-grunerite), tremolite, actinolite, and



ing non-specified fibres that could be any of the above.

The Working Group used the term “fibrous talc” to refer to (i), fibrous (asbestiform) talc that does not include asbestos; however, in many epidemiological studies, “fibrous talc” has been used for any of the above, and the original term used by the study authors may be cited in the study descriptions below.]  
2025 - IARC MONOGRAPH 136  
at Page 52.

***Asbestos Plaintiff Attorneys now claim that “fibrous talc” that does not contain asbestos causes mesothelioma and lung cancer***

Relying primarily on IARC, Plaintiffs’ expert witnesses such as Jerold Abraham, M.D. and Ronald Dodson, Ph.D have submitted declarations in opposition to Motions for Summary Judgment in Talc cases contending that “fibrous talc,” **alone**, causes cancer.

The World Health Organization’s International Agency for Research on Cancer (“IARC”) supports my causation opinion in this case. IARC treats asbestiform (fibrous) talc as carcinogenic due to its similarity to asbestos. The 1987 IARC Monographs reported an association between exposure to talc containing asbestiform fibres and mesothelioma and concluded that there is sufficient evidence for the carcinogenicity to humans of talc containing asbestiform fibres.<sup>11</sup> In 2010, IARC published the following clarification for their evaluation of talc carcinogenicity:

The review of talc in Supplement 7 led to evaluations for two agents: talc containing asbestiform fibres and talc not containing asbestiform fibres. **The term ‘asbestiform fibre’ has been mistaken as a synonym**

***“...IARC’s clear position that there is inadequate evidence in humans for the carcinogenicity of inhaled talc not containing asbestos with regard to mesothelioma and lung cancer does not support Plaintiff’s experts’ opinions.”***

for ‘asbestos fibre’ when it should be understood to mean any mineral, including talc, when it grows in an asbestiform habit. To avoid confusion over the term ‘asbestiform fibre’, the present Working Group decided that **it is scientifically more precise to call the agent ‘talc not containing asbestos or asbestiform fibres’, and this evaluation supersedes the earlier review of talc not contain-**

**ing asbestiform fibres.** The present Working Group also decided to expand the name of the Group-I agent from ‘talc containing asbestiform fibres’ to ‘talc containing asbestos or other asbestiform fibres’. The present Working Group reviewed the earlier *Monograph* on talc containing asbestiform fibres and determined that the expanded name is consistent with what had been evaluated in Supplement 7.



**EDWARD R. HUGO** is a trial attorney, appellate lawyer, litigator and litigation manager for cases involving products and premises liability, toxic torts, environmental claims, construction defect, personal injury, wrongful death, insurance, professional negligence, sexual molestation and criminal law. He has also been

retained as an expert witness and testified in trial, arbitration and deposition regarding: the duties of defense counsel, the effectiveness of defense strategies, the reasonableness of settlement values and defense costs, and insurance coverage issues.

See <https://hugoparker.com/edward-hugo/>

No update was undertaken for this Group-I agent.<sup>12</sup> [Emphasis added.]

In 2012, IARC again classified talc containing asbestiform fibers as a Group-1 human carcinogen<sup>13</sup> and reiterated their position, clarifying again that "talc containing asbestiform fibres" includes asbestiform (fibrous) talc:

**Talc may also form true mineral fibres that are asbestiform in habit.** In some talc deposits, tremolite, anthophyllite, and actinolite may occur. Talc containing asbestiform fibres is a term that has been used inconsistently in the literature. In some contexts, it applies to talc containing asbestiform fibres of talc or talc intergrown on a nanoscale with other minerals, usually anthophyllite. In other contexts, **the term asbestiform talc has erroneously been used for talc products that contain asbestos.** Similarly, the term asbestiform talc has erroneously been used for talc products that contain elongated mineral fragments that are not asbestiform.<sup>14</sup>

Another version of the IARC Monograph issued in 2012<sup>15</sup> provides that the "conclusions reached in this Monograph about asbestos and its carcinogenic risks apply to these six types of fibres [chrysotile, actinolite, amosite, anthophyllite, crocidolite, tremolite] wherever they are found, and **that includes talc containing asbestiform fibres.**" [p. 219 (emphasis added).] Further, IARC concluded that "[t]here is *sufficient* evidence in humans for the carcinogenicity of talc containing asbestiform fibres. Talc containing asbestiform fibres causes cancer of the lung and mesothelioma ... Talc containing asbestiform fibres is *carcinogenic to*

*humans (Group 1).*" [Id. at 294 (original emphasis).]

