August 2, 1979

Board Presentation

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/1

ASBESTOS HEALTH CASES
DISTRIBUTION OF PLAINTIFFS

YEAR	INSULATION WORKER	SHIPYARD WORKER	FACTORY WORKER	OTHER	TOTAL
PRE 1975	15	0	5	4	24
1975	45	3	200	10	258
1976	167	29	139	17	352
1977	157	170	192	15	534
1978	549	239	122	272	1182
1979 (THROUGH AUG.)	347	354	43	542	1286
GRAND TOTALS	1280	795	701	860	3636

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/2

Johns-Manville Legal Department Presentation to the Board on Asbestos Litigation (1979)
ACL Doc 24157 · Page 3 of 19

ASBESTOS HEALTH LITIGATION
NEW CASES PER MONTH

	1976	1977	1978	1979
JANUARY	5	8	38	96
FEBRUARY	14	11	27	140
MARCH	10	55	44	167
APRIL	10	32	58	116
MAY	6	18	41	79
JUNE	6	22	70	77
JULY	11	23	153	255
AUGUST	17	28	75	165
SEPTEMBER	8	24	36	
OCTOBER	26	55	51	
NOVEMBER	38	35	39	
DECEMBER	8	51	160	
TOTAL	159	362	792	1095

AS OF 9/4/79 - 2170 OPEN CASES

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/3

Johns-Manville Legal Department Presentation to the Board on Asbestos Litigation (1979)
ACL Doc 24157 · Page 4 of 19

LITIGATION

	12/31/75	12/31/76	12/31/77	12/31/78	06/30/79
TOTAL OPEN CASES AS OF DATE	281	616	988	1467	2102
TYPES OF ACTIVE CASES AS OF DATE					
A. PRODUCT LIABILITY	113	272	318	166	198
B. OCCUPATIONAL HEALTH	106	247	559	1181	1753
C. NON-PRODUCT RELATED	54	85	93	101	125
D. J-M INITIATED	8	12	18	19	26
COMPLETELY OR PARTIALLY INSURED AS OF DATE	211	526	866	1327	1961

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/4

Johns-Manville Legal Department Presentation to the Board on Asbestos Litigation (1979)
ACL Doc 24157 · Page 5 of 19

