

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION TWO**

JEANETTE G. POAGE,	)	No. ED103953
	)	
Respondent,	)	
	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	Cause No. 1322-CC00059
	)	
CRANE CO.,	)	Honorable Rex M. Burlison
	)	
Appellant.	)	Filed: May 2, 2017

Jeanette G. Poage (“Mrs. Poage”) filed a products liability suit against Crane Co. (“Crane”) alleging that her husband, James E. Poage (“Mr. Poage”) suffered personal injuries and wrongful death from mesothelioma, which was caused by Crane’s asbestos-containing products. Mrs. Poage’s claims were based on Crane’s (1) failure to warn and (2) defective design under strict liability and negligence theories. After a trial, the jury returned a verdict in favor of Mrs. Poage, awarding her compensatory damages and punitive damages. Crane now appeals arguing there was insufficient evidence to find Crane liable, and alternatively, that even if Crane could be found liable, the amount of punitive damages should be reduced because the award violates Crane’s due process, goes beyond “fair and reasonable compensation,” and exceeds Missouri’s statutory cap. Additionally, Crane argues the trial court erred in failing to reduce the judgment by amounts available in the asbestos trust under § 537.060 and the common law.

AFFIRMED.

Division Two holds: The trial court properly submitted Mrs. Poage’s claims for compensatory damages and punitive damages to the jury. The punitive damages award did not violate Crane’s due process. The trial court did not abuse its discretion by overruling Crane’s post-trial motion for remittitur. The trial court properly interpreted and applied the Wrongful Death Act and § 510.265 when it found the statutory cap on punitive damages was inapplicable to this wrongful death action. Finally, the trial court did not err by failing to reduce Mrs. Poage’s compensatory damages by the value of future, potential settlement agreements.

Opinion by: Colleen Dolan, J.

Sherri B. Sullivan, P.J., and Roy Richter, J., concur.

Attorney for Appellant: Robert Theodore Haar, Susan Ellen Bindler, and Colleen O'Hare  
Zern

Attorney for Respondents: Benjamin Robert Schmickle, Robert Wayne Cowan, Michael A.  
Gross, and Joseph Fredric Yeckel

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