*Maricich vs. Chattem, Inc.*, Alameda County Superior Court, Case No. 25CV116787; Declaration of Ronald F. Dodson, Ph.D., F.C.C.P., F.A.H.A.; [November 10, 2025; 3:9-4:19]

### ***IARC's Actual Position On The Carcinogenicity Of "Fibrous Talc" That Does Not Contain Asbestos***

Through its Monographs, the IARC seeks to prepare and publish, with the help of international working groups of experts, critical reviews and evaluations of evidence on the carcinogenicity of a wide range of human exposures. Separate "working groups" develop each IARC Monograph after reviewing "all pertinent epidemiological studies and cancer bioassays in experimental animals, as well as mechanistic and other relevant data. The "agents," or substances, reviewed in the IARC Monographs are characterized based on level of carcinogenicity, and "Group 1" agents are those known to cause cancer in humans.<sup>16</sup>

*Susan Jean Bader, et al. vs. Johnson & Johnson, et al.*, Court of Appeal, State of California, First Appellate District, Division Four, Case No. A158868

Chronologically, IARC has evaluated the carcinogenicity of talc that does not contain asbestos as follows:

#### **1987 - IARC MONOGRAPH 42, Page 214**

##### **"4.4 Evaluation**

There is *inadequate evidence* for the carcinogenicity of talc to experimental animals.

**There is inadequate evidence for the carcinogenicity to humans of talc not containing asbestiform fibres**, while there is sufficient evidence for the carcinogenicity to humans of talc containing asbestiform fibres."

#### **1987 - IARC SUPPLEMENT 7, Page 17**

Overall Evaluation

**Talc not containing asbestiform fibres is not classifiable as to its carcinogenicity to humans (Group 3).**

Talc containing asbestiform fibres is carcinogenic to humans (Group 1).

#### **2010 - IARC MONOGRAPH 93, Page 412**

6. Evaluation and Rationale

6.1 Cancer in humans

**There is inadequate evidence in humans for the carcinogenicity of inhaled talc not containing asbestos or asbestiform fibres.**

There is *limited evidence* in humans for the carcinogenicity of perineal use of talc-based body powder.

6.2 Cancer in experimental animals

There is limited evidence in experimental animals for the carcinogenicity of talc not containing asbestos or asbestiform fibres.

6.3 Overall evaluation

Perineal use of talc-based body powder is *possibly carcinogenic* to humans (Group 2B).

**Inhaled talc not containing asbestos or asbestiform fibres is not classifiable as to its carcinogenicity (Group 3).**

**2025 - IARC MONOGRAPH 136, Page 261**

2.3 Cancers of the respiratory system and mesothelium

#### 2.3.1 Cohort studies

The association between talc exposure and lung cancer has been examined in numerous cohort studies. The most common industrial occupations that have been studied are talc miners and millers, and rubber workers. **Cases of mesothelioma have been reported in only a few studies and mostly without expected numbers of cases.**

**2025 - IARC MONOGRAPH 136, Pages 431-432**

The Working Group considered the evidence from studies in the talc mining and milling industry and in particular the three cohorts in Austria, France, and Italy in which the ore used was documented to be asbestos-free. A meta-analysis for lung cancer conducted by the Working Group found no excess risk in these three cohorts. There was no evidence of an exposure-response relation, limited adjustment for smoking, and no accounting for co-exposure to silica, which is a potential confounding exposure in the industry. **Therefore, the Working Group concluded that there was not convincing Evidence of a causal association between talc exposure and lung cancer.**

...

The Working Group also considered the evidence for several other cancers, including urinary tract,

other organs in the digestive tract, **mesothelioma**, brain, cervix uteri, prostate, breast, and haemopoietic cancers. There were usually too few studies, too few cases to perform a meta-analysis, poor exposure assessment, and/or other methodological limitations, and **the Working Group concluded that there was no convincing evidence of an association between talc exposure and any of these cancer types.**

**2025 - IARC MONOGRAPH 136, Page 434**

#### 6.4 Overall evaluation

Talc is *probably carcinogenic to humans*

(Group 2A).

#### 6.5 Rationale

...

(c) the combination of *sufficient* evidence for cancer in experimental animals and *strong* mechanistic evidence in human primary cells. There is *limited* evidence that exposure to talc causes **cancer of the ovary** in humans. Among the available studies of cancer in humans, consistent findings of increased risk of **ovarian cancer** were observed in several cohort and many case-control studies that assessed ever perineal use of talc-based body powder, and evidence that risk increased with increasing exposure was seen in some studies. These studies were considered informative for the evaluation of talc.

...