BESTOS I .TH LITIGATION

NEW CASES PER MONTH

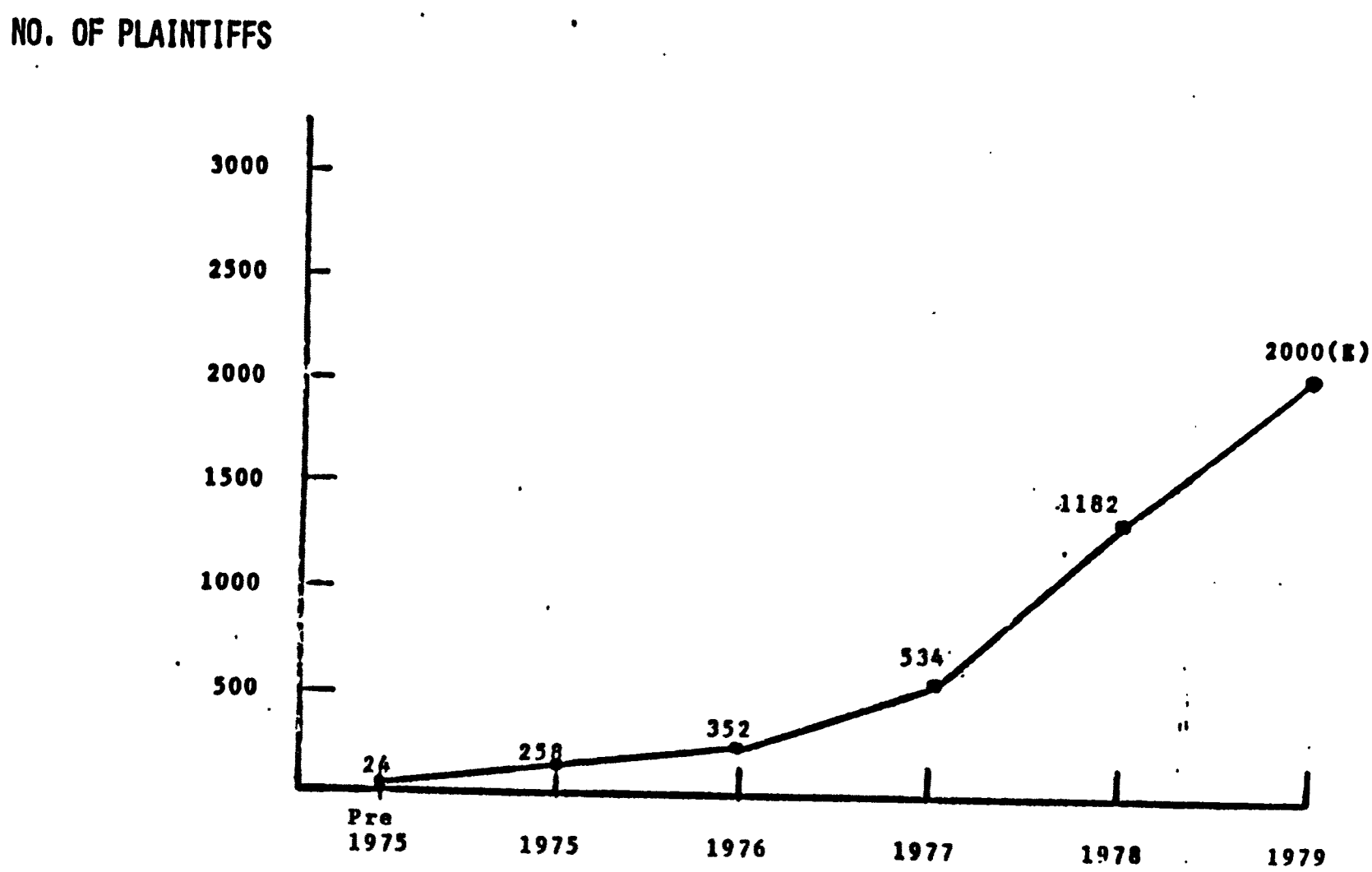
	1976	1977	1978	1979
JANUARY	5	8	38	96
FEBRUARY	14	11	27	140
MARCH	10	55	44	167
APRIL	10	32	58	116
MAY	6	18	41	79
JUNE	6	22	70	77
JULY	11	23	153	209
AUGUST	17	28	75	
SEPTEMBER	8	24	36	
OCTOBER	26	55	51	
NOVEMBER	38	35	39	
DECEMBER	8	51	160	
TOTAL	159	362	792	884

As of 7/19/79 - 1962 open cases

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/5

Johns-Manville Legal Department Presentation to the Board on Asbestos Litigation (1979)
ACL Doc 24157 · Page 6 of 19

FREQUENCY OF NEW CASES
(PLAINTIFFS)



(E) Estimate based on results through July 19, 1979

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/6

TRIAL EXPERIENCE

			J-M SHARE
1974			
BOREL	PLTS VERDICT	79,436.24	9,750.00
1975			
KARJALA	PLTS VERDICT	214,079.33	214,079.33
1976			
LOUISVILLE TRUST	PLTS VERDICT	90,000.00	90,000.00
HAMILTON	PLTS VERDICT	16,000.00	16,000.00
1977			
STARNES	DEF VERDICT		
DANIELS	DEF VERDICT		
BUMGARDNER	DEF VERDICT		
1978			
BARNETT	DEF VERDICT (NEW TRIAL GRANTED)		
DISHNER	PLTS VERDICT	750,000.00 *	275,000.00
CAMPBELL, J.	PLTS VERDICT	75,000.00	9,000.00
CAMPBELL, M.	DEF VERDICT		

*TRIAL COURT'S VERDICT WAS FOR $750,000. CASE APPEALED AND SETTLED FOR $275,000. J-M ONLY DEFENDANT.

