

## [Lisa Castillo, et al. v. John Crane Inc., et al; 2024 LexisNexis Jury Verdicts & Settlements 17](#)

CGC-16-276540

March 14, 2024

**Headline:** Retrial Of California [Asbestos](#) Case Ends In Defense Verdict

**Result:** Defense verdict

**Injury:** Mesothelioma and death

**Court:** Calif. Super., San Francisco Co.

**Judge:** Samuel K. Feng

### **Plaintiff Profile**

Lisa Castillo

### **Defendant Profile**

John Crane Inc

### **Plaintiff Counsel**

Steve J. Patti, Gilbert L. Purcell and Heather-Ann Young, Brayton Purcell LLP, Novato, Calif.

### **Defendant Counsel**

Claire Weglarz and Mirna J. Scheffy, Womble Bond Dickinson, Los Angeles; Daniel Griffin, Griffin Purnell LLP, Greenfield, Wis; Carrie Lin, Manning Gross & Massenburg LLP, San Francisco

### **Case Summary**

**Claim:** Negligence, design defect, product design - failure to warn, negligent failure to warn

**Background:** Lisa Castillo pursued an action in the San Francisco County, Calif., Superior Court claiming that Abraham Castillo died of mesothelioma he contracted after exposure to [asbestos](#) during his career in the U.S. Navy during the 1980s and his subsequent career in private employment as a refrigeration mechanic from 1983 to 2013. The case proceeded to trial on negligence and design defect claims against John Crane Inc., which allegedly supplied [asbestos](#)-containing packing. Because of the COVID-19 pandemic, the court conducted jury selection, opening statements and closing arguments in person but otherwise held the trial virtually. After a monthlong trial, the foreperson on Feb. 7, 2022, informed the court that the jury was deadlocked on the first question and split on other questions. The jury was returned to deliberate further. After discussions with counsel, the court provided the jury a revised verdict form. After being told that the jury still could not reach a verdict, Judge Vedica Puri declared a mistrial, according to court records. The parties stipulated to extending the date for retrial, noting COVID's "profound effect on case scheduling and presentation" and that continuances have been issued across the country. California appellate courts recognize that the unique circumstance caused by COVID justify continuances, even in in-custody criminal cases, the parties said. The retrial was set for June 27, 2023, but during a hearing that day, Judge Samuel K. Feng found that the parties were not ready for trial and rescheduled it. The trial eventually started in February 2024, with jury selection starting Feb. 20, 2024. Castillo called experts Alan Smith, an epidemiologist from Berkeley, Calif.; Barry Horn, M.D., a pulmonologist from Berkeley; David Train, a pathologist; Christopher DePasquale, a certified industrial hygienist with Compass Environmental in Kennesaw, Ga.; Arnold Brody, Ph.D., a pathologist and cell biologist at Tulane University School of Medicine Department of Pathology in New Orleans; and Steven

Compton, a materials scientist at MVA Consultants in Atlanta. John Crane called experts James Crapo, M.D., a pulmonologist at National Jewish Hospital in Denver; John Henshaw, former Occupational Safety and Health Administration director and industrial hygienist; and Navy expert Capt. Margaret McCloskey.

**Other:** On March 14, 2024, after 17 days of trial, the jury returned a verdict for John Crane. The jury found that the U.S. Navy contracted with John Crane to provide **asbestos**-containing packing and that the Navy issued reasonably precise specifications about the packing. The jury found that John Crane's packing met those specifications. The jury found that the United States imposed reasonably precise specifications as to the warnings John Crane could place on its products and that John Crane's product did not meet those specifications but that John Crane did not have any knowledge about the dangers of **asbestos** that were not also known to the Navy. On the product design - failure-to-warn claim, the jury found that John Crane's product had potential risks that were known or knowable and that those risks posed a substantial danger from a reasonably foreseeable use of the product. The jury found an ordinary consumer would not have recognized the risks. The jury found that John Crane failed to adequately warn about the risks but that the lack of instructions was not a substantial factor in Castillo's disease. On the negligent failure-to-warn claim, the jury found that John Crane knew or should have known that its product was dangerous when used in a foreseeable manner and that users would not realize the danger. The jury found that John Crane negligently failed to warn about the danger or instruct the user on the safe use of the product. The jury concluded that a reasonable manufacturer, distributor or seller would have warned about the dangers. But the jury found that the failures were not a substantial factor in Castillo's mesothelioma.

#### **Plaintiff Expert(s)**

Alan Smith, epidemiologist, Berkeley, Calif. Barry Horn, M.D., pulmonologist, Berkeley David Train, pathologist Christopher DePasquale, certified industrial hygienist, Compass Environmental, Kennesaw, Ga. Arnold Brody, Ph.D., pathologist and cell biologist, Tulane University School of Medicine Department of Pathology, New Orleans Steven Compton, materials scientist, MVA Consultants, Atlanta

#### **Defendant Expert(s)**

James Crapo, M.D., pulmonologist, National Jewish Hospital, Denver John Henshaw, former Occupational Safety and Health Administration director and industrial hygienist Navy expert Capt. Margaret McCloskey

#### **Key Related Documents**

Verdict sheet.

Document #01-240327-011V.

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