**For all cancers, including lung and stomach, the evidence was considered inadequate, because associations were not seen consistently across the available studies or were imprecise, studies were few in number, or there was co-exposure to other carcinogens.**

#### Conclusion

The Monograph on talc within Volume 136 was first released by IARC on June 30, 2025 “in response to public health demand.” But, Plaintiff’s experts’ declarations which purport to create a new theory of cancer causation from fibrous talc, alone, omit any reference to the latest science on the issue from the very organization that they claim supports their opinions. The Trial Court has a “duty to act as a ‘gatekeeper’ to exclude speculative expert testimony.” *Sargon Enterprises, Inc. v. University of Southern California* (2012) 55 Cal.4th 747, 753. Here, IARC’s clear position that **there is inadequate evidence in humans for the carcinogenicity of inhaled talc not containing asbestos with regard to mesothelioma and lung cancer** does *not* support Plaintiff’s experts’ opinions. Opinions based on speculation, conjecture or bias should be excluded. *Id.* at 770.

#### Footnotes

<sup>1</sup> World Health Organization’s International Agency for Research on Cancer (“IARC”) Monograph 42, page 185 (1987); Rohl, A.N., Langer, A.M., Selikoff, I.J., Tordini, A., Klimentidis, R., Bowes, D.R. & Skinner, D.L. (1976) Consumer talcums and powders: mineral and chemical characterization. *J. Toxicol. Environ. Health*, 2, 255-284; Pooley, F.D. & Rowlands, N. (1977) *Chemical and physical properties of British talc powders*. In: Walton, W.H. & McGovern, B., eds. *Inhaled Particles*, Vol. IV, Part 2, Oxford, Pergamon Press, pp. 639-646.

---

## PERSPECTIVES

<sup>2</sup>IARC Monographs 136, Page 49, Figure 1.1, 2025

<sup>3</sup>*Maricich vs. Chattem, Inc., et al.*, Alameda County Superior Court, Case No. 25CV116787; Plaintiffs' Opposition to Defendant Combe Incorporated's Motion for Summary Judgment; [November 10, 2025]

<sup>4</sup>*Maricich vs. Chattem, Inc., et al.*, Alameda County Superior Court, Case No. 25CV116787; Plaintiffs' Opposition to Defendant Combe Incorporated's Motion for Summary Judgment; [November 10, 2025]

<sup>5</sup>Roe, L.A. & Olson, R.H. (1983) Talc. In: LéFond, S.J., ed., *Industrial Minerals and Rocks (Nonmetallics Other Than Fuels)*, 5<sup>th</sup> ed., Vol. 2, New York, Society of Mining Engineers of the American Institute of Mining, Metallurgical, and Petroleum Engineers, Inc., pp. 1275-1301

<sup>6</sup>Clifton, R.A. (1985) *Talc and pyrophyllite*. In: *Mineral Facts and Problems 1985 (Bulletin 675)*, Washington DC, US Bureau of Mines, US Department of the Interior, pp. 799-810

<sup>7</sup>"Asbestiform – crystal habit of a mineral resulting in thin hairlike fibres on a microscopic or level; resembling asbestos". IARC Volume 42, 1987, Page 297

<sup>8</sup>Wylie AG, Skinner HCW, Marsh J, Snyder H, Garziona C, Hodkinson D, et al. (1997). Mineralogical features associated with cytotoxic and proliferative effects of fibrous talc and asbestos on rodent tracheal epithelial and pleural mesothelial cells. *Toxicol Appl Pharmacol.* 147(1):143-50.

<sup>9</sup>Stemple IS, Brindley GW (1960). A structural study of talc and talc-tremolite relations. *J Am Ceram Soc.* 43(1):34-42.

<sup>10</sup>Virta RL (1985). The phase relationship of talc and amphiboles in a fibrous talc sample. Volume 8923. US Department of the Interior, Bureau of Mines.

<sup>11</sup>IARC Supplement 7 (1987) at p. 350.

<sup>12</sup>IARC, Carbon Black, Titanium Dioxide, and talc (2010) at p. 39.

<sup>13</sup>IARC, Arsenic, Metals, Fibres and Dusts, Volume 100C, A Review of Human Carcinogens (2012) at p. 38.

<sup>14</sup>*Id.* At p. 230 (emphasis added).

<sup>15</sup>This version of IARC 2012 is entitled "Asbestos (Chrysotile, Amosite, Crocidolite, Tremolite, Actinolite, and Anthophyllite)."

<sup>16</sup>"The term 'agent' refers to any entity or circumstance that is subject to evaluation in a *Monograph*," and includes chemicals, groups of related chemicals, complex mixtures, occupational or environmental exposures, cultural or behavioral practices, biological organisms, and physical agents.