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/7

1979

CARPENTER DEF VERDICT

SUMMARY

12 CASES TRIED

6 VERDICTS FOR PLAINTIFFS

6 VERDICTS FOR DEFENDANTS

6 OF LAST 8 DEFENDANTS VERDICTS

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/8

ALLEGED CLASS ACTIONS

A. NON-EMPLOYEE ACTIONS

1. INTERNATIONAL BROTHERHOOD OF BOILERMAKERS (INGALLS SHIPBUILDING) U.S. DISTRICT COURT, SO. DISTRICT OF ALABAMA, CIVIL ACTION NO. 78-637D.

2. WASHINGTON AND RIVERS (GARCO FACILITY), U.S. DISTRICT COURT, DISTRICT OF SOUTH CAROLINA, CIVIL ACTION NO. 78-0121.

3. PARSON, HENDRICK (GEORGIA - SHIPYARD AND INSULATION WORKERS), U.S. DISTRICT COURT, SO. DISTRICT OF GEORGIA, CIVIL ACTION NO. CU473-319.

4. VAN HARVILLE (ALABAMA DRY DOCK), U.S. DISTRICT COURT, SO. DISTRICT OF ALABAMA, CIVIL ACTION NO. 78-642P.

5. AMTMAN (RAYBESTOS - PLANT PASSAIC), U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY, CIVIL ACTION NO. 79-999.

6. CLARY (KEENE CORP. EMPLOYEES), COURT OF COMMON PLEAS, MONTGOMERY COUNTY, PENNSYLVANIA, CIVIL ACTION NO. 79-08445.

7. DIAMOND (NEW YORK SHIPBUILDING CORP.), COURT OF COMMON PLEAS, PHILADELPHIA COUNTY, CASE NO. 5992.

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/9

8. STEWART (McLEAN COUNTY - "PLANT"), CIRCUIT COURT, McLEAN COUNTY, ILLINOIS, 2 CASES 78-L201 AND 78-L202.

9. ELLENBURG (McLEAN COUNTY RESIDENTS), CIRCUIT COURT, McLEAN COUNTY, ILLINOIS, CASE NO. 78-L203.

10. HAMMOND (McLEAN COUNTY - HOUSEHOLD), CIRCUIT COURT, McLEAN COUNTY, ILLINOIS, CASE NO. 78-L200.

11. KOHR (RAYBESTOS-MANHATTAN - MANHEIM, PENNSYLVANIA), COURT OF COMMON PLEAS, PHILADELPHIA COUNTY, PENNSYLVANIA, CASE NO. 4185.

12. VAN BUSKIRK (PHILADELPHIA CAREY PLANT), COURT OF COMMON PLEAS, MONTGOMERY COUNTY, PENNSYLVANIA, CASE NO. 10179.

13. CICCARELLI (EMPLOYEES OF PHILLIP CAREY, PLYMOUTH MEETING, PA), COMMON PLEAS OF MONTGOMERY COUNTY, PA, CASE NO. 79-10132.

14. GURRIE (EMPLOYEES OF GENERAL DYNAMICS AND/OR BETHLEHEM STEEL), ESSEX SUPERIOR COURT, NEW JERSEY.

15. McGRATH (EMPLOYEES OF OWENS CORNING, BERLIN, NEW JERSEY), CIVIL ACTION NO. 76-2417.

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/10

16. ABAZIA (EMPLOYEES OF RAYBESTOS-MANHATTAN, PASSAIC, NEW JERSEY), UNITED STATES DISTRICT COURT, DISTRICT OF NEW JERSEY, CIVIL ACTION NO. 78-418.

17. AMTMAN (EMPLOYEES OF RAYBESTOS-MANHATTAN, PASSAIC, NEW JERSEY), UNITED STATES DISTRICT COURT, DISTRICT OF NEW JERSEY, CIVIL ACTION NO. 79-999.

B. J-M EMPLOYEE ACTIONS

1. DOWNS (DENISON PLANT), U.S. DISTRICT COURT, EASTERN DISTRICT OF TEXAS, CIVIL ACTION NO. S-78-145-CA.

2. SMITH (MANVILLE PLANT), U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY, CIVIL ACTION NO. 77-2047.

3. CRANDELL (PITTSBURG PLANT), SUPERIOR COURT, CONTRA COSTA COUNTY, CALIFORNIA.

C. CLASS TREATMENT DENIED

1. AUSTIN (EMPLOYEES OF RAYBESTOS-MANHATTAN, PASSAIC, NEW JERSEY), U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY.

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/11

2. McDANIEL (J-M EMPLOYEES, WAUKEGAN), U.S. DISTRICT COURT, NORTHERN DISTRICT, ILLINOIS.

3. CHAVEZ (EMPLOYEES OF LONG BEACH NAVAL AND TODD SHIPYARDS), SUPERIOR COURT, LOS ANGELES, CALIFORNIA.

4. YANDLE V. PPG (PITTSBURG CORNING EMPLOYEES, TYLER, TEXAS), U.S. DISTRICT COURT, EASTERN DISTRICT, TEXAS.

D. CLASS TREATMENT GRANTED

NONE.

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/12

COVERUP & CONSPIRACY ALLEGATIONS

1. RAYBESTOS-MANHATTAN CORRESPONDENCE.
2. CONTROL OF MEDICAL LITERATURE.
3. CONTROL AND COVERUP OF MEDICAL RESEARCH -- SARANAC LAKE.
4. DR. KENNETH SMITH.
5. WORKERS' COMPENSATION CASES.
6. WITHHOLDING INFORMATION FROM EMPLOYEES.
7. WILBUR RUFF.

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/13

LEGISLATION

PROS - JM

1. ELIMINATION OF UNCERTAINTY OF THIRD PARTY LITIGATION.
2. ELIMINATION OF THREAT OF PUNITIVE DAMAGES.
3. PREDICTABILITY OF COSTS.
4. GOVERNMENT SHARING OF FINANCIAL BURDEN.
5. EVEN FAIR TREATMENT TO CLAIMANTS INCLUDING EMPLOYEES.
6. DEFUSING OF ASBESTOS ISSUE.
7. LESSENING IN-HOUSE REQUIREMENTS.

CONS - JM

1. COST.
2. POSSIBLE LOSS OF CONTROL OF ASBESTOS SITUATION.
3. ADVERSE CUSTOMER IMPACT.

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/14

ASBESTOS HEALTH COMPENSATION

LITIGATION VS. LEGISLATION

		HART PROPOSAL	FENWICK PROPOSAL	3RD PARTY LAWSUITS
1.	COMPENSATES FOR ASBESTOS DISEASE ON MEDICAL RATHER THAN FAULT CRITERIA.	YES	YES	NO
2.	IS COMPREHENSIVE, I.E. ALL PERSONS WITH ASBESTOS RELATED DISEASE ARE COVERED.	UNCERTAIN, MAY BE LIMITED TO OCCUPATIONAL ONLY	YES	NO AS TO WORKERS' COMPENSATION. ANYONE CAN FILE A 3RD PARTY CASE
3.	ASSURES COMPENSATION FOR CONFIRMED DISEASE.	YES FOR ALL COVERED BY BILL	YES	NO
4.	MAXIMIZES BENEFITS AND MINIMIZES NON-BENEFIT COSTS, I.E. ATTORNEYS FEES, COURT COSTS, ETC.	YES	YES	NO
5.	IS AN EXCLUSIVE REMEDY.	YES, FOR ALL COVERED BY BILL MAY BE LIMITED TO OCCUPATIONAL ONLY	YES	PRESENT SYSTEM FOSTERS W/C CASE WHERE AVAILABLE FOLLOWED BY UNCERTAIN 3RD PARTY LAWSUIT.
6.	PROVIDES FOR SPEEDY RECOVERY.	YES	YES	NO
7.	PROVIDES UNIFORM COMPENSATION	YES, ALTHOUGH NOT NECESSARILY IDENTICAL	YES, NOT NECESSARILY IDENTICAL	NO
8.	PERMITS POTENTIAL UNLIMITED RECOVERY IN ANY PARTICULAR CASE.	NO	NO	YES
9.	PERMITS ATTEMPTS TO SEEK PUNITIVE DAMAGES.	NO	NO	YES
10.	ACKNOWLEDGES A ROLE AND RESPONSIBILITY OF THE FEDERAL GOVERNMENT AND PROVIDES FOR ITS CONTRIBUTION.	YES	YES	GENERALLY, NO

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/15

11.	ACKNOWLEDGES A ROLE AND RESPONSIBILITY OF THE MANUFACTURERS AND PROVIDES FOR THEIR FINANCIAL CONTRIBUTION.			NO, 3RD PARTY CASES DEPEND ON SHOWING OF FAULT IN EACH CASE
12.	WILL PROVIDE MORE PEOPLE WITH MORE BENEFITS THAN PRESENT SYSTEMS.	YES	YES	NO
13.	WILL REQUIRE NEW FEDERAL BUREAUACRACY.	NO, EXCEPT SOME FEDERAL INTERVENTION MAY BE NECESSARY FOR NON-COMPLYING STATES	YES	NO
14.	MINIMIZES ADMINISTRATIVE COSTS.	YES	NO	NO
15.	PERMITS PRESUMPTIONS OF OF DISEASE.	NO	NO	NO
16.	PROVIDES DEFINITE LASTING BENEFITS FOR DEPENDENTS AND SURVIVORS.	YES	YES	NO, 3RD PARTY CASE IS SINGLE ONE TIME ONLY REMEDY
17.	UTILIZES EXISTING WORKERS' COMPENSATION AGENCIES TO ADMINISTER ACT.	YES	NO	NO
18.	PERMITS UTILIZATION OF EXISTING POLICIES OF INSURANCE TO PAY BENEFITS.	YES	UNCERTAIN	YES
19.	RECOGNIZES EMPLOYER RESPONSIBILITY FOR WORKING CONDITIONS.	YES	NO	GENERALLY, NO
20.	COST TO MANUFACTURER IS MINIMIZED.	UNCERTAIN	UNCERTAIN	UNCERTAIN

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/16

LEGISLATION

ELEMENTS ESSENTIAL TO JM

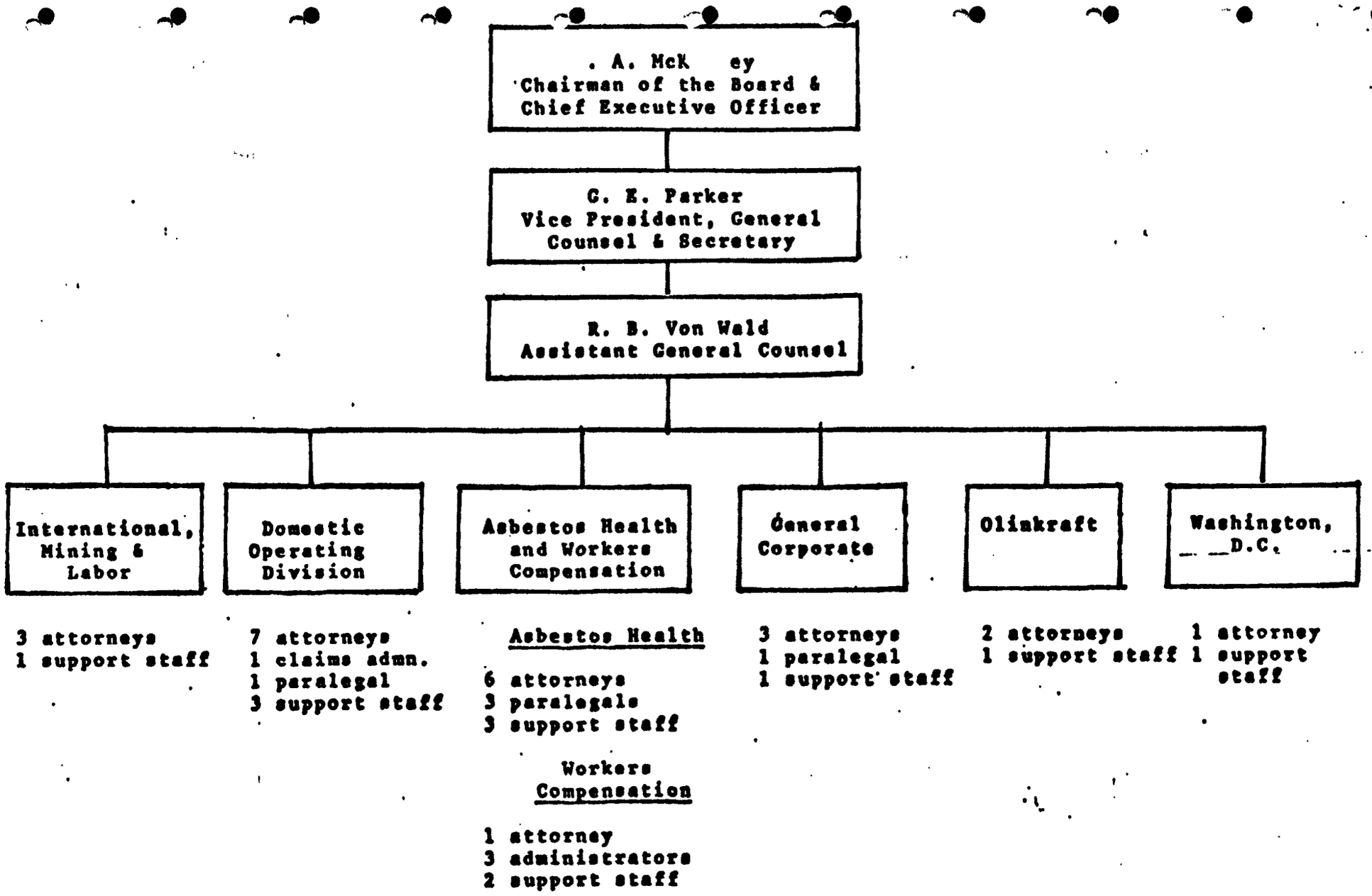
1. BROAD EQUITABLE COVERAGE
2. EXCLUSIVE NO-FAULT REMEDY - ELIMINATION OF THIRD PARTY LAWSUITS
3. NO PRESUMPTION OF DISEASE
4. GOVERNMENT RESPONSIBILITY AND FINANCIAL PARTICIPATION
5. BROAD INDUSTRY PARTICIPATION
6. EMPLOYER RESPONSIBILITY
7. FINANCIAL FEASIBILITY

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/17

ASBESTOS HEALTH CASES
DISTRIBUTION OF PLAINTIFFS

YEAR	INSULATION WORKER	SHIPYARD WORKER	FACTORY WORKER	OTHER
PRE-1975	15	0	5	4
1975				
1ST QTR.	3	0	0	2
2ND QTR.	13	0	164	4
3RD QTR.	7	1	1	1
4TH QTR.	22	2	35	3
TOTAL	45	3	200	10
1976				
1ST QTR.	10	0	4	6
2ND QTR.	109	1	3	4
3RD QTR.	28	10	122	1
4TH QTR.	20	18	10	6
TOTAL	167	29	139	17
1977				
1ST QTR.	60	88	69	3
2ND QTR.	36	25	85	4
3RD QTR.	43	28	22	3
4TH QTR.	16	29	16	5
TOTAL	157	170	192	15
1978				
1ST QTR.	82	60	77	20
2ND QTR.	89	59	22	31
3RD QTR.	241	68	14	59
4TH QTR.	137	52	9	162
TOTAL	549	239	122	272
1979				
1ST QTR.	95	129	14	261
2ND QTR.	77	138	9	165
TOTAL	172	267	23	426

Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/18



Published by AsbestosClaims.Law
asbestosclaims.law/library/24157/19